Cultural Heritage Assessment

Mannering Colliery, NSW

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Executive Summary

RPS Australia East Pty Limited (RPS) have been commissioned by Centennial Mannering Pty Ltd (Centennial Mannering) to conduct a Cultural Heritage Assessment for the Mannering Colliery Extension of Mining Project (proposed Project) located near Lake Macquarie, approximately 90 kilometres north east of Sydney. The Aboriginal Cultural Heritage Assessment in this report is compliant with Part 6 *National Parks and Wildlife Act 1974* and the attendant relevant guides including the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales; Guide to Investigating, assessing and reporting on Aboriginal Cultural heritage in NSW;* and *Aboriginal cultural heritage consultation requirements for proponents 2010.*

This report has considered the environmental and archaeological context of the study area taking into consideration the results from a predictive model of archaeological sites. It also reports on the results of an archaeological survey of the Project Application Area, provides an assessment of archaeological significance for identified Aboriginal heritage sites, and identifies management recommendations to address potential impacts of the proposed Project.

Archaeological field surveys undertaken over the Project Application Area resulted in the recording of two new sites: a midden (RPS Mannering 1) and one culturally modified tree (RPS Mannering 2). The riparian zone of Wyee Creek is considered to have high potential for archaeological deposits to occur and, while not recorded as a site, should be considered sensitive. In addition three previously recorded sites (Wyee Point; The Hole; and Vales Point) are within the Project Application Area.

The non-indigenous heritage component of the report was written in accordance with the NSW Heritage Manual (1994) issued by the then NSW Heritage Branch (now known as Office of Environment and Heritage). No listed or new items or works of non-indigenous Heritage significance were recorded within the Project Application Area.

The management recommendations that stem from this Cultural Heritage Assessment are based upon the legislation designed to address the impact of development on sites of cultural significance. It is considered that the proposed extension of mining project with a predicted subsidence of less than 20 millimetres is unlikely to have an impact on items or works of Aboriginal heritage significance or, if identified items of European heritage significance. With regard this the following recommendations are made:

Recommendation 1
If subsidence monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, works in that area should cease immediately and an assessment of potential impacts to items of Aboriginal cultural heritage should be undertaken.

Recommendation 2
Centennial Mannering should develop an Aboriginal Cultural Heritage Management Plan (ACHMP) for the identified Aboriginal heritage items within the Project Area.

The ACHMP should comprise an:
Assessment of the cultural significance of the Aboriginal heritage sites within the Project Area in accordance with the *Guide to investigating, Assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)*.

Together with strategies for:

- Management of identified Aboriginal heritage sites;

- Review of the management of Aboriginal heritage sites, should subsidence levels at existing monitoring points exceed 20 mm on land areas; and

If additional sites are identified they should be assessed for cultural significance in line with the requirements outlined above and be incorporated into the ACHMP.

The Mannering Colliery ACHMP will be developed in consultation with the relevant Aboriginal stakeholders to ensure that Aboriginal cultural values are adequately addressed

Recommendation 3
All relevant Centennial Mannering staff and contractors will be made aware of their statutory obligations for Aboriginal cultural heritage under NSW NPW Act (1974) and for European cultural heritage under the NSW Heritage Act (1977), which may be implemented as a heritage induction as part of the existing mine induction process.

Recommendation 4
If, during the course of development works, significant non-indigenous cultural heritage material is uncovered within the Project Area, the Heritage Branch of OEH should be notified and any required monitoring or management strategies instigated.

Recommendation 5
In the unlikely event that skeletal remains are identified. Centennial Mannering will need to contact the NSW Police Coroner to determine if the material is of Aboriginal origin. If determined to be Aboriginal, the proponent, must contact the OEH Enviroline 131 555, a suitably qualified archaeologist and representatives of the local Aboriginal Community Stakeholders to determine an action plan for the management of the skeletal remains and formulate management recommendations if required.

Contents

1	**INTRODUCTION**	**9**
1.1	The Project Area	9
1.2	Background	9
1.3	Legislative Context	12
	1.3.1 National Parks and Wildlife Act (1974, as amended)	12
	1.3.2 Heritage Act 1977	12
	1.3.3 Environmental Planning & Assessment Act 1979 (EP&A ACT)	13
	1.3.4 Aboriginal Land Rights Act (1983)	13
	1.3.5 Native Title Act (1993)	13
1.4	Authorship and Acknowledgements	14
2	**ABORIGINAL CONSULTATION**	**15**
3	**ENVIRONMENTAL CONTEXT**	**18**
3.1	Geology and Soils	18
3.2	Topography and Hydrology	19
3.3	Climate	20
3.4	Flora and Fauna	21
3.5	Synthesis	21
4	**HISTORIC HERITAGE CONTEXT**	**22**
4.1	Historical overview	22
4.2	Local history	22
	4.2.1 Mannering Park	22
	4.2.2 Wyee and Wyee Point	24
4.3	Heritage Registers	24
	4.3.1 National Heritage Database	24
	4.3.2 NSW Heritage Branch Register	25
	4.3.3 Lake Macquarie Council Local Environmental Plan 2004	25
	4.3.4 Overview	25
4.4	Predictive Model for Historic Archaeology in the Project Area	26
5	**ABORIGINAL HERITAGE CONTEXT**	**27**
5.1	Traditional Owners	27
5.2	Historic Records of Aboriginal Occupation	27
5.3	Regional Archaeological Heritage Context	28
5.4	Local Archaeological Heritage Context	29
	5.4.1 Aboriginal Heritage Information Management System (AHIMS)	29

5.4.2 Local Archaeological Studies 32
5.5 Predictive Model for Archaeology in the Project Area 35
5.6 Site Predictions 36
5.6.1 Site Type 36
5.6.2 Site Locations 36
5.6.3 Site Contents 36
6 ARCHAEOLOGICAL FIELD SURVEY 37
6.1 Survey Methodology 37
6.1.1 Survey Aims 37
6.1.2 Sampling Strategy 37
6.1.3 Field Methods 37
6.2 Survey Units 38
6.3 Survey Results 44
6.4 Discussion of Survey Results 44
7 SIGNIFICANCE ASSESSMENT 46
7.1 Cultural Significance Criteria and Assessment 46
7.2 Archaeological Significance Criteria 47
7.3 Assessment of Archaeological Significance 48
7.3.1 RPS Mannering 1 48
7.3.2 RPS Mannering 2 48
8 IMPACT ASSESSMENT AND MITIGATION 49
9 CONCLUSIONS AND RECOMMENDATIONS 50
10 REFERENCES 52
11 PLATES 54

Figures

Figure 1-1: Project Area 11
Figure 5-1: Project Area with AHIMS 31
Figure 6-1: Survey Units 43

Tables

Table 1-1: Acknowledgements 14
Table 2-1: Aboriginal community groups invited to participate in the consultation process 15
Table 2-2: Aboriginal stakeholders who registered their interest in the project 16

Table 2-3: Aboriginal stakeholders who responded to the methodology by the due date 16
Table 2-4: Stakeholders invited to participate in the survey 16
Table 2-5: Draft report supplied and comment received 17
Table 4-1: Heritage Items in Mannering Park Area – Lake Macquarie Council LEP (2004) 25
Table 5-1: AHIMS results summarised by site types 29
Table 6-1: Ground Surface Visibility Rating 41
Table 6-2: Survey Coverage Data 42
Table 6-3: Landform Summary 42
Table 6-4: Summary of sites, locations recorded in GDA94/MGA, Zone 56 44
Table 7-1: Archaeological Significance Criteria 47
Table 7-2: Assessed Levels of Significance for Aboriginal Sites 48

Plates

Plate 1: Survey unit 1 – dense undergrowth 54
Plate 2: Survey unit 1 – foreshore area 54
Plate 3: Survey unit 1 - midden recorded as AHIMS 45-7-0190 55
Plate 4: Survey unit 1 – looking east from Cobra Creek 55
Plate 5: Survey unit 1 – Mannering Park foreshore 56
Plate 6: Survey unit 1 – midden recorded as RPS Mannering 1 56
Plate 7: Survey unit 1 – culturally modified tree recorded as RPS Mannering 2 57
Plate 8: Survey unit 2 – example of forest away from tracks 57
Plate 9: Survey unit 2 – example of cleared grazing area 58
Plate 10: Survey unit 2 – example of exposure 58
Plate 11: Survey unit 3 – Wyee Creek 59
Plate 12: Survey unit 3 – lagoon system adjacent Wyee Creek 59

Appendices

APPENDIX 1

Legislative Requirements

APPENDIX 2

Aboriginal Consultation – Published Advertisement

APPENDIX 3

Aboriginal Consultation – Written Responses from the Aboriginal Community Stakeholders

APPENDIX 4

Aboriginal Consultation Log

APPENDIX 5

AHIMS Search

APPENDIX 6

Glossary of Site Types

APPENDIX 7

New Site Cards

APPENDIX 8

Registered Stakeholder Responses

1 Introduction

RPS Australia East Pty Limited (RPS) has been engaged by Centennial Mannering Pty Ltd (Centennial Mannering) to prepare a Cultural Heritage Assessment for the Mannering Colliery Extension of Mining Project (proposed Project) located near Lake Macquarie, approximately 90 kilometres north east of Sydney.

This report has considered the environmental and archaeological context of the study area taking into consideration the results from a predictive model of archaeological sites. It also reports on the results of an archaeological survey of the Project Application Area, provides an assessment of archaeological significance for identified Aboriginal heritage sites, and identifies management recommendations to address potential impacts of the proposed Project. This report has been prepared in accordance with the relevant legislation and regulations.

1.1 The Project Application Area

The Project Application Area is located on the south-western side of Lake Macquarie on the New South Wales central coast. The Project Application Area is partially located in the Wyong Local Government Area (LGA), and partially in the Lake Macquarie LGA (Figure 1-1).

1.2 Background

This Cultural Heritage Assessment has been prepared to address potential impacts by the proposed extension of underground coal mining activities of the Mannering Colliery. This Cultural Heritage Assessment forms part of an application by Centennial Mannering for a modification to Project Approval (PA06_0311) subject to Section 75W of the *Environmental Planning & Assessment Act* 1979 (*EP&A Act*). The modification to the Mannering Colliery Project Approval is to:

- Extend its underground mining operations into the Great Northern Seam using bord and pillar mining methods; and
- Provide full time employment for a total of 170 personnel.

The proposed Project will result in the extraction of approximately 3,200,000 tonnes of Run of Mine (ROM) coal from the Fassifern seam and approximately 1,400,000 tonnes of ROM coal from the Great Northern seam. All mining activities are proposed to be undertaken using bord and pillar mining methods with mining designed to achieve long term stable pillars resulting in less than 20 millimetres of subsidence on the surface.

The proposed combined extraction of coal from the Great Northern and Fassifern coal seams will not exceed the 1.1 Million tonnes per annum (Mtpa) of coal extraction previously assessed and approved. No changes to existing surface infrastructure, coal handling or water management systems are required for the proposed Project and the Project will not extend the life of Mannering Colliery beyond the existing approved 2018 life of mine. Operations will continue to be undertaken 24 hours a day seven days a week.



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TITLE: FIGURE 1-1: PROJECT APPLICATION AREA
LOCATION: MANNERING PARK
DATUM: N/A
PROJECTION: MGA ZONE 56 (GDA 94)
DATE: 15/09/2011
PURPOSE: DUE DILIGENCE
LAYOUT REF: J:\JOBS\Centennial\All Jobs\107888 Mannering S75W\10- Drafting\Mapinfo Work...s\Arch Maps
VERSION (PLAN BY):A A4 (LN-NW)

CLIENT: CENTENNIAL COAL
JOB REF: 107888

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RPS

1.3 Legislative Context

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

Aboriginal heritage (places, sites and objects) in NSW are protected by the *National Parks and Wildlife Act (1974, as amended),* which is overseen by the Office of Environment and Heritage (OEH). In some cases, Aboriginal heritage may also be protected under the *Heritage Act (1977)*, which is overseen by the NSW Heritage Branch of the Office of Environment & Heritage. The *Environmental Planning and Assessment Act (1979)*, along with other environmental planning instruments, trigger the requirement for the investigation and assessment of Aboriginal heritage as part of the development approval process. For Crown land, provisions under the *Aboriginal Land Rights Act (1983)* and the *Native Title Act (1993)* (overseen by the *Office of the Registrar of the Aboriginal Land Rights Act 1983*) may also apply.

1.3.1 National Parks and Wildlife Act (1974, as amended)

The NSW Government is working toward standalone legislation to protect Aboriginal cultural heritage which will be a significant reform for NSW. The first stage of this work has been completed and includes significant changes in relation to this commission. The primary state legislation relating to Aboriginal cultural heritage in NSW is the *National Parks and Wildlife Act (1974, as amended)*.

Changes to the NPWS legislation made effective on 1 October 2010 include:

- increased penalties for Aboriginal heritage offences, in some cases from $22,000 to up to $1.1 million in the case of companies who do not comply with the legislation;
- ensures companies or individuals cannot claim 'no knowledge' in cases of serious harm to Aboriginal heritage places and objects by creating new strict liability offences under the Act;
- introduces remediation provisions to ensure people who illegally harm significant Aboriginal sites are forced to repair the damage, without need for a court order; and
- unites Aboriginal heritage permits into a single, more flexible permit and strengthen offences around breaches of Aboriginal heritage permit conditions.

1.3.2 Heritage Act 1977

Historical archaeological relics, buildings, structures, archaeological deposits and features are protected under the *Heritage Act 1977* (as amended 1999) and may be identified on the State Heritage Register (SHR) or by an active Interim Heritage Order in which they are protected under the *Heritage Act 1977* and may require approvals or excavation permits from the NSW Heritage Branch.

1.3.3 Environmental Planning & Assessment Act 1979 (EP&A ACT)

This Act regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Assessment documents prepared to meet the requirements of the *EP&A Act 1979* should address Aboriginal heritage, and planning documents such as Local Environment Plans (LEP) and Regional Environmental Plans (REP).

1.3.4 Aboriginal Land Rights Act (1983)

The purpose of this legislation is to provide land rights for Aboriginal people within New South Wales and to establish Local Aboriginal Land Councils. The land able to be claimed by Aboriginal Land Councils on behalf of Aboriginal people is certain Crown land that (s36):

(a) Is able to be lawfully sold, leased, reserved or dedicated;

(b) Is not lawfully used or occupied;

(c) Will not, or not likely, in the opinion of the Crown Lands minister, be needed for residential purposes;

(d) Will not, or not likely, be needed for public purposes;

(e) Does not comprise land under determination by a claim for native title;

(f) Is not the subject of an approved determination under native title.

Claims for land are by application to the Office of the Registrar, Aboriginal Land Rights Act 1983.

1.3.5 Native Title Act (1993)

The Commonwealth Government enacted the Native Title Act 1993 to formally recognise and protect native title rights in Australia following the decision of the High Court of Australia in Mabo & Ors v Queensland (No. 2) (1992) 175 CLR 1 ("Mabo").

Although there is a presumption of native title in any area where an Aboriginal community or group can establish a traditional or customary connection with that area, there are a number of ways that native title is taken to have been extinguished. For example, land that was designated as having freehold title prior to 1 January 1994 extinguishes native title, as does any commercial, agricultural, pastoral or residential lease. Land that has been utilised for the construction or establishment of public works also extinguishes any native title rights and interests for as long as they are used for that purpose. Other land tenure, such as mining leases, may be subject to native title, depending on when the lease was granted.

Further details on the relevant legislative Acts are provided in Appendix 1.

1.4 Authorship and Acknowledgements

This report was prepared by Laraine Nelson, with assistance from Deborah Farina, Philippa Sokol and Ali Byrne and reviewed by Darrell Rigby, Archaeology Manager, all of RPS.

The study team acknowledges the assistance in preparing this report of various organisations and individuals, including but not limited to;

Table 1-1: Acknowledgements

Name	Organisation
Shane Frost	ADTOAC
Kerrie Brauer	ATOAC
Jodie Wilson	ATOAC
Julie Smith	Awabakal LALC
Peter Townsend	Awabakal LALC & Bahtabah LALC
Michael Green	Bahtabah Local Aboriginal Land Council

2 Aboriginal Consultation

The purpose of Aboriginal community consultation is to provide an opportunity for the relevant Aboriginal stakeholders to have input into the heritage management process. OEH encourages consultation with Aboriginal people for matters relating to Aboriginal heritage. If an Aboriginal Heritage Impact Permit (AHIP) is required, then specific OEH guidelines are triggered in respect to Aboriginal consultation. In some circumstances OEH consultation guidelines are also used as a framework for Aboriginal consultation, even if not specifically triggered by the preparation of an AHIP application.

In the case of this project, the *Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) for Proponents* (DECCW 2010) have been followed. The ACHCRs include a four stage Aboriginal consultation process and stipulates specific timeframes for each stage. Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. This identification process should draw on reasonable sources of information including: the relevant OEH Environment Protection and Regulation Group (EPRG) regional office, the relevant Local Aboriginal Land Council(s), the Register of Aboriginal Owners, the Native Title Tribunal, Native Title Services Corporation Limited, the relevant local council(s) and the relevant Catchment Management Authority, as well as placing an advertisement in a local newspaper circulating in the general location of the Project Application Area. Aboriginal organisations and/or individuals identified should be notified of the project and invited to register an expression of interest for Aboriginal consultation. Once a list of Aboriginal stakeholders has been compiled from the expression of interest process they need to be consulted in accordance with stage 2, 3 and 4 of the ACHCRs.

Letters were sent on 14 June 2011 to the OEH EPRG regional office, Coffs Harbour, the Bahtabah Local Aboriginal Land Council, the Darkinjung Local Aboriginal Land Council, the Registrar of Aboriginal owners, the Native Title Tribunal, Native Title Services Corporation Limited, the Lake Macquarie and Wyong Local Council(s) and the Hunter Central Rivers catchment management authority requesting the identification of interested Aboriginal groups. As a result of contacting these organisations, the following Aboriginal community groups were identified as potentially having an interest in the project (Table 2-1).

Table 2-1: Aboriginal community groups invited to participate in the consultation process

Organisation	Name of Representative	Date sent
Awabakal Local Aboriginal Land Council	Cheryl Kitchener	5 July 2011
Awabakal Newcastle Aboriginal Co-Op	Kevin McKenney	5 July 2011
Awarbukarl Cultural Resource Association	Daryn McKenney	5 July 2011
Bahtabah Local Aboriginal Land Council	Michael Green	5 July 2011
Cacatua Culture Consultants	Donna & George Sampson	5 July 2011
Daniella Chedzey, Jessica Wegener	-	5 July 2011
Kevin Duncan	-	5 July 2011
Yamuloong Group Initiatives Ltd	Sean Gordon	5 July 2011

As a result of the invitations to Aboriginal groups inviting them to participate in the consultation process and an advertisement in the Lakes Mail on 23 June 2011 inviting Aboriginal stakeholders to register their interest, the following responses were received (Table 2.2).

Table 2-2: Aboriginal stakeholders who registered their interest in the project

Organisation	Name of Representative	Date of Registration
Awabakal Descendants Traditional Owners Aboriginal Corporation	Shane Frost	1 July 2011
Awabakal Traditional Owners Aboriginal Corporation	Kerrie Brauer	27 June 2011
Cacatua Culture Consultants	Tegan McCormack	12 July 2011
Daniella Chedzey	-	6 July 2011
Darkinjung Local Aboriginal Land Council	Suzanne Naden	20 June 2011
Guringai Tribal Link Aboriginal Corporation	Tracey Howie	28 June 2011

Information regarding the proposed heritage assessment methodology and strategy for collecting information on cultural heritage significance was provided in writing to the Aboriginal stakeholders on 21 July 2011. Four groups returned their comments on the methodology by the closing date for comments (Table 3.2).

Table 2-3: Aboriginal stakeholders who responded to the methodology by the due date

Organisation	Name of Representative	Date of Reply for Methodology due 18/08/2011
Awabakal Descendants Traditional Owners Aboriginal Corporation	Shane Frost	13 August 2011
Awabakal Traditional Owners Aboriginal Corporation	Kerrie Brauer	16 August 2011
Cacatua Culture Consultants	Tegan McCormack	14 August 2011
Guringai Tribal Link Aboriginal Corporation	Tracey Howie	18 August 2011

According the ACHCR process a site survey should be undertaken with reference to the nature, scale and complexity of the project. With these factors considered, five stakeholders were invited to participate in the survey which was undertaken on the 7 and 8 September 2011.

Table 2-4: Stakeholders invited to participate in the survey

Organisation	Participate	Name of Representative
Awabakal Descendants Traditional Owners Aboriginal Corporation	Yes	Shane Frost (7 & 8 September)
Awabakal Traditional Owners Aboriginal Corporation	Yes	Jodie Wilson (7 & 8 September)

Organisation	Participate	Name of Representative
Awabakal Local Aboriginal Land Council	Yes	Julie Smith (7 & 8 September) Peter Townsend (7 September 2011)
Bahtabah Local Aboriginal Land Council	Yes	Michael Green (7 September 2011) Peter Townsend (8 September 2011)
Darkinjung Local Aboriginal Land Council	Declined – required 6 weeks prior notice for participation in survey.	

Table 2-5: Draft report supplied and comment received

Organisation	Draft report supplied	Comment received
Awabakal Descendants Traditional Owners Aboriginal Corporation	Yes	Yes
Awabakal Traditional Owners Aboriginal Corporation	Yes	Yes
Awabakal Local Aboriginal Land Council	Yes	Yes
Arwarbukarl Cultural Resources Centre	Yes	No
Bahtabah Local Aboriginal Land Council	Yes	No
Cacatua Culture Consultants	Yes	Yes
Guringai Tribal Link Aboriginal Corporation	Yes	No
Darkinjung Local Aboriginal Land Council	Yes	Yes

The Awabakal LALC, Bahtabah LALC and the Darkinjung LALC, as the lead organisations representing Aboriginal people in their respective areas, were invited to participate. Documentation is provided as follows: Appendix 2 - copy of the advertisement lodged; Appendix 3 - copy of all correspondence; and Appendix 4 - consultation log.

3 Environmental Context

An understanding of environmental context is important for the predictive modelling and interpretation of Aboriginal sites. The local environment provided natural resources for Aboriginal people, such as stone (for manufacturing stone tools), food and medicines, wood and bark (for implements such as shields, spears, canoes, bowls, shelters, amongst others), as well as areas for camping and other activities. The nature of Aboriginal occupation and resource procurement is related to the local environment and it therefore needs to be considered as part of the cultural heritage assessment process. The reporting of environmental context is required under the Code of Practice.

3.1 Geology and Soils

Aboriginal people often made stone tools using siliceous, metamorphic or igneous rocks and therefore understanding the local geology can provide important information regarding resources in a Project Area. The nature of stone exploitation by Aboriginal people depends on the characteristics of the source, for example whether it outcrops on the surface (a primary source), or whether it occurs as gravels (a secondary source) (Doelman, Torrence et al. 2008).

The geological formation of the Project Application Area comprises a combination of the Gosford formation and quaternary alluvium. The Gosford formation is within the Clifton subgroup, which is part of the Narrabeen Group. It was formed in the Triassic period (approximately 250 – 200 million years ago) and is chiefly made up of claystone, sandstone and shale. The quaternary alluvium is of a more recent deposition (2.5 million years ago to present), and comprises alluvium, gravel, sand, silt and clay.

There are a number soil landscapes in the vicinity of the Project Application Area, with the Doyalson landscape being the dominant landscape, followed by the Wyong landscape. There are also smaller concentrations of Tacoma swamp, Awaba and Gorokan landscapes, and disturbed terrain.

Doylason

The Doyalson landscape is located amongst gently undulating rises on Munmorah Conglomerate situated north of Tuggerah Lake on the Central Coast and comprises all of the surrounding suburbs. Other major geological groups include the Narrabeen group and Clifton subgroup formations which predominantly include pebbly sandstone, grey green and grey siltstone and claystone. Some small areas in the landscape may contain coarse quartz sandstone (Murphy 1993:49).

Wyong

The Wyong landscape is located on the broad, poorly drained floodplains of Quaternary alluvium in the Central Coast lowlands. Some smaller portions of the landscape may be associated with floodplains. The major geological group comprises Quaternary sediments that include sand, silt, gravel and clay (Murphy 1993:81).

Tacoma Swamp

The Tacoma Swamp landscape is located on swampy floodplains and depressions with gradients of <2%. Swampy flat land associated with drainage depressions is the dominant landscape feature. The dominant soil is a brownish-black, waterlogged, highly peaty loam with high organic content. It is moderately deep (up to 100 cm) and commonly overlies a secondary waterlogged, gleyed, plastic, pallid grey clay, ranging in colour from yellowish brown to bluish grey, with orange, red, brown and grey mottles common. This secondary soil profile is highly acidic, with few roots. Rock and charcoal are absent (Murphy, 1993:108-109).

Awaba

The Awaba landscape primarily occurs in the Awaba Hills around the Lake Macquaire foreshore between Fraser Park and Swansea, and north of Belmont in the Awaba-Toronto-Wangi area. It is often in association with the Doyalson and Warners Bay landscapes. This soil landscape usually occurs on rolling low hills on predominantly coarse-grained sediments of the Narrabeen Group and Newcastle Coal Measures. Soils are generally shallow (<50cm) on steep slopes, shallow to moderately deep (50-150cm soloths and yellow podzolic soils on gentler slopes, with soloths along drainage lines. The upper strata are gravelly ranging from the brown loamy sand to silty clay loam with weak to moderate sub-angular blocky structure and rough ped fabric as the topsoil, with the A horizon made up of sandy loam to light sandy clay loam with massive structure. Erosion has exposed this horizon in some areas. The B horizon is a gravelly earthy, bright yellowish brown sandy clay loam overlaying B_2 or B_3 horizon of gravelly grey clay (Murphy, 1993:46-47).

Gorokan

The Gorokan Soil landscape generally comprises of four dominant soil materials (gk1, gk2, gk3 and gk4). Topsoil in this landscape, where present comprises loose dark brown loamy sand. Yellowish brown hardsetting clay sand (gk2) underlies the topsoil which is between 10 and 40cm thick and pale yellow or orange in colour. The B horizon comprises yellowish brown strongly pedal clay (gk3) 100-150cm thick, yellowish brown or bright yellowish brown in colour (Matthei 1995:7). The C horizon consists of light grey light medium to medium clay which occurs in deep subsoil above sandstone bedrock.

Disturbed Terrain

Disturbed terrain is a landscape in which the effects of human activity have destroyed any natural soil profile. In the Project Application Area, the areas surrounding the Vales Point Power Station and the Mannering Lake area have been designated as disturbed terrain.

3.2 Topography and Hydrology

The Project Application Area has a number of distinct areas but is described as located close to the south-western shores of Lake Macquarie, and to the immediate north east of Mannering Lake. The village of Mannering Park occupies a peninsula jutting into Lake Macquarie. A land bridge separates Mannering Lake from Mannering Bay in Lake Macquarie.

The topography of the Mannering Park area is generally undulating rises with local relief to 30m, with slope gradients of <10%. Broad crests and ridges and long, gently inclined slopes are the major landform elements. Drainage lines are broad, and rock outcrops are usually absent (Murphy, 1993:49).

Wyee Point is on a point of land that extends into the southern portion of Lake Macquarie. The southern section of the Point is slightly elevated and rises to a low cliff on the northern most and Lake end. On the south eastern extremity is Cobra Creek while the western extremity is marked by an unnamed creek in western Wyee Bay.

Wyee is situated adjacent Wyee Creek and is approximately 5 kilometres south west of Wyee Point. There is no frontage to Lake Macquarie.

A number of water courses flow around and through the Project Application Area. These include Mannering Creek, which flows from the west into Mannering Lake (approximately 800m west of the colliery pit top), Wyee Creek (approximately 2.7 km north-west of the colliery pit top) and another unnamed creek (possibly Camp Creek) approximately 1.2 km north east of the colliery pit top.

Wetlands also occur sporadically in association with these watercourses. These wetlands would have also provided additional resources such as reeds, tubers, fish, birds and animals.

3.3 Climate

Approximately 18,000 years ago, climatic conditions began to alter which affected the movement and behaviour of past populations within their environs. During this time, notably at the start of the Holocene (more than 11,000 years ago), the melting of the ice sheets in the Northern Hemisphere and Antarctica caused the sea levels to rise, with a corresponding increase in rainfall and temperature. The change in climatic conditions reached its peak about 6,000 years ago (Short, 2000:19-21). Between 6,000 and 1,500 years ago there was a slight decrease in average temperature, which then stabilised about 1,000 years ago and has remained, since then, similar to the temperatures currently experienced. Consequently, the climate of the Project Application Area for the past 1,000 years would probably have been much the same as present day, providing a year round habitable environment.

The climate for the area is described as coastal temperate. It is characterised by warm, humid summers and cool, dry winters. The warmest month is February, with an average daily high of 25.9°C. The coolest month is July with an average daily low of 9.7°. Rainfall varies from a monthly average of 56.4 mm in October, to 163mm in May.

3.4 Flora and Fauna

The vegetation for the area in general has been extensively cleared, with only small pockets of disturbed native vegetation remaining. Common species include scribbly gum (*Eucalyptus haemastoma*), red bloodwood (*E. gummifera*), brown stringy bark (*E. capitellata*), smooth-barked apple (*Angophora costata*) and grey gum (*E. punctata*). The understory includes species such as hill banksia (*Banksia spinulosa* var. *collina*), banksia (*Banksia oblongifolia*) and mountain devil (*Lambertia formosa*). Paperbarks (*Melaleuca* spp.) occur in poorly drained areas (Murphy, 1993:49).

3.5 Synthesis

Overview of the environmental context indicates that there are rich food and raw material sources available in the vicinity of the Project Application Area and thus would have been a favourable area for Aboriginal occupation. In particular, Lake Macquarie and its associated water courses would have provided an abundant supply of food and other materials, whilst the topography and climate would have provided agreeable habitation conditions.

In addition those creeks, in their mid and upper reaches, would have been a source of fresh drinking water.

4 Historic Heritage Context

4.1 Historical overview

In 1797, a whaleboat party led by Lieutenant Shortland searching for runaway convicts first observed the mouth of the Hunter River (Newcastle Council 2010). Lieutenant Shortland proceeded to become the first European to explore the area and upon returning to Sydney he bought sketches of the river and reports of coal. In the following years, several boats visited the area and gathered enough of the coal for an export shipment to be sent to Bengal. Before long a small penal settlement had been established, however due to the difficulty faced in administering a convict group at such a distance from Sydney, the settlement was abandoned in 1802 (Zierer, 1941).

Two years later, the site was re-established as a penal colony to be populated by those convicts considered too dangerous and unruly to remain in the Sydney penal settlements. These convicts were saddled with the task of working a drift mine beneath Beacon Head. This work allowed for continued trade with Calcutta - Newcastle coal in exchange for Bengal rum. In addition to coal, Cedar logging became a major product of the area particularly in Maitland. It is believed that around 700 convicts were stationed in the area in 1818. However, with such industry being successfully established, free settlers were not far behind and were arriving in growing numbers. By 1822 Newcastle was released from martial law and ceased to operate as a convict centre. The remaining convicts found themselves sent to the penal colony of Port Macquarie (Zierer, 1941).

The earliest European occupants around Lake Macquarie were most likely timber getters targeting the cedar of the Watagan Mountains to the west and the stands of timber around the lake foreshore. In 1830 there is record of a land selection by Thomas Walker in the present day Wyee Point area, though there is no evidence that the land was developed (Clouten 1967:53). From the 1830's onward the south western boundary of Lake Macquarie Wyee in particular, was known as a haunt of cattle thieves. Wyee, with abundant fresh water, was an important crossroads and a stopping point on Aboriginal and European tracks as here the road diverged either to the east of Lake Macquarie or to the west toward Maitland (Bennett 1969:16).

4.2 Local history

4.2.1 Mannering Park

The village of Mannering Park was named after a property of the same name built by James Vale, who settled on the peninsula now occupied by the village in 1911. He acquired 80 acres from Edward Garth, who had lived on the property in a hut. The locality was known at that time as Garth's Point. James Vales' son recalls the lily-covered graves of two of Garth's children being on the property, having drowned in Lake Macquarie (Stinson, 1988:79).

When James Vale Snr arrived on the property in 1911, he initially camped by the creek where the Vale Power Station is now located. He named the creek “Camp Creek”. He set about clearing the property and built a simple dwelling on the site of the current public school. It was constructed of timber, with a galvanised iron roof. He also developed a number of industries, commencing with horse breeding, which was not a success. Vale then constructed a plant for the distillation of wood in 1917, and made charcoal and tar, two products that were in high demand during World War 1. A wharf was constructed allowing boats to dock and collect the tar and charcoal for transportation to Sydney. Following the war, the demand decreased sharply, and the plant was closed (Mannering Park Community website, undated).

In 1919 Vale constructed a steam-powered saw mill. Bullock teams would bring logs to the saw mill with the cut timber loaded onto a barge built by Vale and his eldest son Rupert. Vale also raised beef cattle and grew fruit trees commercially, as well as owning a number of fishing boats (Mannering Park Community website, undated).

At the time that Vale first settled in the area, the nearest shop to the Mannering Park Estate was at Wyee, approximately 1.5 km across the water, approximately 3 km by road. James Vale Jnr recalls that this general store, owned by brothers Harry and Ray Farmer, sold most goods, except meat, which needed to be sent from Sydney by train to Wyee then collected (Mannering Park Community website, undated).

In 1924 Vale constructed his house on the same location as the earlier timber dwelling and named it “Mannering Park”. After Vale’s death in 1955, the property was sold to a Mr Kennedy. The Mannering Park house was destroyed by fire in 1956 (Mannering Park Community website, undated).

In 1926 Vale began subdividing his land holdings into 18 lots ranging from 6 acres to 100 acres. Gradually, people began settling in the area. One family, the Wynn family, bought their land at Mannering Park in 1934, and commenced fishing in Lake Macquarie, and eventually built a fish co-op at Mannering Park in 1956. In 1947 the Wynn family also started the post office. Their descendants still live in the area (Mannering Park Community Website, undated).

In 1959 the Vale Power Station was opened. In 2009, Bill Wynn recalled that although power was available, their family didn’t have electricity until the power station commenced operating (Mannering Park Community Website, undated).

The first school in Mannering Park was opened until 1961, and conducted in the Country Women’s Association hall in Mannering Park. Until that time, children from Mannering Park had to travel either to Munmorah, 4 km north, or Kanwal, 15 km south. In 1963, Mr Kennedy sold the remaining Vale land to the Department of Education, and building of the permanent school commenced. The school was opened in January 1964 (Lahiff, undated).

4.2.2 Wyee and Wyee Point

Wyee stockade is known from as early as 1828 when bushrangers operating in the area were apprehended. The area, with a fresh water supply was an important early overnight stop and stockade for sheep and cattle. Wyee Point was also where the Old Maitland Road diverged with an access track that led around the eastern side of Lake Macquarie. While fresh water was available the soil was considered poor and while small farms and orchards were established the area remained sparsely settled (Clouten 1967:120;143;156;217).

Wyee Point is approximately five kilometres north east of Wyee. The recorded European history of the Wyee Point area commenced in the mid-1870's with the construction of a large steam sawmill built adjacent the lake foreshore. Clouten (1967:216) records that a Mr Wakefield had secured a contract for the supply of railway sleepers for the northern railway line and built the mill and employed a Mr Lancaster to manage the mill for him. Lancaster also ran a grocery store and butchery in Wyee Point.

The mill employed 60 men in both the felling and preparation of sleepers. Linked to this was the growth of the small village of Wyee Point for the mill workers. In 1879 application was made for a school teacher to be appointed to a school building that had been constructed by the residents. Although seventeen children were recorded on the roll in 1879, by 1883 the school had closed following the opening of a government school in nearby Wyee. Wyee Point remained a small village as many of the timber workers preferred to live at Cooranbong approximately twelve kilometres northwest (Clouten 1967:217). A number of attempts have been made to locate the remains of this sawmill with the last in 2010 (RPS). A survey of the area for the Wyee Point Reserve found no evidence of the mill and although the area of the jetty is evident (and outside the current Project Application Area) it would appear the scant remains of the sawmill have disappeared.

4.3 Heritage Registers

Historic registers are used to record items of significance at the National, State and Local government level.

4.3.1 National Heritage Database

The Australian Heritage Database incorporates: the National Heritage List; the Register of the National Estate and the Commonwealth Heritage List.

The National Heritage List is now the lead statutory document for the protection of heritage places considered to have national importance. This list comprises Indigenous, natural and historic places that are of outstanding national heritage significance to Australia. Listed places are protected under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). There are no items within the Project Application Area on the National Heritage List.

Prior to this the Register of the National Estate was the primary document. While the Register of the National Estate still exists it is now frozen and from 2012 will no longer have statutory status. The Minister is required to consider the Register when making some decisions under the EPBC Act.

The Commonwealth Heritage List comprises natural, Aboriginal and historic heritage places owned or controlled by the Commonwealth. Places on this list are also protected under the EPBC Act.

A search of the Australian Heritage Database, that incorporates all of the above lists, found no references for the Mannering Park, Wyee Point or Wyee area.

4.3.2 NSW Heritage Branch Register

The NSW Heritage Inventory lists items at the NSW (State) level and/or at the local level. Items of State significance are registered by the NSW Heritage Council under the NSW Heritage Act. Those items are listed on the State Heritage Register as being under an Interim Heritage Order or protected under section 136 of the NSW Heritage Act.

The Inventory also includes some heritage places of heritage significance within a local government area. These places are listed by local council under their Local Environment Plans (LEP) and additionally may be included on the NSW Heritage Inventory database.

A search of the NSW Heritage Database found no references to items of State Significance in the Mannering Park, Wyee Point or Wyee area.

The Database includes two items nominated as being of significant at a Local level for the Mannering Park area, the Wyee Coal Conveyer to Vales Point and Wyee Channel

4.3.3 Lake Macquarie Council Local Environmental Plan 2004

Items of significance at the local government level are included in the local government LEP as Heritage Schedules. These are a list of non-indigenous and some Aboriginal items which have been listed with council as having heritage value.

The Lake Macquarie Council LEP 2004 contains those items considered of heritage value within the local area. The items listed duplicate that recorded on the NSW Heritage Database.

Table 4-1: Heritage Items in Mannering Park Area – Lake Macquarie Council LEP (2004)

Item Name	Address	Heritage Listing
Wyee Coal Conveyor Railway Loop	North of Wyee to Vales Point Power Station	Local Government
Wyee Channel	From Wyee Dam under Summerhill Rd	Local Government

4.3.4 Overview

A search of the Australian Heritage Database and the NSW Heritage Database found no items of National or State significance listed in the area. At the Local area level, two heritage items are listed and considered to be of local significance on the Lake Macquarie Council's List of Heritage Items in the Mannering Park area.

The above search found no items of heritage significance listed within the Project Application Area.

4.4 Predictive Model for Historic Archaeology in the Project Application Area

While the results of database searches (Australian Heritage Database and NSW Heritage Office Database) and the review of Lake Macquarie City Council LEP (Section 5.2.1) indicate that no historic sites have been recorded either within or in the vicinity of the Project Area there is potential for the survey to locate unrecorded items. Historical research has provided a concept of the types of sites and activities that could have been carried out in the area.

The Project Application Area varies in potential historic site types. The areas close to Lake Macquarie had marginal value for agriculture with poor thin soils away from creeks. Early industry most likely centred around timber extraction with some farming and grazing of cattle in areas close to Wyee Creek. Wyee Point is first recorded as the site of a large steam driven timber mill with associated infrastructure and domestic dwellings. It is the cultural remains of these activities that have the potential to occur in the Project Application Area. As such the following items may occur in the landscape:

- Timber industry relics;
- Agricultural yards, implements and structures; and
- Built structures from the early years of settlement.

5 Aboriginal Heritage Context

Aboriginal heritage assessment process requires that the significance of Aboriginal sites within a Project Application Area be assessed. It is important that Aboriginal sites are contextualised within the local and regional landscape in order to inform the assessment of significance. The Aboriginal heritage context is also needed in order to develop a predictive model of Aboriginal sites in the area. Historical information also provides additional information for the interpretation of archaeological sites.

5.1 Traditional Owners

The study area most likely includes the lands and boundaries of the Awabakal people, the Guringai/Kuringai and the Darkinjang/Darkinjung peoples. There is uncertainty on the exact boundaries with much of the documented record written by Europeans. It is known primarily from the work of Threlkeld (Threlkeld in Gunson 1974) that the Awabakal peoples' land included Lake Macquarie. Reverend Lancelot Threlkeld established a mission for Aboriginal people first at Belmont (1824) on the eastern shores of Lake Macquarie and later at Toronto on the western shore. Threlkeld recorded in detail the daily life of the Awabakal people. In detailing their resource gathering strategies he observed that the lake provided an abundance of fish and that Aboriginal people used canoes to exploit estuarine resources. Threlkeld also accompanied them on hunting expeditions and noted their adeptness in using spears (Threlkeld in Gunson 1974:190).

According to Tindale (1974) south of Lake Macquarie was the land of the Darkinjung and Guringai people. The Darkinjung were thought to occupy the more westerly land with the Guringai people on the coast however it is possible that the whole area was utilised by both Guringai and Darkinjung. Information gathered from R H Matthews (Matthews in McDonald 1994) indicates that within both the Darkinjung and Guringai people were further affiliations and divisions.

There is ethnographic evidence of interaction and communication between the clans, with Threlkeld reporting on the Awabakal visiting the Tuggara Beach tribe (Threlkeld in Gunson 1974:96).

5.2 Historic Records of Aboriginal Occupation

It is important to acknowledge that early historical documents were produced for a number of reasons and thus may contain inaccuracies and/or bias in their reporting of events or other aspects of Aboriginal culture (L'Oste Brown 1998). Nonetheless, some historical documents provide important information and insights into local Aboriginal customs and material culture at the time of non-Indigenous settlement and occupation of region.

5.3 Regional Archaeological Heritage Context

Lake Macquarie City Council in 2009 released the draft Sustainable Management of Aboriginal Cultural Heritage in the Lake Macquarie Local Government Area (Umwelt 2009). This Strategy was developed over six years by a working group. While providing a comprehensive strategy for managing Aboriginal cultural heritage sites the report is particularly valuable in establishing a concept of Sensitive Aboriginal Cultural Landscapes.

The report addresses each landform type within the LGA and identifies potentially sensitive Aboriginal cultural landscapes within that type. The sensitive landscapes of relevance to this study include: estuarine landscapes (Lake Macquarie foreshore) and creek corridors (Wyee Creek; Cobra Creek; and small drainage lines).

In 1986 Haglund was commissioned by Lake Macquarie City Council to produce an assessment of the prehistoric heritage of the Lake area. Using a combination of interviews and desktop research the author found that the lifestyle of the inhabitants before European settlement would have resulted in few records remaining within the environment. This assessment was confirmed by subsequent archaeological survey.

Tools, weapons, utensils, housing and food stuffs are organic material that are rarely preserved. The most durable remnants were stone tools and shell debris from shellfish meals. The conclusion was that the limited number of site types identified did not fully reflect the Aboriginal culture or their use of the environment. Those sites identified were shell middens, open or camp sites, rock shelters, engraving and art sites, stone arrangements, ceremonial sites, burials, axe grinding grooves or mythological sites.

Haglund concluded that the Aboriginal people utilised the resources of the open and rocky coast as well as swamp and hilly hinterland. It was also found likely that the preferred resource areas were the coastal strip and the swampy margins of the lake while the western rugged area was less popular.

Haglund provides a settlement model of the Aboriginal people in this region based on the resource rich areas of Lake Macquarie, the wetlands that fringe the Lake, and the hinterland including the Watagan Mountains to the west. The lake foreshore with an abundance of resources and the considerable number of sites has led most researchers to believe that this was the preferred environment of the Aboriginal people with the hinterland forest areas used for short term foraging and hunting.

Extensive finds of flaked stone artefacts were recorded by Dyall (1972:175), during survey work conducted in the Dudley – Jewells Swamp area approximately 42 kilometres to the north-west. Stone such as chert, silcrete and mudstone was used to manufacture implements such as knives, scrapers, axe heads and choppers. Excavations by Dyall (1982) at Birubi Point, Port Stephens, north of Newcastle and approximately 100km north east of study area, revealed large quantities of Turban shell in various stages of processing for fish hooks. These hooks together with fibre fishing lines were used for catching fish from both canoe and shore. Another method of catching fish was the use of poison, the narcotic bark of the acacia being used to stun the fish in waterholes (Sokoloff 1980:10). All spears were propelled by a throwing stick that provided exceptional

accuracy (Sokoloff 1980:18). While this information is not within the Lake Macquarie area it provides a concept of regional Aboriginal fishing technology. It is assumed that this technology would have been used in the Lake area as well.

5.4 Local Archaeological Heritage Context

The local Aboriginal heritage context reviews previous archaeological work in the wider area, determines whether Aboriginal sites are recorded in the Project Application Area (AHIMS search) and informs the predictive model of Aboriginal sites for the Project Application Area.

5.4.1 Aboriginal Heritage Information Management System (AHIMS)

A search of the OEH Aboriginal Heritage Information Management System (AHIMS) on 20 July 2011 encompassed a 10 square km area centred on the Project Application Area. The AHIMS search identified 53 Aboriginal cultural heritage sites. The AHIMS results detailed in Table 5-1 demonstrate that the most common site type in the local area shell (n=14), which are generally associated with midden sites, followed by midden (n=13), isolated finds (n=8), artefact sites number of artefacts unspecified (n=6), scarred trees (n=5), artefact scatters (n=4), Potential archaeological deposit (PAD) and Artefact Scatter (n=2) and PAD (n=1). A copy of the AHIMS Search is at Appendix 5 and a glossary of site types is at Appendix 6.

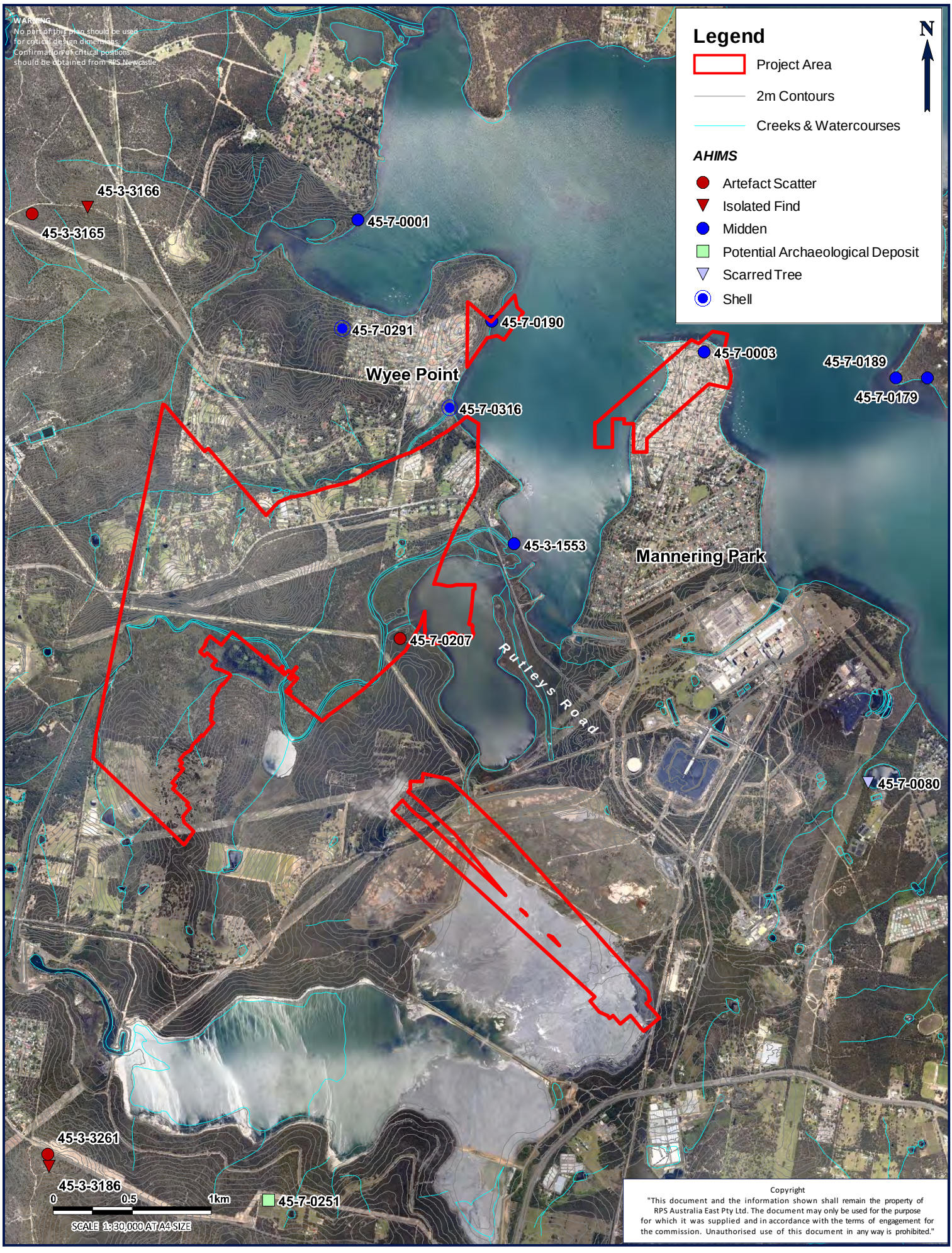
Table 5-1: AHIMS results summarised by site types

Site Type	Frequency	Percent
Shell	14	26.4%
Midden	13	24.5%
Isolated find	8	15.0%
Artefact(s) Unspecified	6	11.3%
Scarred tree	5	9.4%
Artefact scatter	4	7.7%
Potential archaeological deposit (PAD); Artefact Scatter	2	3.8%
Potential archaeological deposit (PAD)	1	1.9%
Total	**53**	**100%**

Three sites are within the Project Application Area, they comprise two shell midden (45-7-0190 and 45-7-0003) and an artefact scatter (45-7-0207). One site Wyee Point (45-7-0190) is on publicly accessible land while 45-7-0003 (Vales Point) and 45-7-0207 (The Hole) are on privately owned land.

The overall AHIMS results indicate that midden and shell sites (essentially the same site type), closely associated with the Lake Macquarie foreshore, are the most common site type within the Project Application Area. Away from the foreshore the most common site type comprises stone artefacts, encompassing isolated finds; artefacts unspecified; and artefact scatter. Scarred or culturally modified trees have been recorded.

The AHIMS search shows that rock shelter sites are unlikely to occur due to the lack of appropriate rock exposures, deep incised gorges, pagoda or rock overhangs. Grinding groove sites are also absent from this AHIMS search which may suggest limited suitable sandstone outcrops.



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TITLE: FIGURE 5-1: PROJECT AREA WITH AHIMS

LOCATION: MANNERING PARK

DATUM: N/A
PROJECTION: MGA ZONE 56 (GDA 94)

DATE: 15/09/2011
PURPOSE: DUE DILIGENCE

LAYOUT REF: J:\JOBS\Centennial\All Jobs\107888 Mannering S75W\10- Drafting\Mapinfo Work...s\Arch Maps
VERSION (PLAN BY):A A4 (LN-NW)

CLIENT: CENTENNIAL COAL
JOB REF: 107888

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5.4.2 Local Archaeological Studies

The review of previous archaeological work includes relevant local research publications, as well as, archaeological consultancy reports. Two types of archaeological investigations are generally undertaken; excavations and surveys. Archaeological excavations can provide high resolution data regarding specific sites, such as the dates or chronology of Aboriginal occupation, as well as, information on stone tool technology (reduction sequences, raw material use, tool production, use wear and similar). Archaeological surveys generally cover wider areas than excavations and can provide important information on the spatial distribution of sites. The detection of sites during survey can be influenced by the amount of disturbance or erosion and therefore sensitivity mapping is sometimes also required to interpret survey results. The local Aboriginal heritage context also provides a framework for assessing local significance.

RPS 2010 Cultural Heritage Report Wyee Point Reserve

This due diligence assessment was to inform Lake Macquarie City Council of potential cultural heritage issues that may have affected a proposed recreational reserve over the area currently known as Wyee Point Reserve. The current Project Application Area covers one portion on the eastern shore of that study area. One new midden was recorded during the survey and the extent of a previously recorded midden was extended. No other Aboriginal cultural heritage items were located. The extended midden is within the current Project Area and is located on Figure 5-1 as AHIMS #45-7-0190.

RPS HSO 2009 Cultural Heritage Survey and Assessment for DP1596 Ramsgate Estate, Wyee Point

This assessment was for a Stage 1 Local Environmental Study over an area approximately one kilometre west of the current Project Area. The report recorded the location of an extensive midden (length approximately 500 metres) along the foreshore and on the adjoining terrace. The shell species was predominately *Anadara trapezia* (cockle) with some *Ostrea angasi* (oyster). No other Aboriginal cultural heritage material was located.

Insite Heritage 2008 Archaeology Assessment at Morisset Park

This assessment was conducted to support a rezoning application from Zone 10 Investigation to Zone 2(1) Residential. The site was located at Morisset Park Road, Morisset Park, approximately 5.5 kilometres north of the current Project Area. The survey identified potential for a scatter existing in a small part of the site. It was concluded that there was a low to moderate potential for small artefact scatter/s to be concealed under topsoil with a recommendation that the area be designated a PAD.

Insite Heritage 2004 Archaeological Desktop Review of Wyee Point Reserve

This desktop review was intended to identify Aboriginal and European archaeological issues that may have required further investigation. The recommendations were that further research and survey work be conducted to attempt to identify the location of the sawmill and determine if it had occupied the cleared area of Wyee Point and to determine if further Aboriginal cultural heritage sites were present particularly on the break of slope on the foreshore area. This report covers part of the current Project Area.

Besant, A 2001 Archaeology Assessment St John of God School Site

A series of test probes located two sites at the Morisset peninsular on the lake foreshore. The St. John of God area is approximately 4.5 kilometres north of the current Project Area. A total of 88 artefacts associated with a beach elevated terrace and midden were located through sub surface testing. The artefacts included geometric microliths and a knapping floor. It was considered that some of these artefacts were located *in situ* while other artefacts, displaying water worn features, appeared to have been re-deposited by wave action. The author considered that the presence of microliths indicated that the site dated from the late Holocene period.

Officer, K., Navin, K and Saunders, P 1996 Test Excavations at Mannering Bay

This study was commissioned by Pacific Power to carry out a subsurface investigation of a previous archaeological site called 'The Hole 1, Mannering Bay'. This study was not prompted by any specific development or proposed activity; it was aimed to provide data for the formulation of general site management strategies. This site is within the current Project Area and is located on Figure 5.1 as AHIMS #45-7-0207.

The site was originally called "Vales Point, Site #3" before being renamed "The Hole 1, Mannering Bay' to reflect its actual location and distinguish it from other sites in the area. The topography of the site has been altered by construction of a canal for Vales Point Power Station. The underlying geology of the area comprises the Narrabeen Group, including sandstones, claystones and shales.

This investigation comprised a surface survey; a subsurface testing and salvage program; and basic artefact analysis. The surface survey and subsurface testing program found that artefacts occurred over an area of 180 metres x 100 metres. The southern extents of the deposits were not fully determined. Disturbance was estimated for approximately 55% of the site. The area had been previously disturbed during the ventilation channel construction, with spoil from that construction obscuring parts of the site.

A total of 137 artefacts were recorded, 95 on the surface while seven of the eight test pits returned artefacts collectively accounting for 42 in all. The majority of the surface artefacts (n=51) were found adjacent the canal in an area, prior to construction activity, that would have been the basal slope of a small spurline crest. The site location appears downslope of a remnant 'A' soil horizon with few artefacts found above and upslope from that horizon. These results were confirmed with the test pits where the greatest artefact density was found in the 'A' horizon of pits 1 and 2.

Artefact analysis of the 137 artefacts found that the rhyolitic volcanic tuff (36%) was the predominant raw material used followed by rhyolite and igneous materials (19.5%), chert (13%), quartzite (11.5%), quartz (1%), not identified (0.5%), jasper (1%) and volcanic (0.5%). While detailed investigation of the raw material source was not carried out it was noted that 12% of the artefacts had alluvial pebble cortex indicating that the locally occurring conglomerate cobbles may be the source.

The authors speculated that the site reflects periodic occupation debris from interim camp sites. While the production of tools at the site would reflect a base camp, the absence of

any shell or midden close to the lake foreshore was problematic. If the area was used as a base camp the need to maximise available food resources such as shellfish would have been expected.

A major issue at the site was the degree of disturbance caused by earlier earthworks associated with the construction of the canal and the relocation of soil. The authors considered it likely that these earlier works disturbed a high density artefact scatter that occurred on the basal slope of the spurline elevated terrace.

Within the undisturbed area it was suggested that archaeological deposits may exist and were considered to have moderate scientific significance within a local context and possibly a low to moderate significance within a regional context.

Dallas, M. 1995 Archaeological Survey at Wyee Point

This archaeological survey was conducted to support a proposed housing subdivision on the south eastern portion of Wyee Point, located adjacent Wyee Point in the current Project Area.

A pedestrian survey identified one previously listed Aboriginal shell midden (NPWS Site # 45-7-0190) north east of Wyee Point. In addition, an Aboriginal midden at the mouth of Cobra Creek and an area of PAD was identified. The PAD was assessed as being a likely site location and as having potential to contain surface or buried midden material. It was recommended by the author that the midden be protected and managed and further investigations into the PAD be conducted.

Nelson, L 1994 Shell Middens of Lake Macquarie

A systematic survey was conducted around the foreshore of Lake Macquarie with sixty-one Aboriginal shell middens located. The middens displayed a consistent content pattern with *Anadara trapezia* the most exploited of the available shell fish with lesser quantities of *Ostrea angasi*. A significant aspect of the research focussed on identifying environmental factors that could be used in establishing a predictive model for midden site location. It was found that the larger middens were most likely to be located on the Wyong soil type, on Quaternary Alluvium and within three kilometres of a creek. The AHIMS site 45-7-0190, located at Wyee Point Reserve, was recorded during that research and reflects that predictive model.

Dallas, M, Navin, K and McConchie, D. 1993 Archaeological Investigation at Morisset Peninsular

This archaeological investigation was commissioned by the NSW Public Works Department for the Hunter Sewage Project that required the construction of sewer lines, rising mains and pumping stations on Morisset Peninsula. The closest point of the Morisset peninsular is approximately 2.5 kilometres north of the current Project Area.

The study consisted of a surface survey and subsurface testing. Twelve Aboriginal midden sites and a number of areas of shell of uncertain origin were identified during the survey. The location of the middens (N=11) was consistently observed on flat areas, often low benches ranging from adjacent the lake foreshore up to 25 metres inland. One site

was located on a bluff. In terms of site contents *Anadara trapezia* was the sole species in three sites. The remainder of the sites (N=9) were dominated by *Anadara trapezia* with small quantities of *Ostrea angasi* with one site also containing gastropods.

Dallas, M 1986 Archaeological Survey at Mannering Park

This archaeological survey was conducted as an additional component to the Wyong Shire Sewerage Scheme for the pipeline route between the Gwandalan and Mannering Park Sewage Treatment Work sites. This study was commissioned by the Public Works Department of NSW, and was located approximately 4 kilometres south-east of the current Project Area.

A pedestrian survey located an Aboriginal midden on the south side of the mouth of Tiembula Creek. The midden, containing only *Anadara trapezia*, was seen as a series of sparse scatters of shell on a fine black soil over an area of approximately 60 x 40 metres and thin sections of shell along a well formed track. The area was highly disturbed with significant vehicle use both on and off the track. The midden had little scientific significance or research potential, with no archaeological evidence other than a single species of shell.

Attenbrow, V 1986 Excavation at Wyee Point

Construction work at Ruttleys Road, Wyee Bay uncovered a shell midden that was subsequently investigated by a NSW National Parks and Wildlife archaeologist and LALC representatives. The shell consisting mainly of *Anadara trapezia (*cockle) with some *Ostrea angasi* (oyster) appeared to cover an area of approximately 50m x 20m. The site when first observed had some stone artefacts although these were not re-identified during the 1986 survey. The midden, adjacent the foreshore was located on a council reserve and privately owned land. Significant clearing had occurred with the integrity of the midden compromised. The archaeologist considered that the midden had not been deeply stratified and it was unlikely shell material would occur beyond a depth of 60cm.

5.5 Predictive Model for Archaeology in the Project Application Area

A predictive model is created to provide an indication of Aboriginal sites likely to occur within the Project Application Area. It draws on the review of the existing information from the regional and local archaeological context and from the environmental context. The predictive model is necessary for the formulation of appropriate field methodologies and to provide information for the assessment of archaeological significance.

There are a number of factors which influence Aboriginal occupation of an area. These include essential subsistence resources such as food (flora and fauna) and fresh water. However, other resources such as raw stone materials, wood and bark, animal skins and reeds for basket weaving, string, clothing and similar, were also used. Landscape features such as ridges, flat elevated areas, rockshelters and similar, may have also influenced Aboriginal occupation of an area. In addition, cultural activities may have also taken place at certain locations in the landscape for example corroborees, mythological places and initiation sites.

The predictive model varies over the Project Application Area because of the differing landscape types. The Project Application Area in close association with Lake Macquarie comprises the small sections of foreshore at Wyee Point and Mannering Park. The larger southern portion of the Project Application Area is located to the south and west of Lake Macquarie and Mannering Bay with a landscape marked by low rolling hills and Wyee Creek.

5.6 Site Predictions

The following site predictions for the Project Application Area have been made on the basis of the environmental context, available historic observations of Aboriginal people in the region, archaeological studies, as well as, analysis of the AHIMS data.

5.6.1 Site Type

On the basis of the AHIMS data and with review of the available information it is considered that areas in the vicinity of Lake Macquarie would have a high likelihood for middens (shell) to occur. There is one recorded midden within the Project Area at Wyee Point and further middens on the foreshore within close proximity. There is potential for scarred trees to occur wherever there are remnant trees of sufficient maturity. Artefact sites (scatters and isolated finds) may also be present in the Project Area.

5.6.2 Site Locations

On the basis of the AHIMS data and with review of the available information it is considered that areas in the vicinity of Lake Macquarie would have a high likelihood for middens (shell) to occur. Artefact scatters and isolated finds may occur across the landscape however the evidence would suggest there is a greater potential for these to occur within 100m of a watercourse. Scarred trees may be found across all landscape types and wherever mature trees remain.

5.6.3 Site Contents

A review of previous archaeological investigations indicates that Lake middens consist largely of *Anadara trapezia* (cockle). Artefact scatters and isolated finds generally comprise flaked stone artefacts made from the following stone raw materials: chert, silicified tuff, quartzite and silcrete. It is considered that artefact sites if found will comprise flaked stone tools, cores and flakes and be most likely made from chert, silicified tuff, quartzite or silcrete.

6 Archaeological Field Survey

6.1 Survey Methodology

The Project Area was surveyed in accordance with the requirements set out in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010).

The survey area was limited to publicly accessible areas within the Project Area which included Local Council owned land, Crown Land and land owned by Centennial Mannering. A large proportion of the Project Area is owned by Delta Energy and at the time of survey permission had not been granted to access their lands.

6.1.1 Survey Aims

The purpose of the survey was to inspect visible ground surfaces, observe exposed soil profiles or other visible features such as rock shelters, scarred trees and rock art, in addition to assessing whether potential archaeological deposits are present in the Project Application Area. The survey also aimed to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

6.1.2 Sampling Strategy

The purpose of a sampling strategy is to provide a framework for conducting archaeological surveys in a manner which can be quantified and thus can be compared to other survey reports in the local landscape and for regional comparison (Burke and Smith 2004). The sampling strategy used for this assessment targeted all landforms which may be impacted by the proposed development and where possible, targeted landforms which had been identified as having archaeological potential on the basis of background research. The landforms described in the Section 3.2 Topography and Hydrology were identified for survey and investigation. They are undulating rises with slope gradients of <10%; broad crests and ridges; long, gently inclined slopes; and creeks, drainage lines and swamp areas. In addition, the following landforms were identified as having a moderate to high potential for Aboriginal sites: creek terraces; raised landforms within 100 metres of water courses. For middens the Wyong Soil type has been found to be significant (Nelson 1994).

6.1.3 Field Methods

The survey was conducted on foot (pedestrian) and targeted the landforms identified in the sampling strategy. The area surveyed was recorded in survey units. Each survey unit was mapped and recorded in accordance with landforms, Project Application Area boundaries, impact area boundaries, changes in survey conditions (such as visibility or ground surface exposure) and/or other relevant considerations. The mapping of survey units was undertaken on the basis of GPS recorded data and with reference to aerial and topographic information. The recording of survey units was undertaken using representative digital photographs and field notes which included observations of soils,

ground surface exposure and visibility, vegetation cover, levels of ground surface disturbance, erosion and similar observations. The field notes provide a basis for the reporting of survey coverage and calculating survey effectiveness as presented in the survey results section. It is required that any Aboriginal sites identified are recorded and submitted to the AHIMS database. Such recording involves the documentation of the material traces of past Aboriginal land use, including the spatial extent of sites and any other obvious physical boundaries. Aboriginal cultural sites identified by Aboriginal stakeholders may not always involve material traces and boundaries of such sites need to be mapped on the basis of information provided by the stakeholders. The position of such sites need to be recorded by GPS receivers and mapped accordingly.

6.2 Survey Units

A pedestrian survey of the Project Application Area was undertaken by RPS archaeologist, Laraine Nelson together with:

- Shane Frost (ADTOAC)
- Jodie Wilson (ATOAC)
- Michael Green (Bahtabah LALC)
- Peter Townsend (Awabakal LALC - 7 September 2011) & (Bahtabah LALC - 8 September 2011)
- Julie Smith Awabakal (LALC)

The survey was conducted over the 7 and 8 September 2011. The Project Application Area covered three distinct areas: Wyee Point; Mannering Park; and Wyee (Figure 6.1).

Wyee Point and Mannering Park (the Lake Macquarie Foreshore) are discussed as **Survey Unit 1** with three transects. Wyee, approximately two kilometres from the Lake foreshore is separated into two survey units: **Survey Unit 2** comprises low rises and crests while **Survey Unit 3** consists of creek and swamp. Each Survey Unit is described and assessed in terms of exposure and visibility.

- **Survey Unit 1 - Lake Macquarie foreshore**

Wyee Point comprised two narrow bands of foreshore totalling approximately 320 metres long and 70 metres wide. Transect 1 was on the eastern facing shore approximately 400 metres south of the point. Transect 2 still in Wyee Point, was further south and to the east of Cobra Creek. Transect 3 at Mannering Park comprised a single narrow band of foreshore bounded by the Lake on the western side and houses to the east. The total survey unit size was 43,658 sq metres.

- **Survey Unit 2 – Low hills, slopes and crests**

This area of approximately 481,637sq metres was in the southern portion and the east of the village of Wyee. The area was walked in a number of east west transects.

- **Survey Unit 3 - Creek and swamp**

This area of approximately 32,910sq metres comprised Wyee Creek and associated low lying area to the east of the creek. The survey transects were waked parallel to the creek line.

Survey Unit 1 – Lake Macquarie Foreshore

This unit comprised three transect units, with two at Wyee Point and one at Mannering Park.

Wyee Point transect 1 was along an eastern facing shore backed by a steep rise leading to a gentler slope further south. The northern section of this transect was overgrown with dense undergrowth, including lantana and bitou bush (Plate 1). In the central and southern area of the transect the area is backed by the residences of Mulwala Drive with the foreshore area groomed to a park like appearance with lawn grass, some original native trees and introduced garden plants (Plate 2). A midden (AHIMS 45-7-0190) had been previously recorded in the northern section as part of a survey conducted in October 2010 (Plate 3). This midden was inspected and found to be consistent with the original recording. No further heritage items were recorded.

Wyee Point to the east of Cobra Creek; Transect 2, this area has dense cover of grass and mature casuarinas trees on the foreshore (Plate 4). The transect area was approached from Cobra Creek and it was found to have a scatter of midden material not noted during the October 2010 survey when the vegetation cover was far denser. This area is outside the study area, however, the Site Card Wyee Point 2 45-7-0316 will be amended to include both banks of Cobra Creek.

Transect 3 was conducted on a western facing shore of Mannering Park. The survey area was limited to publicly owned land, a foreshore park. The area was found to be grassed and mowed with mature trees (Plate 5). Midden shell, extending for around 200 metres, was found in exposures around the base of trees and in an eroded bank adjacent the lake. This was recorded as RPS Mannering Park 1 (Plate 6). The midden was found to be consistent with other Lake middens comprising *Anadara trapezia* (cockle) with occasional *Ostrea angasi* (oyster).

All trees noted were inspected with one tree recorded as have a scar consistent with cultural modification and recorded as Mannering Park 2 (Plate 7). The east facing scar was 1100mm long by 230mm wide. The scar shape was oval, with some damage near the base potentially caused by garden works. No axe marks were visible in or around the scar.

Surface visibility across the area was low.

Survey Unit 2 - Low hills, slopes and crests

This survey unit comprised low hills, slopes and crests. A large portion of the survey area was covered in mature forest with undergrowth ranging from dense to open forest (Plate 8) with the remaining section to the south cleared grazing land (Plate 9).

Within the forest area surface visibility was poor over most of the area with undergrowth and ground cover dense away from tracks. A number of tracks occurred in the area, however, the two largest of the tracks had portions sealed with cement with no original surface visible. All tracks were walked and a number of transects were made into the forest. These transects were to inspect mature trees, follow a ridgeline and to attempt to reach Wyee Creek. This transect was followed until dense vegetation and low lying swampy ground impeded progress.

The southern portion has been cleared previously, most likely for grazing. The majority of the area was covered in dense pasture grasses. However, a number of exposures, the result of uprooted trees and scalds were inspected. These include good exposure over a small crest which provided good views of the surrounding area. In addition good visibility occurred around a small dam (Plate 10). The only stone seen across the area were small pebbles, none of which at a size capable of being worked for stone artefact production.

Surface visibility across the area was low.

Survey Unit 3 - Creek and swamp

This survey unit comprised swamp and creek (Plate 11). Two branches of an unnamed creek that joined before flowing into Wyee Creek were noted. These creeks had some elevated terraces that could have provided suitable camping areas for Aboriginal people.

Following an attempt to reach Wyee Creek via the ridgeline, a further attempt was made by following the bank of Wyee Creek north. This permanent creek was found to be of reasonable, though untested depth. Areas of steep banks and flood debris on the creek bank indicate that in flood the lower bank would be inundated. Above this bank, were a number of high terraces that would appear, other than in abnormal flood events to remain dry. Also in this area a series of large deep lagoons were recorded (Plate 12). As the team moved further north the density of swamp vegetation prevented the survey team from progressing.

Surface visibility was low – to moderate over much of the area with visibility generally restricted to areas most likely affected by flooding. Small pebbles were seen across the area with no stone of a size capable of being worked for artefacts.

Consideration was given to the potential of a tree located in this area to be recorded as being culturally modified by Aboriginal people. Indentations by a steel axe were visible in the scar and the depth of re-growth would indicate that the scar was old. While the common cause for tree scarring is for a surveyors mark there was no indication of this on the heartwood. The scarring could have been from other non-Aboriginal causes such as marking a fence line, denoting a property boundary or removal of a branch. This is possible given the area was settled by farmers as early as 1828 (Section 4.2.2). A tree approximately 50 metres to the north of this tree had a similar shaped mark, though caused more recently by a chainsaw.

While the stakeholders present thought the scar may have been consistent with the removal of bark for cooking food such as fish there was no unequivocal evidence that the scar was of Aboriginal origin.

Following thorough consideration it was decided that the scar could not be identified definitely of being of Aboriginal origin and therefore it has not been recorded as a site.

Table 6-1: Ground Surface Visibility Rating

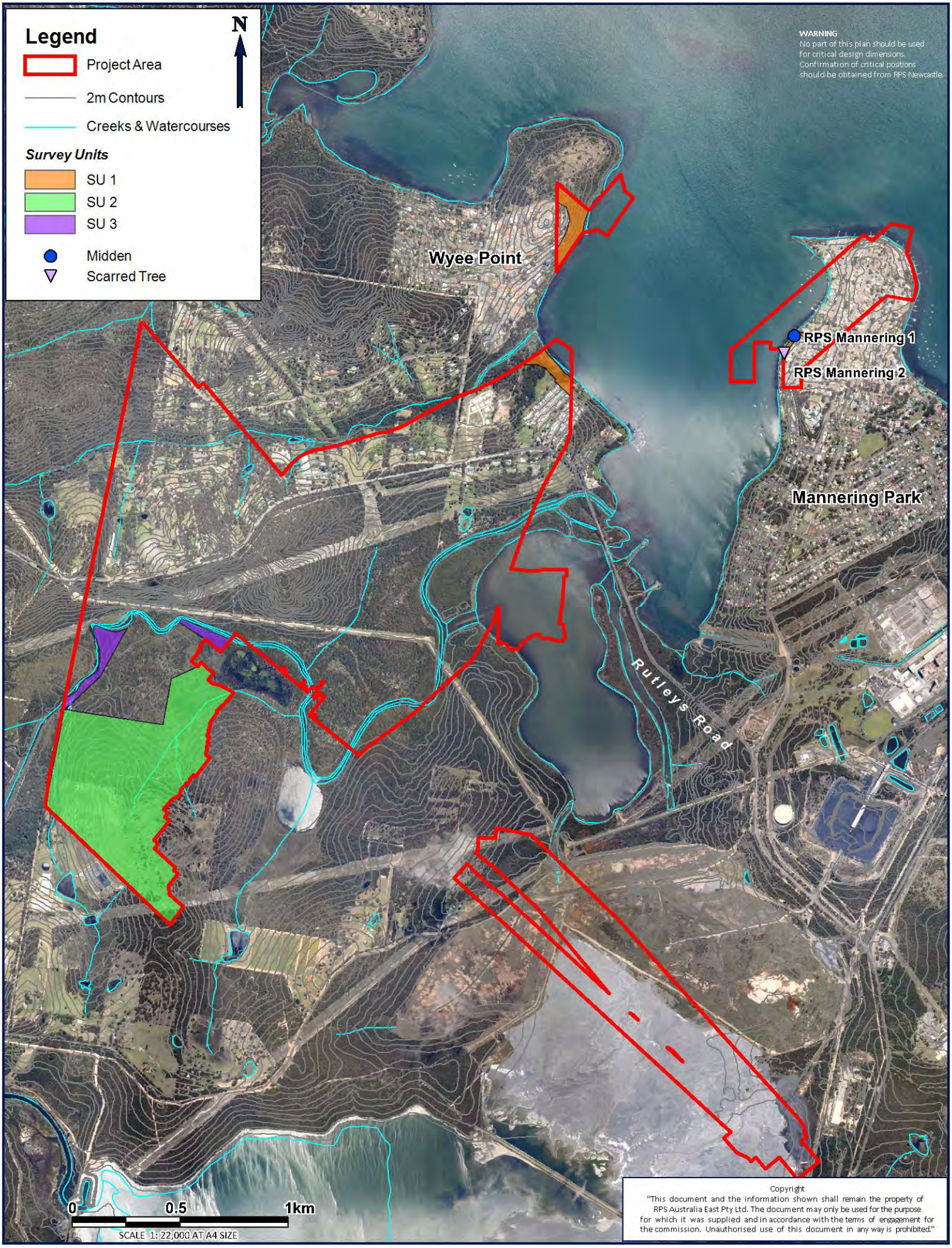
GSV Rating	Overall Rating	Description
0 – 9%	Low	Heavy vegetation with scrub foliage, debris cover and/or dense tree cover. Ground surface not clearly visible.
10 – 29%	Low	Moderate level of vegetation, scrub or tree cover. Small patches of soil surface visible resulting from animal tracks, erosion or blowouts. Patches of ground surface visible.
30 – 49%	Moderate	Moderate levels of vegetation, scrub and/or tree cover. Moderate sized patches of soil surface visible possibly associated with animal tracks, walking tracks and erosion surfaces. Moderate to small patches across a larger section of the Project Application Area.
50 – 59%	Moderate	Moderate to low level of vegetation, tree and/or scrub. Greater amounts of areas of ground surface visible in the form of erosion scalds, recent ploughing, grading or clearing.
60 – 79%	High	Low levels of vegetation and scrub cover. High incidence of ground surface visible due to recent or past land–use practices such as ploughing, grading and mining. Moderate level of ground surface visibility due to sheet wash erosion, erosion scalds and erosion scours.
80 – 100%	High	Very low to nonexistent levels of vegetation and scrub cover. High incidence of ground surface visible due to past or recent land use practices, such as ploughing, grading and mining. Extensive erosion such as rill erosion, gilgai, sheet wash, erosion scours and scalds.

Table 6-2: Survey Coverage Data

Survey Unit	Landform	Survey Unit Area (Square metres)	Exposure (%)	Visibility (%)	Effective Coverage Area (sq.m)	Effective Coverage (percent)
1	Lake foreshore	5850	1	80	46	0.78
2	Low hills, slopes and crests	28440	1	80	227	0.79
3	Creek and swamp	2102	5	60	63	3

Table 6-3: Landform Summary

Landform	Landform Area (Square metres)	Area Effectively Surveyed	Percent of Landform Effectively Surveyed	Number of Sites	Type of site
Lake foreshore	300,000	46	0.015%	2	Midden Scarred tree
Low hills, slopes and crests	2,000,000	227	0.011%	-	-
Creek and swamp	1,130,000	63	0.005%	-	-
Disturbed* area	640,000	-	-	-	-



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TITLE: FIGURE 6-1: SURVEY UNITS
LOCATION: MANNERING PARK
DATUM: N/A
PROJECTION: MGA ZONE 56 (GDA 94)
DATE: 26/09/2011
PURPOSE: CULTURAL HERITAGE ASSESSMENT
LAYOUT REF: J:\JOBS\Centennial\All Jobs\107888 Mannering S75W\10- Drafting\Mapinfo Work...s\Arch Maps
VERSION (PLAN BY):C A4 (LN-NW)

CLIENT: CENTENNIAL COAL
JOB REF: 107888

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6.3 Survey Results

Two Aboriginal cultural heritage sites, one culturally modified tree and one midden, were identified during the survey. A copy of the new site cards lodged with OEH is at Appendix 7. There are three previously recorded sites in the study area - Wyee Point (45-7-0190) was inspected during the survey however The Hole (45-7-0207) and Vales Point (45-7-0003) were not inspected as they are located on private property.

No non-indigenous cultural heritage sites were recorded.

Table 6-4: Summary of newly recorded sites, locations recorded in GDA94/MGA, Zone 56

No.	Site Name	Eastings	Northings	Site Type
1	RPS Mannering 1	363449	6331411	Midden
2	RPS Mannering 2	363401	6331331	Culturally modified tree

Table 6-5: Summary of previously recorded sites

Site Name	Site Number	Site Type
Wyee Pt	45-7-0190	Midden
The Hole 1	45-7-0207	Open camp site
Vales Point	45-7-0003	Midden

6.4 Discussion of Survey Results

On the basis of a review of the relevant environmental and archaeological information a predictive model of the Project Application Area was formulated. It was predicted that the most common types of sites would be middens.

The midden sites recorded reflect the predictive model, in particular the model for the Lake foreshore. The foreshore of southern Lake Macquarie has a number of middens with the previously recorded midden at Wyee Point (within the Project Application Area in reasonably close proximity to Cobra Creek (where another midden is recorded). The site Wyee Point (45-7-0190) was noted and seen to comprise a deposit of *Anadara trapezia* that occurred in varying degrees of intensity in exposures along the track.

At Mannering Park, Survey Unit 1 (Lake Foreshore) two sites were recorded: Mannering Park 1, a midden; and Mannering Park 2, a culturally modified tree.

The Mannering Park midden, visible around the base of trees and in a foreshore embankment exhibits the common characteristics of Lake midden, that is a predominance of *Anadara trapezia* (cockle) and a small number of *Ostrea angasi* (oyster). The shell deposits are identified as midden as they consist almost solely of mature cockle shells to

the exclusion of other shell species present in the adjacent natural shell beds. This indicates a selection process by Aboriginal people as they chose their preferred shellfish, cockle and species of a size that gave best quantity of meat.

Culturally modified trees can be found wherever trees of a suitable age occur. The Mannering Park tree (RPS Mannering 2) is close to the waterline and likely escaped felling through firstly not being of a type preferred by timber getters and later by being within the lake foreshore reserve. The tree was alive and appeared to be in good condition.

While no stone artefacts were found at Wyee Creek (Survey Unit 3 Creek and Swamp) it is considered that the type of landscape bears a resemblance to the site known as 'The Hole 1 Mannering Bay (AHIMS #45-7-0207)'. This previously recorded site is described as being a spurline crest with the artefacts located down slope from that landscape. The landscape along Wyee Creek comprised a series of secondary terraces approximately 2-3 metres above the creek bank.

Taking into consideration the excavation at 'The Hole 1 Mannering Bay' it is considered that Wyee Creek and associated swamp have potential for subsurface cultural material to occur. This is confirmed by the highlighting of the Wyee Creek area as a sensitive landscape in the Umwelt & Lake Macquarie City Council Draft Report (2009).

Wyee Creek has not been recorded as a PAD however as no Aboriginal cultural heritage items were identified in the area. In addition it was not possible, given the density of the vegetation, to identify specific areas as a PAD. Therefore the area of Wyee Creek and the adjoining lagoons and swamp are recorded as being archaeologically sensitive rather than as a PAD.

7 Significance Assessment

In order to develop appropriate heritage management outcomes, it is necessary for Aboriginal sites or areas of archaeological sensitivity to undergo significance assessment. Aboriginal heritage can be significant for cultural and/or scientific reasons. Aboriginal people are the best placed to assess cultural significance and are therefore consulted in the Aboriginal heritage management process. Within the local Aboriginal community, input on cultural significance may be obtained from Traditional Descendants/Owners or Aboriginal/ Indigenous people. The following extract from *Ask First* produced by the Australian Heritage Commission (2002:4) is used to define those representatives.

Traditional Owners are those people who, through membership in a descent group or clan, have responsibility for caring for particular country. Traditional Owners are authorised to speak for country and its heritage. Authorisation to speak for country and heritage may be as a senior traditional owner, an elder, or in more recent times, as a registered Native Title claimant.

Other Indigenous people with interests are those people who through their personal or family history of involvement with a particular place have an interest in its heritage values. Such places could include, but are not limited to, mission stations, places of Indigenous protest, and areas of land where people worked. Sometimes these people are described as custodians, but this can mean different things in different areas of Australia. In some areas custodians are responsible for looking after places and sometimes the stories and ceremonies linked to these places. In other areas custodians are Indigenous people who look after a place on behalf of others.

Scientific significance is assessed according to scientific criteria outlined in OEH heritage guidelines.

7.1 Cultural Significance Criteria and Assessment

An assessment of cultural significance incorporates a range of values which may vary for different individual groups and may relate to both the natural and cultural characteristics of places or sites. Cultural significance and Aboriginal cultural views can only be determined by the Aboriginal community using their own knowledge of the sites and their own value system.

As the cultural significance is a criterion that only Aboriginal people can assess, a detailed appraisal of cultural significance for the Project Application Area has not been included as part of this study. However, response and comment on the survey was discussed with Aboriginal representatives during the survey. The representatives considered all sites as being of high cultural significance. The representatives also considered the landscape associated with Wyee Creek, associated lagoons and swamp to be of high cultural significance. Further details are included in the Aboriginal consultation log (Appendix 4) with Registered Stakeholder comments on the report at Appendix 8.

7.2 Archaeological Significance Criteria

Archaeological significance, also referred to as scientific significance, is determined by assessing an Aboriginal heritage site or area according to archaeological criteria. The assessment of archaeological significance is used to develop appropriate heritage management and impact mitigation strategies. Criteria for archaeological significance have been developed in accordance with the principals of the ICOMOS Burra Charter. The following archaeological significance criteria have been used: rarity, representativeness, integrity, connectedness, complexity and research potential and are defined in Table 7-1.

Table 7-1: Archaeological Significance Criteria

Criteria	Description
Rarity	This criterion examines the frequency of the identified site types with others previously recorded in the local or regional landscape
Representativeness	All sites are representative of a site type, however, some sites may be in better condition, or demonstrate more clearly a particular site type. Representativeness is based on the understanding of extant sites in the local or regional landscape and the purpose of this criteria is to ensure a representative sample of sites area conserved for future generations
Integrity	This refers to site intactness. A site with contextual integrity can provide information relating to chronology, social systems, tool technology, site formation processes, habitation, frequency of use as well as other occupation indicators. Moderate to high levels of disturbance will generally result in low integrity.
Connectedness	Relates to inter-site relationships, that is whether a site can be linked to an archaeological complex, or where sequence of activities can be discerned. For example, a quarry (stone extractions site), may be linked to an adjacent heat treatment pit and knapping floor, these site thus could be linked as part of a stone tool production sequence.
Complexity	Refers to the contents of the site, such as, the variety and nature of features and/or of artefacts present. For example, rock art sites with many motifs may be ranked highly in terms of complexity, or artefact scatters with a wide variety of raw materials and/or or tool types may be more complex than surrounding sites.
Research Potential	This criteria is used to identify whether a site has the potential to contribute new information which to the interpretation of Aboriginal occupation in the area.

The archaeological significance criteria are usually assessed on two scales: local and regional; in exceptional circumstances; however, state significance may also be identified. Archaeological significance criteria is assessed in three levels to which scores are assigned; low (score=1), moderate (score=2) and high (score=3).

A combination of these scores then enables an overall significance ranking of the site to be determined.

- Low significance 6-10
- Moderate significance 11-14
- High significance 15-18

7.3 Assessment of Archaeological Significance

The archaeological significance of the newly identified Aboriginal sites has been assessed and is summarised in Table 7-2.

Table 7-2: Assessed Levels of Significance for Aboriginal Sites

Site	Significance scale	Rarity	Representativeness	Integrity	Connectedness	Complexity	Research Potential	**Overall Significance**
RPS Mannering 1	Local	1	1	1	1	1	1	**Low**
	Regional	1	1	1	1	1	1	**Low**
RPS Mannering 2	Local	2	1	2	1	1	1	**Low**
	Regional	1	1	1	1	1	1	**Low**

7.3.1 RPS Mannering 1

Middens are a common feature of the Lake Macquarie foreshore with thirteen middens and cultural shell deposits within ten square kilometres of the study area. The integrity of this midden has been compromised by the removal of groundcover and understorey and the subsequent introduction of lawn grasses. The research potential of the site has been adversely affected by disturbance described above. In addition the midden presented the same profile as other lake middens, with a predominance of cockle. A positive feature is the presence of the scarred tree (RPS Mannering 2) within the midden area. Overall this site was assessed to have both low local and regional scientific significance.

7.3.2 RPS Mannering 2

This site comprised a single scarred (culturally modified) tree. This type of modified tree is not rare in the local or regional landscape with five examples recorded within ten square km. The integrity of the tree, within the landscape has been adversely affected by the removal of most of the original vegetation though the presence of the midden in the area is a positive attribute. The research potential of the tree is limited other than providing evidence of resource use. Overall this site was assessed to have both low local and regional scientific significance.

8 Impact Assessment and Mitigation

The proposed Extension of Mining Project at the Mannering Colliery will require mining beneath five identified Aboriginal Heritage sites. To minimise the potential for impacts to the two Aboriginal heritage sites identified in this survey; the three sites recorded on AHIMS and any other potential Aboriginal cultural heritage or non-indigenous heritage sites within the Project Application Area, Centennial Mannering will design its mining operations to result in less than 20 millimetres of surface subsidence. The predicted subsidence movements under consideration for the proposed Project are well within the usual shrink/swell range for the district (Seedsman Geotechnics 2011). Due to the negligible surface subsidence impacts predicted as a result of the proposed Project, no impacts to identified Aboriginal cultural heritage sites or any potential Aboriginal cultural heritage or non-indigenous heritage sites are anticipated.

9 Conclusions and Recommendations

This report has considered the environmental and archaeological context of the Project Application Area, developed a predictive model and reported on the results of an archaeological survey of the Project Application Area.

The archaeological field surveys resulted in the recording of two new sites: a midden (RPS Mannering 1) and one culturally modified tree (RPS Mannering 2). The riparian zone of Wyee Creek is considered to have high potential for archaeological deposits to occur and, while not recorded as a site, should be considered sensitive. In addition three previously recorded sites (Wyee Point; The Hole; and Vales Point) are within the Project Application Area.

No listed or new items or works of non-indigenous Heritage significance were recorded within the Project Application Area.

The management recommendations that stem from this Cultural Heritage Assessment are based upon the legislation designed to address the impact of development on sites of cultural significance. It is considered that the proposed extension of mining project with a predicted subsidence of less than 20 millimetres is unlikely to have an impact on items or works of Aboriginal heritage significance or, if identified items of European heritage significance. With regard to this the following recommendations are made:

Recommendation 1
If subsidence monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, works in that area should cease immediately and an assessment of potential impacts to items of Aboriginal cultural heritage should be undertaken.

Recommendation 2
Centennial Mannering should develop an Aboriginal Cultural Heritage Management Plan (ACHMP) for the identified Aboriginal heritage items within the Project Application Area.

The ACHMP should comprise an:

> Assessment of the cultural significance of the Aboriginal heritage sites within the Project Application Area in accordance with the *Guide to investigating, Assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)*.

Together with strategies for:

- Management of identified Aboriginal heritage sites;
- Review of the management of Aboriginal heritage sites, should subsidence levels at existing monitoring points exceed 20 mm on land areas; and

If additional sites are identified they should be assessed for cultural significance in line with the requirements outlined above and be incorporated into the ACHMP.

The Mannering Colliery ACHMP will be developed in consultation with the relevant Aboriginal stakeholders to ensure that Aboriginal cultural values are adequately addressed

Recommendation 3
All relevant Centennial Mannering staff and contractors will be made aware of their statutory obligations for Aboriginal cultural heritage under NSW NPW Act (1974) and for European cultural heritage under the NSW Heritage Act (1977), which may be implemented as a heritage induction as part of the existing mine induction process.

Recommendation 4
If, during the course of development works, significant non-indigenous cultural heritage material is uncovered within the Project Application Area, the Heritage Branch of OEH should be notified and any required monitoring or management strategies instigated.

Recommendation 5
In the unlikely event that skeletal remains are identified. Centennial Mannering will need to contact the NSW Police Coroner to determine if the material is of Aboriginal origin. If determined to be Aboriginal, the proponent, must contact the OEH Enviroline 131 555, a suitably qualified archaeologist and representatives of the local Aboriginal Community Stakeholders to determine an action plan for the management of the skeletal remains and formulate management recommendations if required.

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11 Plates



Plate 1: Survey unit 1 – dense undergrowth



Plate 2: Survey unit 1 – foreshore area



Plate 3: Survey unit 1 - midden recorded as AHIMS 45-7-0190



Plate 4: Survey unit 1 – looking east from Cobra Creek



Plate 5: Survey unit 1 – Mannering Park foreshore



Plate 6: Survey unit 1 – midden recorded as RPS Mannering 1



Plate 7: Survey unit 1 – culturally modified tree recorded as RPS Mannering 2



Plate 8: Survey unit 2 – example of forest away from tracks



Plate 9: Survey unit 2 – example of cleared grazing area



Plate 10: Survey unit 2 – example of exposure



Plate 11: Survey unit 3 – Wyee Creek



Plate 12: Survey unit 3 – lagoon system adjacent Wyee Creek

Appendix 1

Legislative Requirements

SUMMARY OF STATUTORY CONTROLS

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

COMMONWEALTH

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act), Amendment 2006
The purpose of this Act is to preserve and protect all heritage places of particular significance to Aboriginal and Torres Strait Islander people. This Act applies to all sites and objects across Australia and in Australian waters (s4).

It would appear that the intention of this Act is to provide national baseline protection for Aboriginal places and objects where State legislation is absent. It is not to exclude or limit State laws (s7(1)). Should State legislation cover a matter already covered in the Commonwealth legislation and a person contravenes that matter, that person may be prosecuted under either Act, but not both (s7(3)).

The Act provides for the preservation and protection of all Aboriginal objects and places from injury and/or desecration. A place is construed to be injured or desecrated if it is not treated consistently with the manner of Aboriginal tradition or is or likely to be adversely affected (s3).

The Australian Heritage Commission Act 1975
The Australian Heritage Commission Act (1975) established the Australian Heritage Commission which assesses places to be included in the National Estate and maintains a register of those places. Places maintained in the register are those which are significant in terms of their association with particular community or social groups and they may be included for social, cultural or spiritual reasons. The Act does not include specific protective clauses.

The Australian Heritage Council Act (2003) together with *The Environment Protection and Biodiversity Conservation Act (1999 as amended)* includes a National Heritage List of places of National heritage significance, maintains a Commonwealth Heritage List of heritage places owned or managed by the Commonwealth and ongoing management of the Register of the National Estate.

STATE

It is incumbent on any land manager to adhere to state legislative requirements that protect Aboriginal Cultural heritage. The relevant legislation in NSW includes but is not limited to:

National Parks & Wildlife Act 1974 (NPW Act)
The *NPW Act (1974)* provides statutory protection for all Aboriginal heritage, places and objects (not being a handicraft made for sale), with penalties levied for breaches of the Act. This legislation is overseen by the Department of Environment, Climate Change and Water (DECCW) and specifically the Director-General of DECCW. Part 6 of this Act is the relevant part concerned Aboriginal objects and places, with the Section 86 and Section 90 being the most pertinent. In 2010, this Act was substantially amended, particularly with respect to Aboriginal cultural heritage requirements. Relevant sections include:

Section 86
This section now lists four major offences:

(1) A person must not harm an object that the person knows is an Aboriginal object;

(2) A person must not harm an Aboriginal object;

(3) For the purposes of s86, "circumstances of aggravation" include (a) the offence being committed during the course of a commercial activity; or (b) that the offence was the second or subsequent offence committed by the person.

(4) A person must not harm or desecrate an Aboriginal place.

Offences under s86 (2) and (4) are now strict liability offences, i.e., knowledge that the object or place harmed was an Aboriginal object or place needs to be proven. Penalties for all offences under Part 6 of this Act have also been substantially increased, depending on the nature and severity of the offence.

Section 87
This section now provides defences to the offences of s86. These offences chiefly consist of having an appropriate Aboriginal Heritage Impact Permit (AHIP), not contravening the conditions of the AHIP or demonstrating that due diligence was exercised prior to the alleged offence.

Section 87A & 87B
These sections provide exemptions from the operation of s86: Section 87A for authorities such as the Rural Fire Service, State Emergency Services and offices of the National Parks & Wildlife Service in the performance of their duties and s87B for Aboriginal people performing traditional activities.

Section 89A
This section provides that a person who knows of an Aboriginal object or place and does not advise the Director-General of that object or place within a reasonable period of time, is guilty of an offence.

Section 90
This section authorises the Director-General to issue an AHIP.

Section 90A-90R
These sections govern the requirements relating to applying for an AHIP. In addition to the amendments to the Act, DECCW have issued three new policy documents clarifying DECCW's requirements with regards to Aboriginal archaeological investigations: *Aboriginal Cultural Heritage*

Consultation Requirements for Proponents 2010, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* and *Code of Practice for Archaeological Investigations in NSW*. The Consultation Requirements formalise the consultation with Aboriginal community groups into four main stages and include details regarding the parties required to be consulted and the methods of establishing the necessary stakeholders to be consulted, advertisements inviting Aboriginal community groups to participate in the consultation process, requirements regarding the provision of methodologies, draft and final reports to the Aboriginal stakeholders and timetables for the four stages. The Due Diligence Code of Practice sets out the minimum requirements for investigation, with particular regard as to whether an AHIP is required. The Code of Practice for Archaeological Investigation sets out the minimum requirements for archaeological investigation of Aboriginal sites.

Aboriginal Heritage Impact Permits (AHIP)
DECCW encourages consultation with relevant Aboriginal stakeholders for all Aboriginal Heritage assessments. However, if an Aboriginal Heritage Impact Permit (AHIP) is required for an Aboriginal site, then specific DECCW guidelines are triggered for Aboriginal consultation.

Aboriginal Cultural Heritage Consultation Requirements for Proponents
In 2010, the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (ACHCRs) were issued by DECCW (12th of April, 2010). These consultation requirements replace the previously issued *Interim Community Consultation Requirements* (ICCR) for Applicants (DEC 2004). These guidelines apply to all AHIP applications prepared after April 12, 2010; for projects commenced prior to April 12, 2010 transitionary arrangements have been stipulated in a supporting document, Questions and Answers 2: Transitional Arrangements.

The ACH Consultation Requirements 2010, include a four stage Aboriginal consultation process and stipulates specific timeframes for each stage. Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. Stage 1 includes the identification of Aboriginal people who may have an interest in the project area and hold information relevant to determining the cultural significance of Aboriginal objects or places. This identification process should draw on reasonable sources of information including: the relevant DECCW EPRG regional office, the relevant Local Aboriginal Land Council(s), the registrar, Aboriginal Land Rights Act 1983, the Native Title Tribunal, Native Title Services Corporation Limited, the relevant local council(s) and the relevant catchment management authority. The identification process should also include an advertisement placed in a local newspaper circulating in the general location of the project area. Aboriginal organisations and/or individuals identified should be notified of the project and invited to register an expression of interest (EoI) for Aboriginal consultation. Once a list of Aboriginal stakeholders has been compiled from the EoIs, they need to be consulted in accordance with ACH Consultation Requirements Stages 2, 3 and 4.

For projects commenced before the 12th of April, 2010, Section 1 (Q1) of the transitional arrangements indicates that if Aboriginal consultation was commenced prior to the 12th of April 2010 (including advertising and notification of stakeholders) then consultation is to be continued under the previous ICCR guidelines.

*Interim Community Consultation Requirements (ICCR) for Applicant*s (DEC 2004) required a three stage process of which timeframes were stipulated for specific components. Stage 1 required the notification and registration of interests. Notification included an advertisement in a local print media, as well as, as contacting the Local Aboriginal Land Council(s), the registrar of Aboriginal Owners, Native Title Services, local council(s) and the Department of Environment and Conservation. Stage 1 also required the invitation for expressions of interest (EoI) to be sent to interested Aboriginal parties and an Aboriginal stakeholder list compiled. Stage 2 required the preparation of an assessment design to be sent to the Aboriginal stakeholders for comment and review. Stage 3 required that the assessment report be provided to registered Aboriginal

stakeholders for review and comment.

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT)

This Act regulates a system of environmental planning and assessment for New South Wales. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Within the *EP&A Act (1979)*, Parts 3, 4 and 5 relate to Aboriginal heritage.

Part 3 regulates the preparation of planning policies and plans. Part 4 governs the manner in which consent authorities determine development applications and outlines those that require an environmental impact statement. Part 5 regulates government agencies that act as determining authorities for activities conducted by that agency or by authority from the agency. The National Parks & Wildlife Service is a Part 5 authority under the *EP&A Act (1979)*.

In brief, the *NPW Act (1974)* provides protection for Aboriginal objects or places, while the *EP&A Act (1979)* ensures that Aboriginal cultural heritage is properly assessed in land use planning and development.

Part 3A of the *EP&A Act (1979)* relates to major projects and if applicable, obviates the need to conform to other specific legislation. In particular, s75U of the *EP&A Act (1979)* explicitly removes the need to apply for s87 or s90 permits under the *NPW Act (1974)*. This means that although Aboriginal cultural heritage is considered during the planning process, a permit is not required to disturb or destroy an Aboriginal object or place. However, the Director-General of Planning must nonetheless consult with other government agencies, including DECCW and National Parks & Wildlife, prior to any decision being made.

Aboriginal consultation under part 3A is required under the *draft 2005 Part 3A EP&A Act Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*. This document stipulates that the ICCR process should be adhered to.

THE HERITAGE ACT 1977

This Act protects the natural and cultural history of NSW with emphasis on non-indigenous cultural heritage through protection provisions and the establishment of a Heritage Council. Although Aboriginal heritage sites and objects are primarily protected by the *National Parks & Wildlife Act (1974, as amended 2001)*, if an Aboriginal site, object or place is of great significance, it may be protected by a heritage order issued by the Minister subject to advice by the Heritage Council.

Other legislation of relevance to Aboriginal cultural heritage in NSW includes the NSW *Local Government Act (1993)*. Local planning instruments also contain provisions relating to indigenous heritage and development conditions of consent.

Appendix 2

Aboriginal Consultation – Published Advertisement



Centennial Coal

Public Notice

Aboriginal Stakeholder Consultation Mannering Colliery

Centennial Mannering Pty Limited (Centennial Mannering) own and operate the Mannering Colliery located on the southern side of Lake Macquarie approximately 40 kilometres south of Newcastle. The Mannering Colliery Surface Facilities Area is located off Rutley's Road, Doyalson, with underground mining operations extending into both the Wyong and Lake Macquarie Local Government Areas.

Centennial Mannering is seeking to identify Aboriginal stakeholders who hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the area surrounding the Mannering Colliery and who wish to be consulted with in regards to Aboriginal heritage assessments required to be undertaken for mining operations associated with the Mannering Colliery.

Interested stakeholders are requested to register their interest in writing to:

Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
Hamilton NSW 2303
Tel: 02 4940 4200
Ali.Byrne@rpsgroup.com.au

Details of Aboriginal people who register their interest will be forwarded through to the NSW Office of Environment and Heritage unless specified they do not want their details released. Registrations of interest must include current contact details and be received by 5 pm on Thursday 7 July 2011. The Mannering Colliery Community information line is (02) 4358 0580.

9095-123

Appendix 3

Aboriginal Consultation – Written Responses from the Aboriginal Community Stakeholders

Centennial Coal

100 Miller Road
Fassifern NSW 2283
PO Box 1000
Toronto NSW 2283 Australia

T 61 2 4935 8919
F 61 2 4959 5299

www.centennialcoal.com.au

14 June 2011

By Post

Mr M. Green
Bahtabah Local Aboriginal Land Council
PO Box 3018
Blacksmiths NSW 2281

Dear Mr Green

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres (km) south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

Centennial Mannering are currently undertaking investigations into the extension of mining operations at the Mannering Colliery within and surrounding the study area shown on the attached plan. Centennial Mannering have engaged the services of RPS Australia East Pty Limited (RPS) to undertake Aboriginal Cultural Heritage Assessments to support future applications for extensions to mining operations associated with the Mannering Colliery.

This letter is to notify that Centennial Mannering seeks to consult with Aboriginal persons or groups who may hold cultural knowledge of, or who have a right of interest in, Aboriginal objects and places or who hold Aboriginal Cultural Heritage values within the study area.

Should you know of any Aboriginal person or group who may wish to be consulted in relation to the project described above, please respond in writing by 1 July 2011 to:

Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
Hamilton NSW 2303
ali.byrne@rpsgroup.com.au

Centennial Mannering has also initiated contact with other relevant authorities as required under the Office of Environment and Heritage Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) Section 4.1.

We trust this information is sufficient for your purposes however, should you require any further details, please contact myself on (02) 4935 8967.

Yours sincerely
Centennial Mannering Pty Limited

James Wearne
Environment and Community Coordinator

Attachment 1 – Mannering Colliery Archaeological Investigation Study Area



Centennial Coal

100 Miller Road
Fassifern NSW 2283
PO Box 1000
Toronto NSW 2283 Australia

T 61 2 4935 8919
F 61 2 4959 5299

www.centennialcoal.com.au

14 June 2011

By Post

Mr S. Gordon
Darkinjung Local Aboriginal Land Council
PO Box 401
Wyong NSW 2259

Dear Mr Gordon

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

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14 June 2011

By Post

Ms M. Mebberson
Registrar of Aboriginal Owners NSW
Department of Aboriginal Affairs
Level 13, Tower B
280 Elizabeth Street
Surry Hills NSW 2010

Dear Ms Mebberson

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres (km) south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

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14 June 2011

By Post

Hunter Central Rivers Catchment Management Authority
PO Box 1267
Gosford NSW 2250

Dear Sir/Madam

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

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Yours faithfully
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James Wearne
Environment and Community Coordinator

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14 June 2011

By Post

Heritage Officer
Lake Macquarie City Council
Box 1906
Hunter Region Mail Centre NSW 2310

Dear Sir/Madam

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

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14 June 2011

By Post

The Director
National Native Title Tribunal
GPO Box 9973
Sydney NSW 2001

Dear Sir/Madam

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

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14 June 2011

By Post

Native Title Services Corporation Limited
PO Box 2105
Strawberry Hills NSW 2012

Dear Sir/Madam

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

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14 June 2011

By Post

Planning and Aboriginal Heritage Section
Office of Environment and Heritage
Locked Bag 914
Coffs Harbour NSW 2450

Dear Sir/Madam

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

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14 June 2011

By Post

Ms C. Kitchener
Westlakes Aboriginal Community
PO Box 101
Islington NSW 2296

Dear Ms Kitchener

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres (km) south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

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14 June 2011

By Post

Heritage Officer
Wyong Shire Council
PO Box 20
Wyong NSW 2259

Dear Sir/Madam

RE: Registration of Aboriginal Interest Groups for Archaeological Investigations

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres (km) south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

Centennial Mannering are currently undertaking investigations into the extension of mining operations at the Mannering Colliery within and surrounding the study area shown on the attached plan. Centennial Mannering have engaged the services of RPS Australia East Pty Limited (RPS) to undertake Aboriginal Cultural Heritage Assessments to support future applications for extensions to mining operations associated with the Mannering Colliery.

This letter is to notify that Centennial Mannering seeks to consult with Aboriginal persons or groups who may hold cultural knowledge of, or who have a right of interest in, Aboriginal objects and places or who hold Aboriginal Cultural Heritage values within the study area.

Should you know of any Aboriginal person or group who may wish to be consulted in relation to the project described above, please respond in writing by 1 July 2011 to:

Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
Hamilton NSW 2303
ali.byrne@rpsgroup.com.au

Centennial Mannering has also initiated contact with other relevant authorities as required under the Office of Environment and Heritage Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) Section 4.1.

We trust this information is sufficient for your purposes however, should you require any further details, please contact myself on (02) 4935 8967.

Yours faithfully
Centennial Mannering Pty Limited

James Wearne
Environment and Community Coordinator

Attachment 1 – Mannering Colliery Archaeological Investigation Study Area



Hunter-Central Rivers CMA CATCHMENT MANAGEMENT AUTHORITY

Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
HAMILTON NSW 2303

RECEIVED
30 JUN 2011

Your Ref: Letter from
Centennial Coal 14 June 11
Our Ref: GOS 0500

Dear Ms Byrne,

Re: Registration of Aboriginal Interest Groups for Archaeological Investigation

With reference to a letter from James Wearne of Centennial Coal dated 14 June 2011, requesting assistance in identifying Aboriginal stakeholder groups or persons who may have an interest in the Mannering Colliery Archaeological Investigation Study area.

The Hunter-Central Rivers Catchment Management Authority (CMA) engages with many Aboriginal communities in our region on Natural Resource Management (NRM) projects and initiatives. The *Hunter-Central Rivers Catchment Action Plan 2006-2015* (CAP) contains a number of guiding principles to maintain and improve the culture and heritage values of culturally significant landscapes. The following extracts from the CAP provide you with general guidance on Aboriginal culture and heritage:

- Our association with Aboriginal heritage should be maintained and practiced so that all people in the Hunter-Central Rivers region can respect and understand Aboriginal cultural heritage values. Knowledge of the past, and connecting values with Aboriginal people in the region, can also teach us about what we can provide for our future. It is therefore essential to maintain and improve Aboriginal culturally significant landscapes so that they are maintained for use by present and future generations.
- Aboriginal people should be formally consulted during the planning stages of any activity or development to identify if the proposal will impact negatively on Aboriginal culture and heritage. Some places have gender specific meanings and it may be more appropriate, for example, to consult Aboriginal women rather than men in some circumstances. Consideration should also be given to family hierarchies or responsibilities that prevent some individuals from speaking about certain Aboriginal culture and heritage.
- Any Aboriginal culture and heritage that is identified in an area (by Aboriginal or non-Aboriginal recognition techniques) should be managed through a process of consultation and close collaboration with the relevant traditional owners (where this is not available, the use of respective 'caretakers/guardians' should be adopted). This process should have a formal agreement or plan on the manner, timing, and amount of consultation and involvement of all parties involved in the process.
- The precautionary principle should be used for protecting culture and heritage. Where there is uncertainty about the value of culture and heritage, the management of that place should be limited by any negative impact on the locality.

(Source: *Hunter-Central Rivers Catchment Action Plan 2006-2015)*

The H-CR CMA acknowledges that CMAs have been listed in *Section 4.1.2 (g)* of the *Aboriginal cultural heritage consultation requirements for proponents 2010,* under *Part 6, National Parks and Wildlife Act 1974,* as a source of information to obtain the "names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal *objects* and/or *places*".

However, the CMA is not the primary source for contacting, or managing contact lists of, Aboriginal communities or persons that may hold information to comment on land-use planning issues. In addition, the CMA does not consider cultural heritage issues that relate to land-use planning in general – the CMA only considers culture and heritage issues in the context of natural resource management.

It is recommended that you contact the Department of Environment Climate Change and Water (DECCW) for contact lists of persons and organisations that may want to comment on your proposal.

If you require any further information please do not hesitate to contact Deborah Swan, the CMA's Catchment Officer – Aboriginal Community Support Officer on 4337 1204.

Yours sincerely

David green
Catchment Coordinator for
Fiona Marshall
General Manager

20th June 2011

Lake Macquarie City Council

21 June 2011

Mr. Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
Hamilton NSW 2303

Dear Sir,

Subject: Registration of Aboriginal Interest groups for Archaeological Investigations

Please find attached Council's contact list for Aboriginal groups who may hold cultural knowledge of, or who have a right of interest in, Aboriginal objects and places or who hold Aboriginal Cultural Heritage values within the study area.

Please note that although the study area is partly within the, now disbanded, Koompahtoo Aboriginal Land Council area, the Awabakal LALC now deals with all cultural matters pertaining to this area.

Should you require further information, please contact me on 4921 0422.

Yours faithfully

Mary Loder
Heritage Support Officer
Integrated Planning Department

Our Ref: F2004/08483-02

MAL10367.doc

Name	Company	Address1	Phone No.	City
Mr Shane Frost	Descendents of Awabakal Aboriginal Corporation	P O Box 86	49964325	CLARENCETOWN NSW 2429
Ms Cheryl Kitchner	Awabakal Local Aboriginal Land Council	PO Box 101	49654532	IISLINGTON NSW 2296
Mr Michael Green	Bahtahbah Local Aboriginal Land Council Koompahtoo Local Aboriginal Land Council All Cultural matters to be referred to Awabakal LALC	P O Box 3018	49714800	BLACKSMITHS NSW 2281
Ms Kerrie Brauer	Awabakal Traditional Owners Aboriginal Corporation	PO Box 253	M.0412866357 Kerrie@awabakal.com.au	JESMOND NSW 2299

National Native Title Tribunal

Extract from Register of Indigenous Land Use Agreements

NNTT Number	NIA2000/001
Short name	Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSW ALC ILUA A
ILUA Type	Area Agreement
Date Registered	29/08/2001
State/territory	New South Wales
Local government Region	Lake Macquarie City Council

Description of the area covered by the agreement

The area covered by the agreement is located about 20km south west of Newcastle and in the vicinity of Lake Macquarie and covers an area of about 87 square km. The map at Schedule 1 of the agreement is attached.

Parties to agreement

Applicant

Party name	Powercoal Pty Ltd
Contact address	c/- Clayton Utz Level 18 - 333 Collins Street Melbourne VIC 3000

Other Parties

Party name	Victor Perry on behalf of the Wonnarua People
Contact address	c/- NSW Aboriginal Land Council Level 9 - 33 Argyle Street PARRAMATTA NSW 2150

Party name	Stephen Seiver
Contact address	c/- NSW Aboriginal Land Council Level 9 - 33 Argyle Street PARRAMATtA NSW 2150

Party name	New South Wales Aboriginal Land Council
Contact address	Level 9 - 33 Argyle Street PARRAMATTA NSW 2150

Period in which the agreement will operate

Start date	28/05/1999
End date	28/05/2020

Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

Consent to Future Acts provided for by the agreement:
1. Subject to the Deed and to the Master Deed, Victor Perry (on behalf of the Wonnarua People) and Stephen Seiver consent to the doing of the Future Acts.
2. Subdivision P of Division 3 of Part 2 of the NTA is not intended to apply and does not apply to the doing of any of the Future Acts.
3. The non-extinguishment principle applies to the doing of the Future Acts.

Future Act is defined as a future act as defined in the NTA which consists of:
(a) the grant of a Mining Tenement;
(b) the grant or renewal by a Government Authority of any other right in respect of the surface area of the area of interest for the purposes of the mining operations;
(c) Mining operations; and
(d) any other act done by Powercoal for the purposes of the mining operations.

Mining operations are defined as 'the underground coal mining operations to be carried out by or under the direction of Powercoal within the area of interest, including, without limiting the generality of the foregoing, exploration, developing, designing, constructing, extracting, handling and transporting of coal and other products won from the underground coal mining operations within the area of interest and any rehabilitation work within the area of interest.

Mining Tenement is defined as a tenement granted to Powercoal under the Mining Act 1912 (NSW) to carry out Mining Operations in the area of interest.

Assignment provided for by the agreement: Powercoal is able to assign all or part of its rights under the Deed to another party, provided that other party assumes the obligations of Powercoal under the Deed.

Attachments to the entry

NIA2000 001 Schedule 1 - Map.pdf

INDIGENOUS LAND USE AGREEMENT: Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSW ALC ILUA (NIA2000/001)



Area of Agreement (geographic extent) = 87.209 sq km

Extent of registered agreement as per the Register of Indigenous Land Use Agreements.

For more information, refer to the Tribunal web site www.nntt.gov.au

Map created by: Geospatial Analysis & Mapping Branch, National Native Title Tribunal (30/04/2004)

Topographic image data is © Commonwealth of Australia and is used under licence from Geoscience Australia

NOTE: Topographic images should be used as a guide only.

Agreement boundary data compiled by NNTT.

P:\GEO_INFO\Individual A4 Maps\ILUAs\Workspaces\ NIA2000_001.WOR

The Registrar, the National Native Title Tribunal and its staff and officers and the Commonwealth, accept no liability and or give no undertakings, guarantees or warranties concerning the accuracy, completeness or fitness for purpose of the map.

NORTH

0 10

KILOMETRES

Latitude and Longitude based on Geocentric Datum of Australia 1994

Non Projection

NATIONAL NATIVE TITLE TRIBUNAL

Location Diagram



National Native Title Tribunal

New South Wales and Australian Capital Territory Registry
Level 25, 25 Bligh Street
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

24 June 2011

Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
HAMILTON NSW 2303

Our Reference: 4324/11KW
Your Reference: Mannering Colliery Archaeological Assessment

Dear Ms Byrne

Native Title Search Results of Wyong and Lake Macquarie Local Government Area

Thank you for your letter of 14 June 2011.

My search on 24 June found:

Wyong LGA:

Register Type	**NNTT Reference Numbers**
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	Nil.

Lake Macquarie LGA:

Register Type	**NNTT Reference Numbers**
National Native Title Register	Nil.
Register of Native Title Claims	Nil.
Unregistered Claimant applications	Nil.
Register of Indigenous Land Use Agreements	NI2000/001

I have included an ILUA extract and a NNTT Registers fact sheet to help you understand the search result.

Please note that there may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed in the Federal Court may not appear on the Tribunal's databases.

If you need more information please call me on 1800 640 501.

Yours sincerely



Kimberley Wilson
Search Co-ordinator

Telephone (02) 9235 6328
Facsimile (02) 9233 5613
Email Kimberley.wilson@nntt.gov.au

Encl

Searching the NNTT Registers in New South Wales

Search service
On request the National Native Title Tribunal will search its public registers for you. A search may assist you in finding out whether any native title applications (claims), determinations or agreements exist over a particular area of land or water.

In New South Wales native title cannot exist on privately owned land including family homes or farms.

What information can a search provide?
A search can confirm whether any applications, agreements or determinations are registered in a local government area. Relevant information, including register extracts and application summaries, will be provided.

In NSW because we cannot search the registers in relation to individual parcels of land we search by local government area.

Most native title applications do not identify each parcel of land claimed. They have an external boundary and then identify the areas not claimed within the boundary by reference to types of land tenure e.g., freehold, agricultural leasehold, public works.

What if the search shows no current applications?
If there is no application covering the local government area this only indicates that at the time of the search either the Federal Court had not received any claims in relation to the local government area or the Tribunal had not yet been notified of any new native title claims.

It does not mean that native title does not exist in the area.

Native title may exist over an area of land or waters whether or not a claim for native title has been made.

Where the information is found
The information you are seeking is held in three registers and on an applications database.

National Native Title Register
The National Native Title Register contains determinations of native title by the High Court, Federal Court and other courts.

Register of Native Title Claims
The Register of Native Title Claims contains applications for native title that have passed a registration test.

Registered claims attract rights, including the right to negotiate about some types of proposed developments.

Register of Indigenous Land Use Agreements
The Register of Indigenous Land Use Agreements contains agreements made with people who hold or assert native title in an area.

The register identifies development activities that have been agreed by the parties.

Application summaries
An application summary contains a description of the location, content and status of a native title claim.

This information may be different to the information on the Register of Native Title Claims, e.g., because an amendment has not yet been tested.

How do you request a search?

A search request form is available on the Tribunal's web site at:
http://www.nntt.gov.au/registers/search.html
This form says how much searches cost.
Mail, fax or email your request to the Tribunal's Sydney registry, identifying the local government area/s you want searched.

Email: SydneySearch@nntt.gov.au
Fax: (02) 9233 5613
Address: GPO Box 9973, Sydney NSW 2001
Phone: (02) 9235 6300

NSW GOVERNMENT | Office of Environment & Heritage

Our reference: DOC11/28551
Date 23 June 2011

A005

Ms Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
HAMILTON NSW 2303

Dear Ms Byrne

RE: PROPOSED REGISTRATION OF ABORIGINAL INTEREST GROUPS FOR ARCHAEOLOGICAL INVESTIGATIONS, MANNING COLLIERY, NSW

I refer to your correspondence, dated 14 June 2011, to the Office of Environment and Heritage (OEH) for your project located within Wyong and Lake Macquarie LGAs and described as proposed registration of Aboriginal interest groups for archaeological investigations, Manning Colliery, NSW.

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

OEH would also like to take this opportunity to remind the proponent and consultant of a number of key issues we have been encountering recently. These include:

- Please ensure the project documents the full consultation process in the Aboriginal cultural heritage assessment report or Aboriginal Heritage Impact Permit application and to include copies of all correspondence sent or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2). *Omission of these records in the final report may cause delays in approval or require parts of the consultation process to be repeated if the evidence provided to OEH does not demonstrate that the consultation process has been fair, equitable and transparent.*

- *Unless OEH is provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs, then OEH will deem that the consultation process has not been complied with.*

- OEH considers *evidence of reasonable efforts* to contact relevant parties would *include, but not be limited to, multiple forms of communication*; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au

- *Please note Appendix A of the 2010 CRs contains a map illustrating which region of OEH you need to contact according to which local government area your project falls within.* Full details of the consultation requirements and the relevant Fact Sheets can be located on our website at: http://www.environment.nsw.gov.au/licences/consultation.htm.

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

- *Consultation must be fair, equitable and transparent. If the Aboriginal parties express concern or are opposed to parts or all of your project, OEH expects that evidence will be provided to demonstrate the efforts made to find common ground between the two perspectives.*

If you have any further questions regarding this matter, please contact me on (02) 66598221.

Yours sincerely

Rosalie Neve
Aboriginal Heritage Planning Officer
Environment Protection & Regulation Group
Office of Environment and Heritage
Department of premier and Cabinet

Enclosure:

1. Awabakal Traditional Owners Aboriginal Corporation,
Kerrie Brauer
PO Box 253
JESMOND NSW 2299
(02) 49588170
0412 866 357

2. Awabakal Descendants Traditional Owners Aboriginal Corporation,
Shane Frost
PO Box 86
CLARENCE TOWN NSW 2321

3. Awabakal Newcastle Aboriginal Co-op,
Kevin McKenney
64 Hannell Street
WICKHAM NSW 2203
(02) 4969 4711

4. Yamuloong Group Initiatives Ltd
Sean Gordon
PO Box 487
CARDIFF NSW 2285
(02) 4943 6877

5. Cacatua Culture Consultants,
Donna & George Sampson
Unit 1b/11 Glenwood Drive
THORNTON NSW 2322
(02) 40286942
cacatua@resetdsl.net.au

6. Arwarbukarl Cultural Resource Association,
Daryn McKenny
13 - 15 Watt Street
NEWCASTLE NSW 2300
(02) 49278222
info@acra.org.au

7. Awabakal Local Aboriginal Land Council,
Cheryl Kitchener
PO Box 437
HAMILTON NSW 2303
(02) 4965 4532
cheryl.awabaka@bigpond.com.au awabakal@bigpond.com.au

8. Kevin Duncan
95 Moala Parade
Charmhaven NSW 2263
(02) 43925426
0431 224099
kevin.duncan@bigpond.com

9. Guringai Tribal Link Aboriginal Corporation,
Tracey Howie
19 Coolabah Road
Wyongah NSW 2259
(02) 4392 8743
(02) 4396 3525
0404 182 049
guringai@kooee.com.au

10. Daniella Chedzey, Jessica Wegener ,
Cultural Heritage Officer
7 Grant Street
Windermere Park NSW 2264
0431 373 751
daniellachedzey@yahoo.com.au

11. Darkinjung Local Aboriginal Land Council,
Sean Gordon
PO Box 401
Wyong NSW 2259
(02) 4351 2930
(02) 4351 2946
s.gordon@dlalc.org.au

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

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

RECEIVED
27 JUN 2011

Ali Byrne
RPS
Po Box 428
Hamilton NSW 2303

23 June 2011

Dear Ali

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 14th June 2011 regarding Aboriginal stakeholders with in the Wyong & lake Macquarie area in NSW.

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

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

Yours sincerely

Tabatha Dantoine
Administrative Officer
Office of the Registrar, *Aboriginal Land Rights Act* (1983)

Laraine Nelson

From: Ferry, Chris [FERRYC@wyong.nsw.gov.au]
Sent: Thursday, 30 June 2011 2:07 PM
To: Ali Byrne
Cc: james.wearne@centennialcoal.com.au
Subject: Registration of Aboriginal Interest Groups for Archaeological Investigations

D02650000
30 June 2011

Dear Ali,

I refer to your request for names of local Aboriginal Interest Groups for Archaeological Investigations for Centennial Coal extensions to mining operations at Mannering Colliery.

You are advised that Council does not provide information on local Aboriginal Groups as this information changes constantly. Please contact the Coffs Harbour branch of the Department of Premier and Cabinet - Office of Environment and Heritage (formerly DECCW - National Parks Section). They provide an up to date list of the local Aboriginal groups that need to be consulted.

Regards,

Chris Ferry
Strategic Planner
Land Use Planning
Wyong Shire Council
P.O. Box 20, WYONG NSW 2259
Tel: 02 4350 5171 Fax: 02 4351 2098
E-mail: Chris.Ferry@wyong.nsw.gov.au WWW: http://www.wyong.nsw.gov.au/

please consider the environment before printing this e-mail

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4961 6500 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR107888: AB

05 July 2011

Bahtahbah Local Aboriginal Land Council
PO Box 3018
Blacksmith NSW 2281

ATTENTION: Michael Green

Dear Mr Green,

RE: Aboriginal Community Consultation – Mannering Colliery

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering Colliery is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

Centennial Mannering are currently undertaking investigations into the extension of mining operations at the Mannering Colliery within and surrounding the study area shown on the attached plan. Centennial Mannering have engaged the services of RPS Australia East Pty Limited (RPS) to undertake Aboriginal Cultural Heritage Assessments to support future applications for extensions to mining operations associated with the Mannering Colliery.

In accordance with the NSW Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), RPS would like to invite you to register your interest in participating in the Aboriginal community consultation process associated with the development of these Aboriginal Cultural Heritage Assessments.

If you would like to register your interest in participating in the Aboriginal community consultation process, could you please respond in writing by Wednesday 20 July 2011 to:

Ali Byrne
RPS Australia East P/L
PO Box 428
Hamilton NSW 2303
Tel: 02 4940 4200
ali.byrne@rpsgroup.com.au

Details of Aboriginal people who are registering their interest will be forwarded through to the DECCW and the Local Aboriginal Land Council unless specified otherwise. If you have any questions or require any further information in regards to this Project, please contact myself on 02) 4940 4200 or by return email to ali.byrne@rpsgroup.com.au.

Yours sincerely
RPS

Ali Byrne
Graduate Archaeologist

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4961 6500 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR107888: AB

05 July 2011

Daniella Chedzey & Jessica Wegener
Cultural Heritage Officers
7 Grant Street
Windermere Park NSW 2264

ATTENTION: Daniella Chedzey and Jessica Wegener

Dear Ms Chedzey and Ms Wegener,

RE: Aboriginal Community Consultation – Mannering Colliery

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering Colliery is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

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Yours sincerely
RPS

Ali Byrne
Graduate Archaeologist

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4961 6500 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR107888: AB

05 July 2011

Kevin Duncan
95 Moala Parade
Charmhaven NSW 2263

ATTENTION: Kevin Duncan

Dear Mr Duncan,

RE: Aboriginal Community Consultation – Mannering Colliery

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If you would like to register your interest in participating in the Aboriginal community consultation process, could you please respond in writing by Wednesday 20 July 2011 to:

Ali Byrne
RPS Australia East P/L
PO Box 428
Hamilton NSW 2303
Tel: 02 4940 4200
ali.byrne@rpsgroup.com.au

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Yours sincerely
RPS

AByrne

Ali Byrne
Graduate Archaeologist

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4961 6500 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR107888: AB

05 July 2011

Arwarbukarl Cultural Resource Association
13-15 Watt Street
Newcastle NSW 2300

ATTENTION: Daryn McKenny

Dear Mr McKenny,

RE: Aboriginal Community Consultation – Mannering Colliery

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering Colliery is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

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Ali Byrne
RPS Australia East P/L
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Tel: 02 4940 4200
ali.byrne@rpsgroup.com.au

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Yours sincerely
RPS

Ali Byrne
Graduate Archaeologist

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4961 6500 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR107888: AB

05 July 2011

Cacatua Culture Consultants
Unit 1B/11 Glenwood Drive
Thornton NSW 2322

ATTENTION: George and Donna Sampson

Dear Mr and Mrs Sampson,

RE: Aboriginal Community Consultation – Mannering Colliery

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering Colliery is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

Centennial Mannering are currently undertaking investigations into the extension of mining operations at the Mannering Colliery within and surrounding the study area shown on the attached plan. Centennial Mannering have engaged the services of RPS Australia East Pty Limited (RPS) to undertake Aboriginal Cultural Heritage Assessments to support future applications for extensions to mining operations associated with the Mannering Colliery.

In accordance with the NSW Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), RPS would like to invite you to register your interest in participating in the Aboriginal community consultation process associated with the development of these Aboriginal Cultural Heritage Assessments.

If you would like to register your interest in participating in the Aboriginal community consultation process, could you please respond in writing by Wednesday 20 July 2011 to:

Ali Byrne
RPS Australia East P/L
PO Box 428
Hamilton NSW 2303
Tel: 02 4940 4200
ali.byrne@rpsgroup.com.au

Details of Aboriginal people who are registering their interest will be forwarded through to the DECCW and the Local Aboriginal Land Council unless specified otherwise. If you have any questions or require any further information in regards to this Project, please contact myself on 02) 4940 4200 or by return email to ali.byrne@rpsgroup.com.au.

Yours sincerely
RPS

Ali Byrne
Graduate Archaeologist

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4961 6500 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR107888: AB

05 July 2011

Yamuloong Group Initiatives Ltd
PO Box 487
Cardiff NSW 2285

ATTENTION: Sean Gordon

Dear Mr Gordon,

RE: Aboriginal Community Consultation – Mannering Colliery

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering Colliery is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

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Yours sincerely

RPS

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Our Ref: PR107888: AB

05 July 2011

Awabakal Newcastle Aboriginal Co-op
64 Hannell Street
Wickham NSW 2203

ATTENTION: Kevin McKenney

Dear Mr McKenney,

RE: Aboriginal Community Consultation – Mannering Colliery

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering Colliery is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

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Yours sincerely
RPS

Ali Byrne
Graduate Archaeologist

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4961 6500 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: PR107888: AB

05 July 2011

West Lakes Aboriginal Community
c/o Awabakal Local Aboriginal Land Council
PO Box 101
Islington NSW 2296

ATTENTION: Cheryl Kitchener

Dear Ms Kitchener,

RE: Aboriginal Community Consultation – Mannering Colliery

Mannering Colliery is an existing underground coal mine located approximately 40 kilometres south of Newcastle near Mannering Park and within the Wyong and Lake Macquarie Local Government Areas. Mannering Colliery is operated by Centennial Mannering Pty Ltd (Centennial Mannering), a wholly owned subsidiary of Centennial Coal Company (Centennial). Centennial is a wholly owned subsidiary of Banpu Minerals (Singapore) Pte Limited (Banpu).

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In accordance with the NSW Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010), RPS would like to invite you to register your interest in participating in the Aboriginal community consultation process associated with the development of these Aboriginal Cultural Heritage Assessments.

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Tel: 02 4940 4200
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Yours sincerely
RPS

AByrne

Ali Byrne
Graduate Archaeologist

"From the Mountains to the Sea"
AWABAKAL
Descendants Traditional Owners
Aboriginal Corporation
ICN:4500 ABN:20402046601

PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 30 June 2011

Attention: Ali Byrne
PRS Harpers Somers O'Sullivan Pty Ltd
PO Box 428
Hamilton NSW 2303

Re: Registration of Interest for an Aboriginal Cultural Heritage Assessments, Extension of Mining Operations, Morisset Park, Wyee, Mannering Park, Lake Macquarie.

ALLA Ali,

We are writing to you regarding the **Registration of Interest for an Aboriginal Cultural Heritage Assessments, Extension of Mining Operations, Morisset Park, Wyee, Mannering Park, Lake Macquarie.** We would like to notify you that the ***Awabakal Descendants Traditional Owners Aboriginal Corporation*** have already registered our interest for the proposed project with James Wearne during a conversation on the 28th June 2011. Therefore we look forward to your reply Ali and the opportunity to work closely with you to deliver an outcome regarding the Aboriginal Cultural Heritage of this area which will be acceptable for all involved. It is our desire to be consulted in regard to all Aboriginal archaeological management or consultation that is to take place for any area located within the Traditional Awabakal Tribal area.

As indicated in previous correspondence to RPS, we would again like to reiterate the following facts which set out the reasons why we devote our undivided attention to matters such as this which have the potential to affect the Cultural Heritage of our People.

We are a registered Aboriginal Corporation under the Federal Governments ***Aboriginal Corporations Act*** to carry out business within Australia in regard to the representation of our people through this corporation known as the ***Awabakal Descendants Traditional Owners Aboriginal Corporation***.

Being the direct descendants of the Traditional Awabakal People of the Lake Macquarie/Newcastle area we take this opportunity in a few sentences to quickly formalise our position with you.

Our great great great Grandmother was one of the first Aboriginal People to be recorded in the Lake Macquarie and Newcastle area in 1828 when the Reverend L.E.Threlkeld made the first list of the Aboriginal People of the Lake Macquarie and Newcastle districts from his mission station at Belmont. At Warner's Bay our great great great Grandmother and her daughter, our great great Grandmother, were recorded by Jonathon Warner in 1833 and then again at Toronto in 1836 by L.E.Threlkeld at his mission there. Therefore our people still live and maintain our Cultural ties with our Traditional Country and are concerned with the overall welfare of our Cultural Heritage and desire to be involved in all the affairs that may affect that Cultural Heritage which is vital to our People in maintaining connectedness in respect of our Traditional Country.

The area nominated for the assessment indicates that this project is located within the Traditional Tribal Country of our People, the Awabakal. This is why it is crucial for the correct People to be involved in this process and any information relevant to this area to be accurate and forthcoming at the outset of this project. This can only be accomplished by involving those who are the direct Descendants of the original People and that were born and raised in the Traditional Country of their Ancestors and as a result also hold that Traditional Cultural Knowledge of the proposed project area. Our Traditional Tribal area is significant to us because our people have lived around Newcastle and Lake Macquarie for many thousands of years, these resource rich areas were utilised on many occasions to hunt, fish and carry on traditions that have now been passed down for centuries from one generation to another. Subsequently, there are many sites located within our Traditional Country which provide tangible evidence of the Cultural Heritage of our people and of which identification and information regarding the locations and significance of many of these is only held by the Awabakal People who hold this knowledge.

It must also be emphasised that this area is highly significant to our people being close to Lake Macquarie the source of many rich recourses and Cultural Heritage sites of which our people have depended on for thousands of years. As a result, due to the occupation of this area by our People, many deposits now make up the Awabakal Cultural Heritage that is located within the area but also connects to the many other sites located within our Traditional Tribal Country.

As already explained, this area and every part of our Traditional Country are special to us, not just for the Physical aspect but also the Spiritual and Oral aspect which, when all combined, give us our complete Culture. Our Cultural Heritage and Traditional Tribal Country are two of the reasons why we take every opportunity to make ourselves available for consultation concerning the very important issues and decisions that need to be made in regard to protecting what is Culturally ours, handed onto us as a legacy from our Ancestors and what also gives us the right through birth to be called Awabakal People.

Given the opportunity to take part in this consultation and any subsequent assessment process, I (being the selected representative for this corporation) would make representation on behalf of our People and provide the necessary qualifications which are vital in delivering all aspects of the ***Cultural Knowledge*** of the proposed project area (as required by the NSW DECCW Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010)[1]. I am also physically capable to undertake any potential assessments/surveys due to spending many hours walking our Awabakal Country and carrying out assessments/surveys for Cultural Heritage and educational purposes.

As far as field identification or assessment/survey techniques are concerned and as previously outlined, I was brought up in the bush around Newcastle, Lake Macquarie and the mountains and have many years of experience spending most of my life being instructed and shown much by my Father and Grandmother in regard to our places, stories, tools/weapons and foods and how to acquire/make and use them. I have also been actively involved with Aboriginal archaeological heritage, consultation and assessments/surveys conducted within our Awabakal Country over many years. Our corporation has successfully worked with and accompanied many archaeological consultants from well known companies, (located from within and outside our area) into the field and have taken part in many projects which required a detailed consultation process and where monitoring was necessary or excavation was required and carried out to locate artefacts or to gather information which aimed to provide a greater understanding of our People both now and in the future and also add to the research potential by identifying primarily the use of certain artefacts, the type used and the utilisation and significance of place along with the underlying connection that exists between each site.

Some of those companies we have worked with on many occasions include, AECOM, ENSR, AHMS, ERM, Insite Heritage, RPS, Umwelt and many others on major and minor projects located within our Traditional area. We have provided assistance and advice for a diverse range of proponents/developers from large mining companies and government departments through to small private developers. We are presently involved with many ongoing long term projects, working with organisations to see favourable outcomes for all those involved and through these processes endeavouring to secure long term preservation and protection in relation to all issues pertaining to Awabakal Cultural Heritage.

It is imperative that we be involved with this consultation and any subsequent assessment process because of our People's connection to this area for thousands of years and as a consequence the ***Cultural Knowledge*** held by us regarding our Traditional Country.

Also as far as communicating the results of any consultation or assessment process back to stakeholder community and returning advice on the response, as Managing Director of our corporation, I have the capacity and occasion to contact our members for any comments and information that may be pertinent to this project and also have the necessary experience in production and reporting of any information required in written format in relation to any Cultural Heritage Report that is produced. We pride ourselves on the fact that we promptly address all correspondence including all aspects of Cultural Heritage Reporting, supplying information that will help facilitate in an outcome that expedites the conclusion of the consultation and assessment phase and will hopefully see an acceptable outcome for the proponent, archaeologist and our People. Being involved in many important projects and developments necessitating Cultural Heritage Consultation and Field Assessments within our Traditional Country over the years we have had the opportunity on many occasions to supply our responses after reviewing draft Cultural Heritage Assessment Reports and have done this within the prescribed/allotted timeframes.

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

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

Our schedule fees for engagement of our representative to take part in any fieldwork/assessments which may result from the consultation process would be inclusive of all relevant and associated costs for us to participate in this process and like our insurance documents are supplied separately to this letter for confidentiality reasons (when requested).

We hope this addresses any queries you may have Ali, if not and further information is required please don't hesitate to contact us ASAP. Our contact details are as follows.

NGI NOA (Farewell in Awabakal)
Shane Frost-Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email:shanefrost@bigpond.com Phone: 49964325 Fax: 49964325 Mobile: 0428320671

27 July 2011

Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
HAMILTON NSW 2303

Dear Ali,

Re: Registration of Interest for the Aboriginal Community Consultation for the Centennial Mannering Colliery Project.

The Awabakal Traditional Owners would like to Register our Interest for the Proposed Aboriginal Community Consultation for the Centennial Mannering Colliery Project. We wish to comment on the Aboriginal Cultural Heritage being undertaken as participants in the assessment and consultation process archaeological investigation for the proposed project.

The Awabakal People have a primary cultural association with this area as the Mannering region is well within our Cultural Boundary. The Awabakal Traditional Owners Aboriginal Corporation are descendants of the Awabakal people, our connection to our ancestral country is both physical and spiritual.

Our Site Officers are experienced in providing information regarding our Cultural Heritage and also have the training and experience to identify cultural material.

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

Yours sincerely,

K. Brauer

Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
ABN: 90 203 408 390 | ICN: 4411
PO Box 253 Jesmond NSW 2299 Australia
T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au

Cacatua Culture Consultants

Entity of Carcatchua Pty Ltd

ABN: 87 146 082 460 ACN: 146 082 460

11 July 2011

Your Ref: PR107888 AB

Ali Byrne
Graduate Archaeologist
PO Box 428
Hamilton NSW 2303

RE: **Aboriginal Community – Mannering Colliery**

Ali Byrne
Thank you for your letter dated 20th July 2011. We would like to express our interest in being involved in the above proposed Aboriginal Community – Mannering Colliery Project.

Cacatua Consulting is a small Aboriginal owned consulting business created out of concerns and aspirations to advocate for best practice cultural heritage conservation management and to assist proponents and Archaeologists to undertake cultural heritage archaeological assessment according with CHMA and AHIP processes and approved conditions. We aim to provide both quality Aboriginal cultural heritage assessment works and reporting while ensuring compliance to work specific practices.

Our Organisation is fully insured and registered with OEH/EPRG. Our staff has untaken work on all types of sites. Please do not hesitate to contact us if you require more information.

Yours truly

Tegan McCormack
CCC Administration

Email: cacatua@resetdsl.net.au

UNIT 1b, 11 Glenwood Drive THORNTON NSW 2322 Ph: 02 4028 6942 Fax: 02 4028 6943

65 Jaeger Avenue, GUNNEDAH NSW 2380 Mob: 0403 765 019 Fax: 02 6742 1491

22 Ibis Parade WOODBERRY NSW 2322 Ph: 02 4964 4685 Fax: 02 4964 4636

11/07/2011 14:50 0240286943 CACATUA GENERAL SERV PAGE 01/01

RPS HARPER SOMERS O'SULLIVAN

RECORD OF TELEPHONE CONVERSATION/PERSONAL INTERVIEWS

NAME: Ali **DATE** ~~7~~ 6/7/11

SPEAKING TO:

NAME Daniella Chedzey **TIME:** 10.25am approx

OF: **JOB No.** 107888

PHONE

PROJECT: Manning Park

Calling to register Expression of Interest — would like to be involved in project.

EoI noted in consult log. (AB).

DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL

168 PACIFIC HIGHWAY,
WATANOBBI NSW 2259
POSTAL ADDRESS:
P.O. BOX 401, WYONG NSW 2259

A.B.N. 99 583 297 167
TELEPHONE: (02) 4351 2930
FAX: (02) 4351 2946
EMAIL: darkinjung@dlalc.org.au
www.darkinjung.com.au

Ali Byrne
RPS Australia East Pty Ltd
PO Box 428
HAMILTON NSW 2303

20th June 2011

Dear Ali

RE: EOI OF ABORIGINAL INTERESTED GROUPS FOR MANNERING COLLIERY

I am formally registering Darkinjung Local Aboriginal Lands Council Expression of Interest for the above project.

Can you please forward all information directly to Suzanne Naden, Operations Manager via email: s.naden@dlalc.org.au , I can also be contacted on the office number as listed above or alternatively my mobile number is 0404 479 569.

I look forward to working with you in the future.

Thanking you

Suzanne Naden
Operations Manager

Laraine Nelson

From: Tracey Howie [tracey@guringai.com.au]
Sent: Monday, 27 June 2011 7:54 PM
To: Ali Byrne
Subject: Archaeological Investigations-Centennial Mannering

Dear James,

Please register Guringai Tribal Link Aboriginal Corporation as an interested group, to participate in the Aboriginal Cultural Heritage Impact Assessment/Investigations for proposed extensions of mining operations within the Wyong and Lake Macquarie local government areas with Centennial Coal Pty. Ltd. (Centennial Mannering)

Kind regards,
Tracey Howie
Chairperson
Guringai Tribal Link
Aboriginal Corporation
0404 182049

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 107888: AB

21 July 2011

Darkinjung LALC
Suzanne Naden
PO Box 3018
Blacksmith, NSW 2281

Dear Ms Naden,

RE: Aboriginal Community Consultation - Mannering Colliery

Thank you for your registration of interest in participating in the Aboriginal consultation process for the mining projects associated with the Mannering Colliery. Attached is information about the proposed projects and the heritage assessment methodology including the methodology for information regarding Aboriginal cultural significance.

In accordance with Stage 2 of the Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements 2010, RPS Australia East Pty Limited (RPS) is seeking your input into the heritage assessment methodology. Feedback on the heritage assessment methodology is required to be provided in writing by 5pm on 18 August 2011. All feedback on the heritage methodology should be addressed to:

Ali Byrne
RPS
PO Box 428
Hamilton NSW 2292
Phone: 02 4940 4200
ali.byrne@rpsgroup.com.au

If you have any further enquiries regarding the above please do not hesitate to contact me (02) 4940 4200.

Yours sincerely,
RPS

Ali Byrne
Graduate Archaeologist

RPS Australia East Pty Ltd ABN 44 140 292 762 A member of the RPS Group Plc

RPS

Mannering Colliery
Heritage Assessment Methodology, Project Information and Protocols for Sensitive Cultural Information

The following information has been provided in accordance with Stage 2 of the Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements 2010 (ACHCRs). The information includes details on the proposed extension of mining projects associated with the Mannering Colliery as well as details on how information regarding cultural significance will be acquired.

Project Information

Centennial Mannering Pty Limited (Centennial Mannering) is currently undertaking investigations into the extension of mining operations at the Mannering Colliery. Extensions of mining operations will be undertaken within and surrounding the Project Area identified in the attached plan (Attachment 1). The Project Area is located on the south western shore of Lake Macquarie and within the Lake Macquarie and Wyong Shire Local Government Areas.

Extensions to mining operations will be undertaken in a staged approached. Stage 1 involves the extension of mining activities within the Great northern and Fassifern coal seams and within the area identified in Attachment 2. Mining operations within this area will be undertaken using bord and pillar mining methods and will be designed to ensure that there is less than 20 millimetres of surface subsidence.

Investigations into further extensions to mining activities beyond Stage 1 will be investigated by Centennial Mannering and will be considered as part of any future applications.

Centennial Mannering have engaged RPS Australia East Pty Limited (RPS) to undertake Aboriginal Cultural Heritage Assessments to support the currently proposed and any future applications for extensions to mining operations. The Aboriginal Cultural Heritage Assessments prepared by RPS will consider any potential impacts of mining activities on Aboriginal cultural heritage recommendations, where required, to avoid or minimise these impacts.

RPS

Aboriginal Cultural Heritage Assessment Methodology and Gathering Information Regarding Cultural Significance

As part of the Aboriginal Cultural Heritage Assessments, Centennial Mannering and RPS will undertake consultation with the registered Aboriginal Stakeholders in accordance with the ACHCRs. The methodology proposed by RPS for the Aboriginal Cultural Heritage Assessments for both the current proposed application and any future applications for extensions to mining activities, comprises:

- a review of background environmental and archaeological information,
- an AHIMS search;
- formulation of a predictive model;
- a heritage survey;
- assessment of significance; and
- formulation of recommendations for heritage management.

As part of this methodology Aboriginal stakeholders will be provided with any draft Aboriginal Cultural Heritage Assessment report for comment and allowed 28 days for review, as per the ACHCRs.

Cultural Information

RPS invites Aboriginal stakeholders to provide culturally appropriate information verbally or in writing with regards to this project (a feedback form is attached and may be used as necessary). This includes any places of cultural value which may or may not contain archaeological material.

Cultural information provided by Aboriginal stakeholders will be recorded in the Aboriginal consultation log and discussed in the report, unless the information is too sensitive to be made public. If this is the case, the attached protocol will be adopted (Attachment 3), or another protocol adopted as agreed by the Aboriginal stakeholder/s.

Methodology for Fieldwork

Fieldwork will be conducted in accordance with the requirements set out in the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010).

Survey Aims

The purpose of the survey is to inspect visible ground surfaces, observe exposed soil profiles or other visible features such as rockshelters, scarred trees and rock art, in addition to assessing whether potential archaeological deposits are present in the Project Area. The survey also aims to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

Sampling Strategy

The purpose of a sampling strategy is to provide a framework for conducting archaeological surveys in a manner which can be quantified and thus can be compared to other survey reports in the local landscape and for regional comparison (Burke and

Smith 2004). The sampling strategy used for this assessment will target all landforms which may be impacted by the proposed development and where possible, targeted landforms which had been identified as having archaeological potential on the basis of background research. The landforms in the Project Area include the lake foreshore and associated smaller lakes, creeks, tributaries and swamps in addition to some higher terrain to the west of Lake Macquarie and were included in the survey sampling strategy. Where possible these landforms were subject to pedestrian survey. In addition, the following landforms were identified as having a moderate to high potential for Aboriginal sites: ridges, valleys, perennial creek lines and sandstone cliff faces and will be targeted during the survey.

The sampling strategy will be subject to accessibility, as outlined under the Project Information section above and will not include residential land or the ash dam.

Field Methods

The survey will be conducted on foot (pedestrian) and target the landforms identified in the survey strategy above. The area surveyed will be recorded in survey units. Each survey unit will be mapped and recorded in accordance with landforms, Project Area boundaries, impact area boundaries, changes in survey conditions (such as visibility or ground surface exposure) and/or other relevant considerations. The mapping of survey units will be undertaken on the basis of GPS recorded data and with reference to aerial and topographic information. The recording of survey units will be undertaken using representative digital photographs and field notes which included observations of soils, ground surface exposure and visibility, vegetation cover, rock outcrops, levels of ground surface disturbance, erosion and similar observations. The field notes will provide a basis for the reporting of survey coverage and calculating survey effectiveness as presented in the survey results section. It is required that any Aboriginal sites identified are recorded and submitted to the AHIMS database. Such recording involves the documentation of the material traces of past Aboriginal land use, including the spatial extent of sites and any other obvious physical boundaries. Aboriginal cultural sites identified by Aboriginal stakeholders may not always involve material traces and boundaries of such sites, if identified, will be mapped on the basis of information provided by the stakeholders. The position of such sites need to be recorded by GPS receivers and mapped accordingly.

RPS

Feedback Form for the Mannering Colliery Aboriginal Heritage Impact Assessment

I have been sent information regarding the proposed heritage assessment methodology, including protocols for the management of sensitive cultural information, for the investigation into proposed extension of mining operations at the Mannering Colliery. I seek to endorse the proposed methodology, unless otherwise stated below, or with the following amendments:

Name.....
Registered Organisation.....
Signature.....
Date.....

Please send this document within 28 days signed back to **Ali Byrne** via:

- Fax : 02 4961 6794
- Post: P.O. Box 428 Hamilton NSW 2303
- E-mail: ali.byrne@rpsgroup.com.au

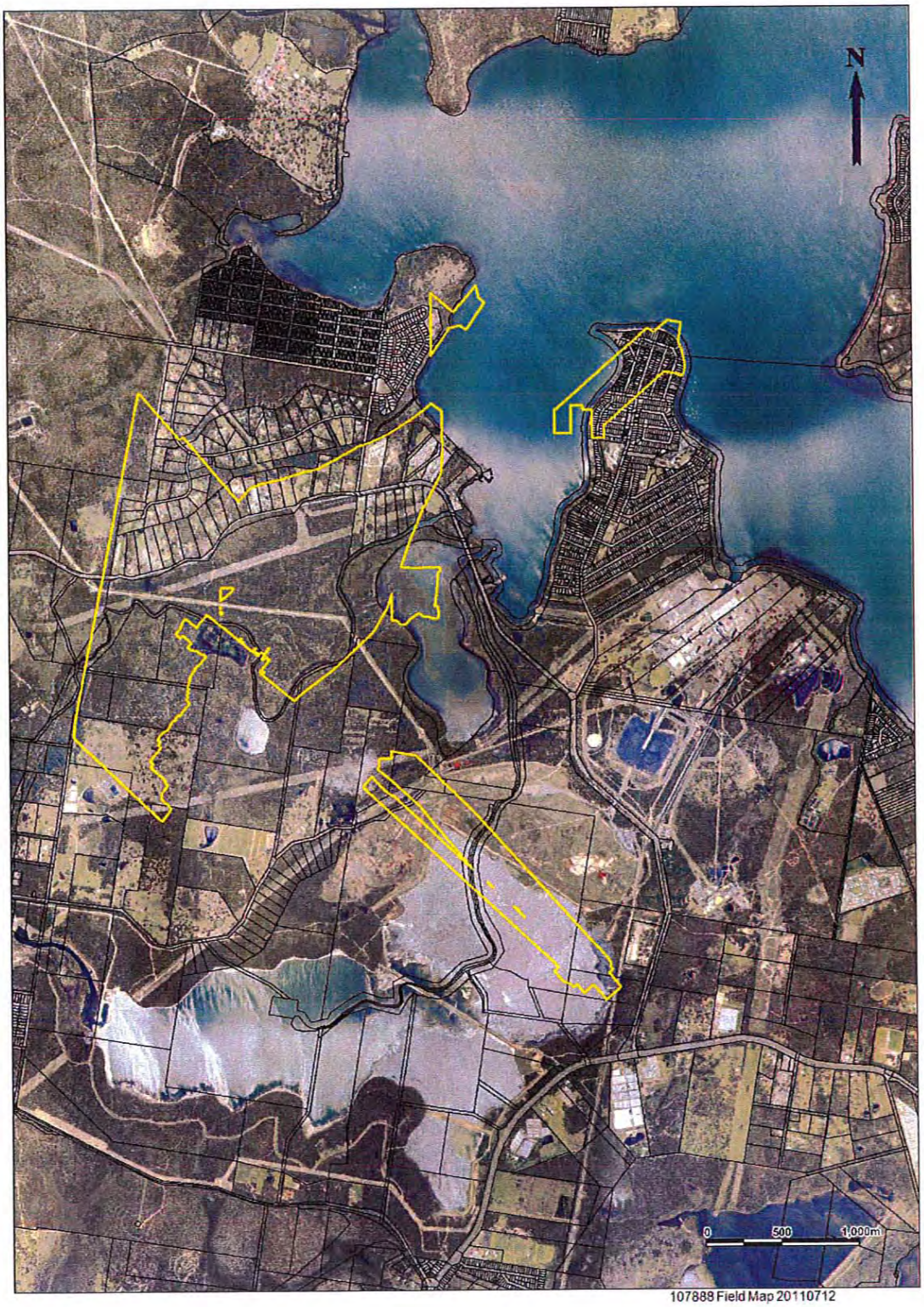
RPS

Attachment 1: Mannering Colliery Project Area



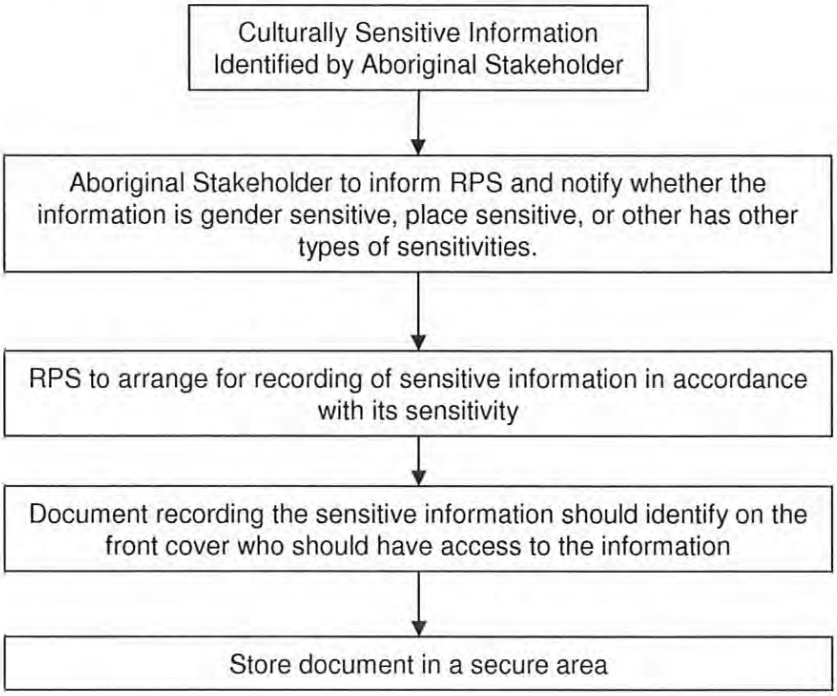
RPS

Attachment 2: Mannering Colliery Project Area – Stage 1



107888 Field Map 20110712

Attachment 3: Culturally Sensitive Information Protocol



Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 107888: AB

21 July 2011

Awabakal Descendants Traditional Owners Aboriginal Corporation
Shane Frost
PO Box 86
Clarence Town, NSW 2321

Dear Mr Frost,

RE: Aboriginal Community Consultation - Mannering Colliery

Thank you for your registration of interest in participating in the Aboriginal consultation process for the mining projects associated with the Mannering Colliery. Attached is information about the proposed projects and the heritage assessment methodology including the methodology for information regarding Aboriginal cultural significance.

In accordance with Stage 2 of the Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements 2010, RPS Australia East Pty Limited (RPS) is seeking your input into the heritage assessment methodology. Feedback on the heritage assessment methodology is required to be provided in writing by 5pm on 18 August 2011. All feedback on the heritage methodology should be addressed to:

Ali Byrne
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PO Box 428
Hamilton NSW 2292
Phone: 02 4940 4200
ali.byrne@rpsgroup.com.au

If you have any further enquiries regarding the above please do not hesitate to contact me (02) 4940 4200.

Yours sincerely,
RPS

Ali Byrne
Graduate Archaeologist

RPS

Mannering Colliery
Heritage Assessment Methodology, Project Information and Protocols for Sensitive Cultural Information

The following information has been provided in accordance with Stage 2 of the Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements 2010 (ACHCRs). The information includes details on the proposed extension of mining projects associated with the Mannering Colliery as well as details on how information regarding cultural significance will be acquired.

Project Information

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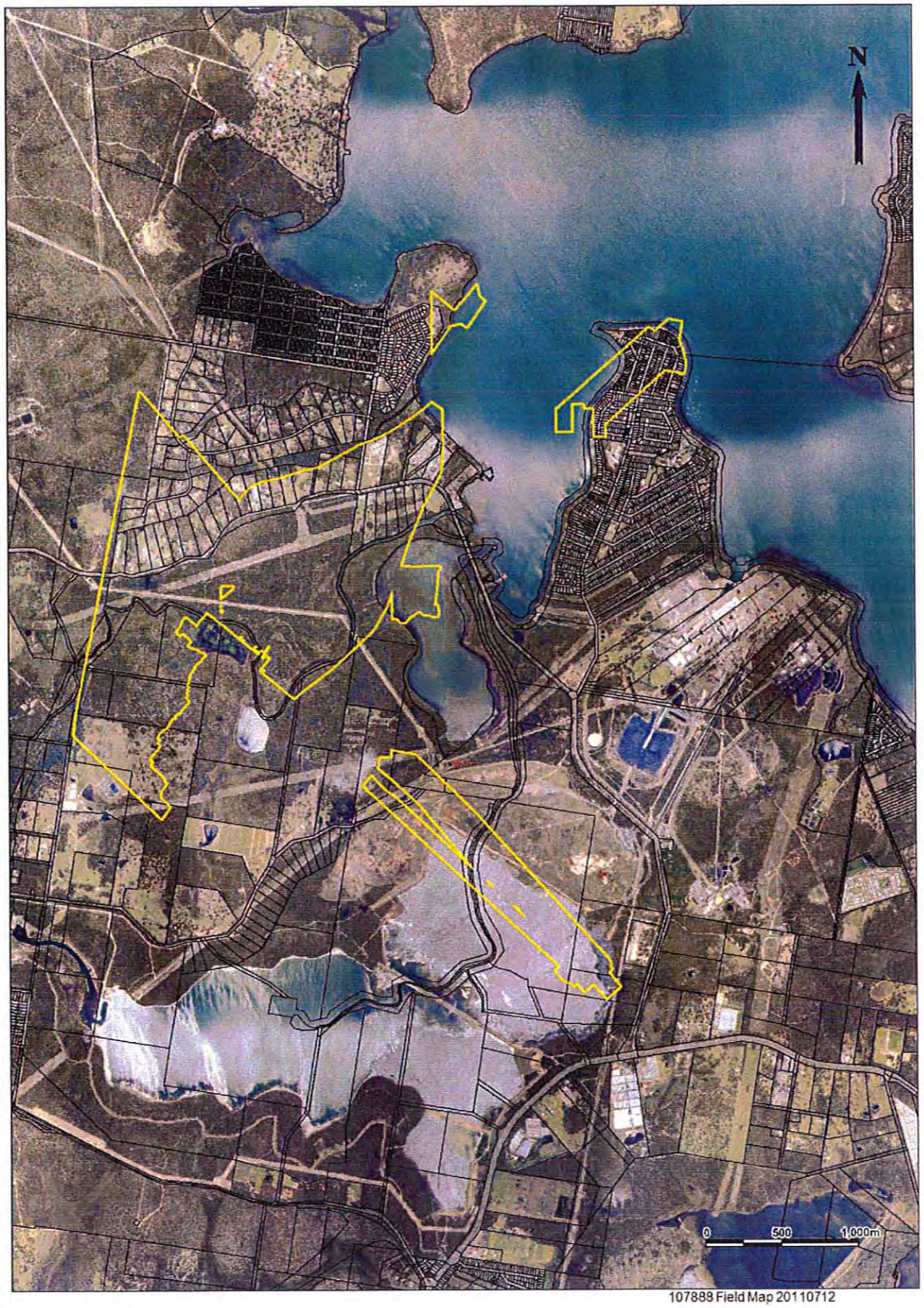
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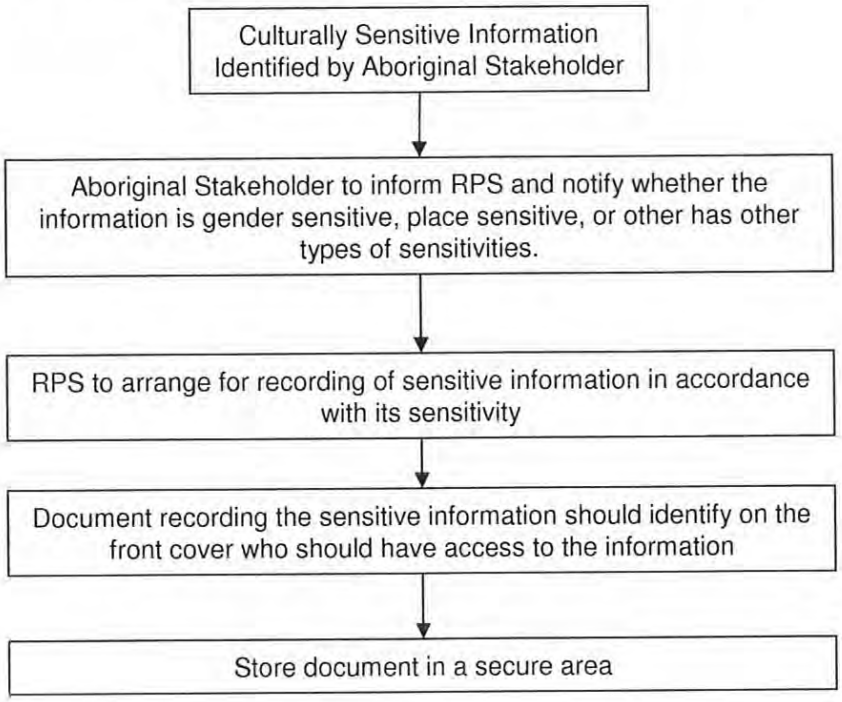
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Attachment 2: Mannering Colliery Project Area – Stage 1



107888 Field Map 20110712

Attachment 3: Culturally Sensitive Information Protocol



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Our Ref: 107888: AB

21 July 2011

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

Dear Ms Brauer,

RE: Aboriginal Community Consultation - Mannering Colliery

Thank you for your registration of interest in participating in the Aboriginal consultation process for the mining projects associated with the Mannering Colliery. Attached is information about the proposed projects and the heritage assessment methodology including the methodology for information regarding Aboriginal cultural significance.

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Ali Byrne
Graduate Archaeologist

RPS

Mannering Colliery
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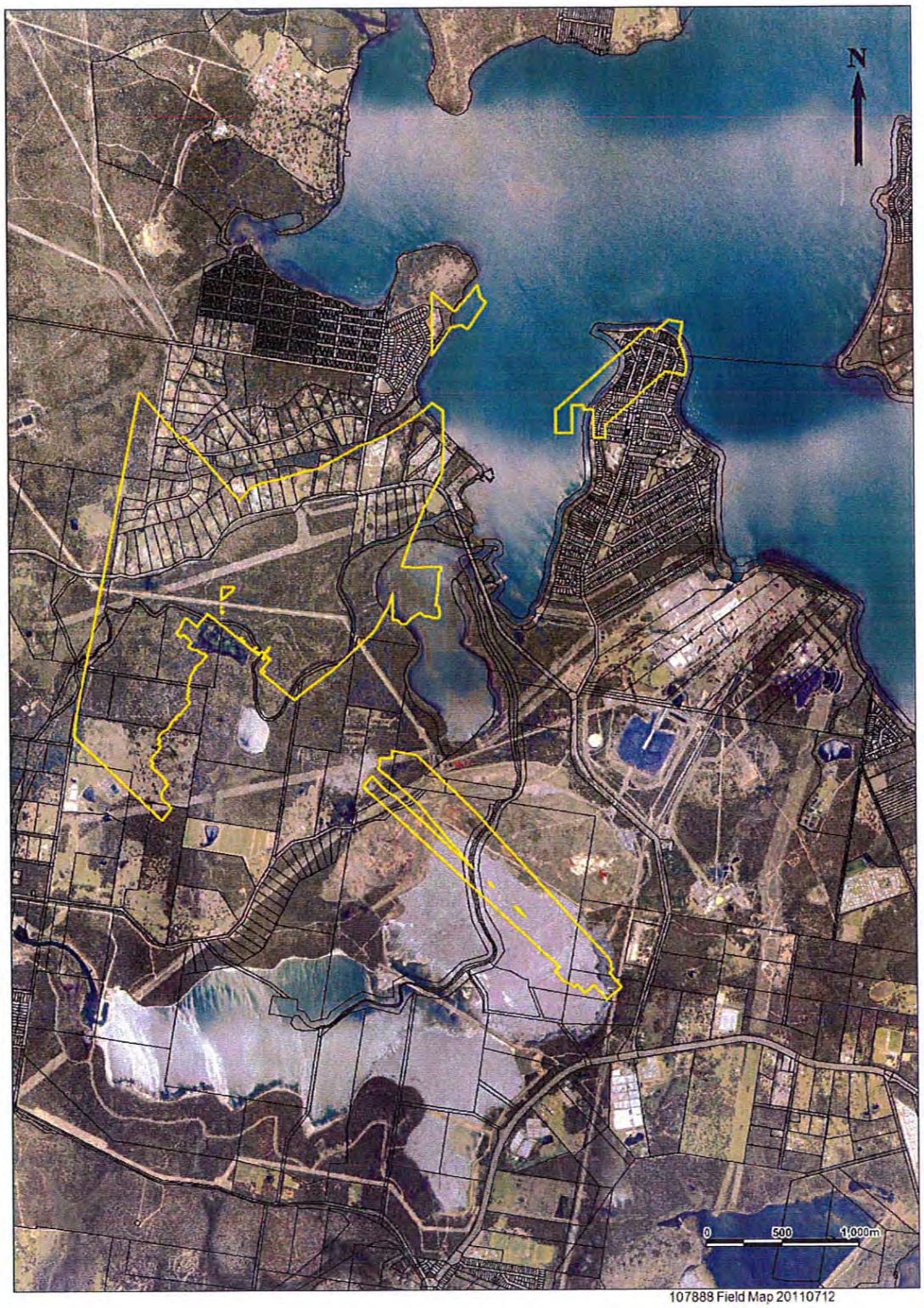
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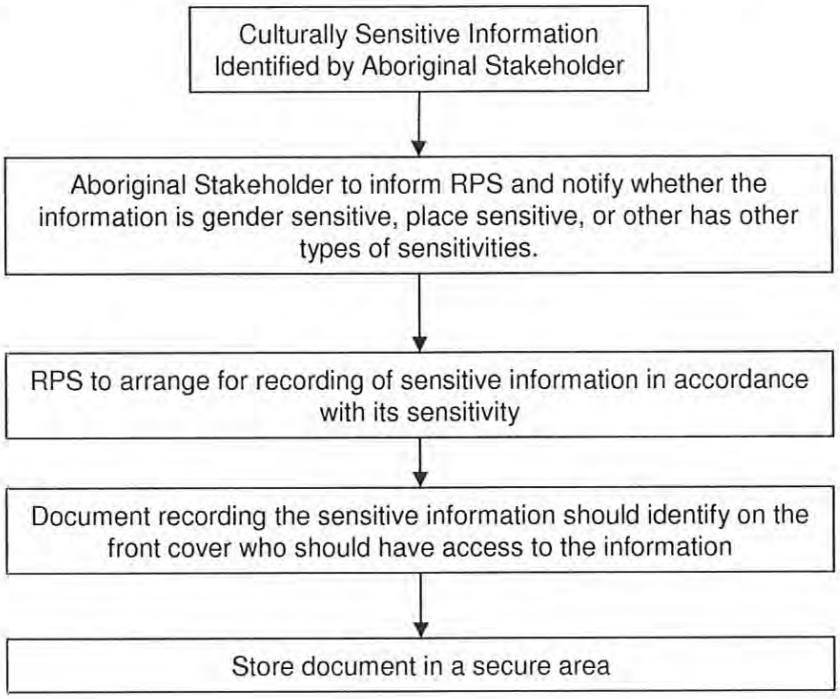
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107888 Field Map 20110712

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Our Ref: 107888: AB

21 July 2011

Guringai Tribal Link Aboriginal Corporation
Tracey Howie
19 Coolabah Road
Wyongah, NSW 2259

Dear Ms Howie,

RE: Aboriginal Community Consultation - Mannering Colliery

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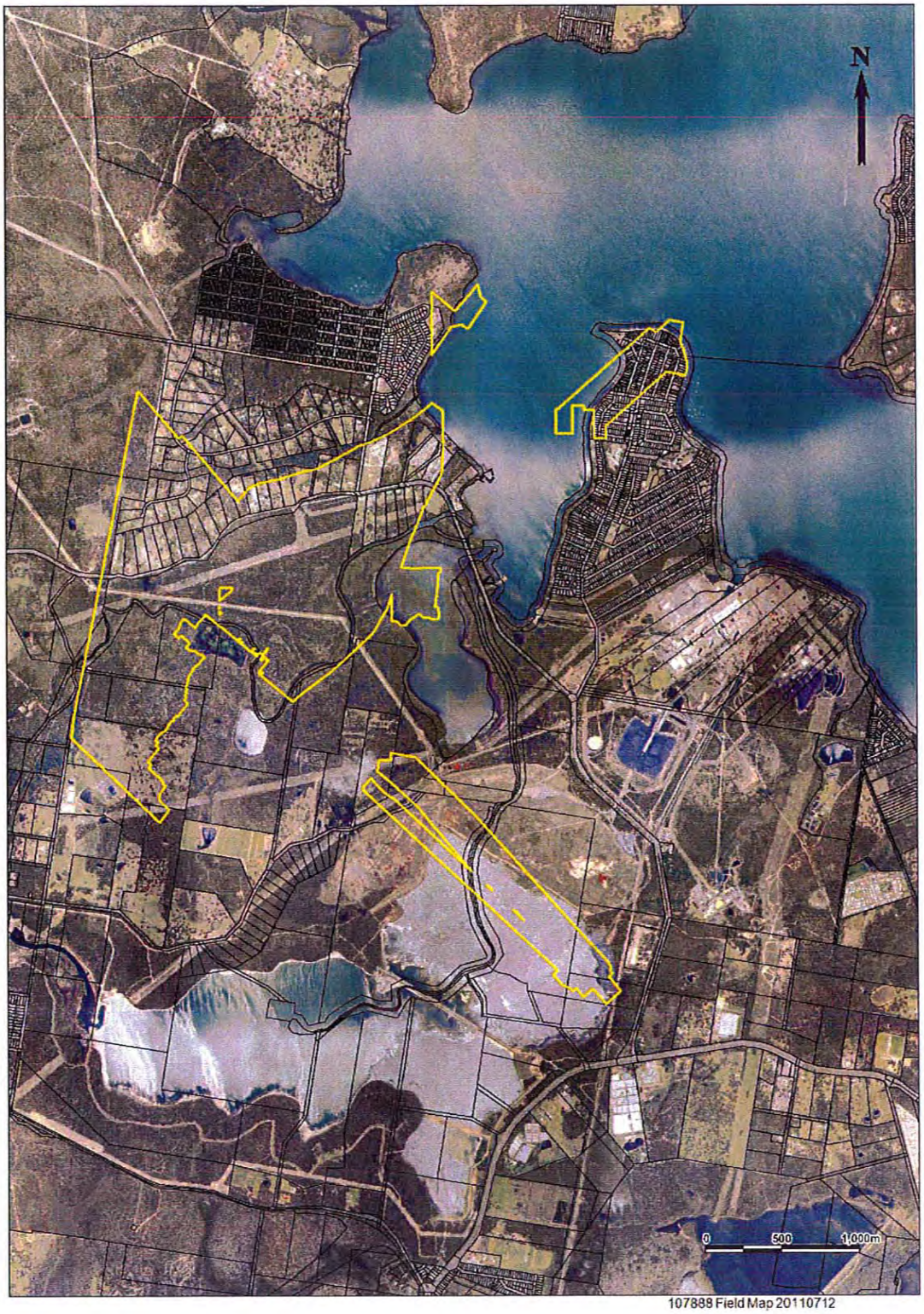
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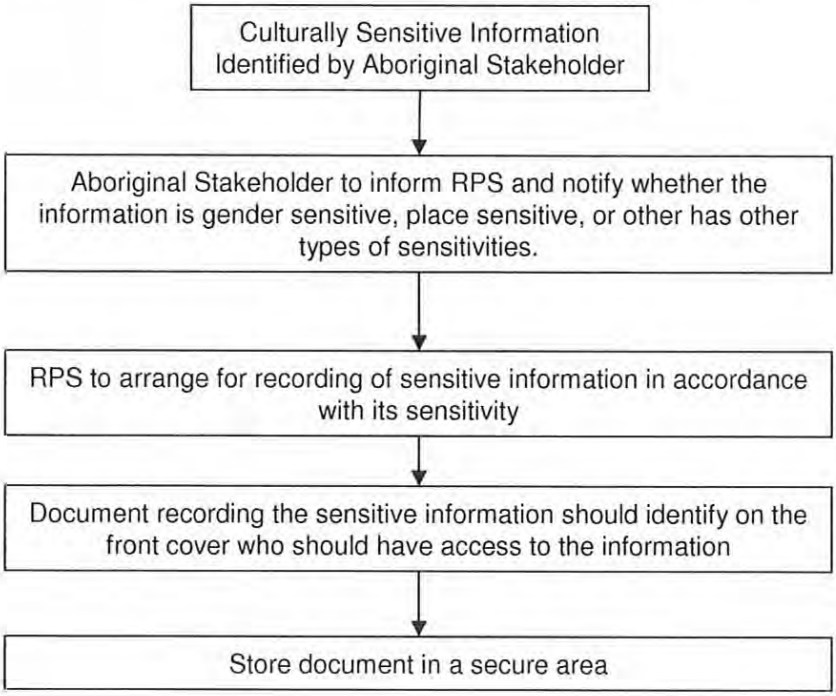
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107888 Field Map 20110712

RPS

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Our Ref: 107888: AB

21 July 2011

Cultural Heritage Officers
Daniella Chedzey & Jessica Wegener
7 Grant Street
Windermere Park, NSW 2264

Dear Ms Chedzey & Ms Wegener,

RE: Aboriginal Community Consultation - Mannering Colliery

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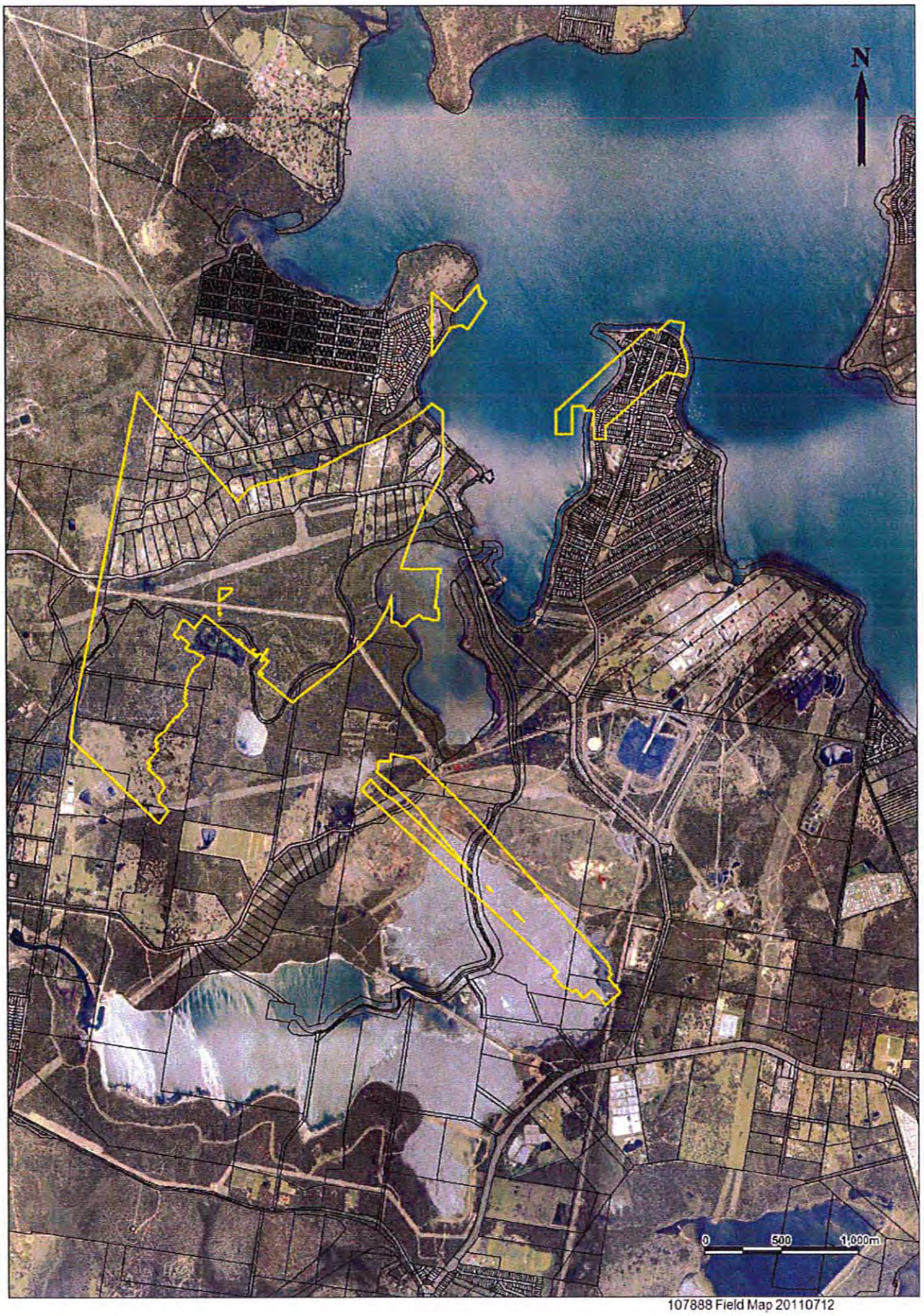
RPS

Attachment 1: Mannering Colliery Project Area



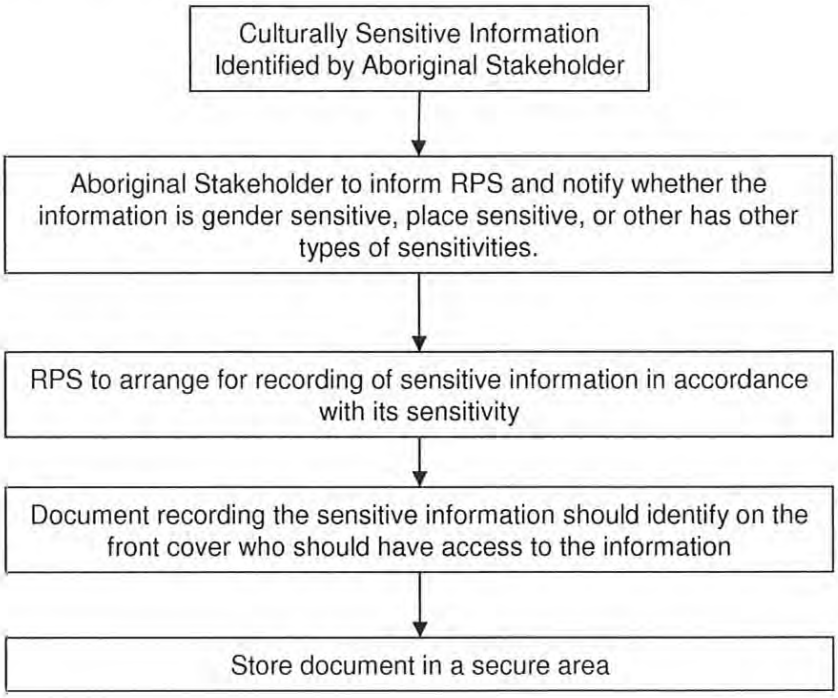
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Attachment 2: Mannering Colliery Project Area – Stage 1



107888 Field Map 20110712

Attachment 3: Culturally Sensitive Information Protocol



Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 107888: AB

21 July 2011

Cacatua Culture Consultants
Tegan McCormack
Unit 1b/11 Glenwood Drive
Thornton, NSW 2322

Dear Ms McCormack,

RE: Aboriginal Community Consultation - Mannering Colliery

Thank you for your registration of interest in participating in the Aboriginal consultation process for the mining projects associated with the Mannering Colliery. Attached is information about the proposed projects and the heritage assessment methodology including the methodology for information regarding Aboriginal cultural significance.

In accordance with Stage 2 of the Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements 2010, RPS Australia East Pty Limited (RPS) is seeking your input into the heritage assessment methodology. Feedback on the heritage assessment methodology is required to be provided in writing by 5pm on 18 August 2011. All feedback on the heritage methodology should be addressed to:

Ali Byrne
RPS
PO Box 428
Hamilton NSW 2292
Phone: 02 4940 4200
ali.byrne@rpsgroup.com.au

If you have any further enquiries regarding the above please do not hesitate to contact me (02) 4940 4200.

Yours sincerely,
RPS

Ali Byrne
Graduate Archaeologist

RPS Australia East Pty Ltd ABN 44 140 292 762 A member of the RPS Group Plc

RPS

Mannering Colliery
Heritage Assessment Methodology, Project Information and Protocols for Sensitive Cultural Information

The following information has been provided in accordance with Stage 2 of the Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements 2010 (ACHCRs). The information includes details on the proposed extension of mining projects associated with the Mannering Colliery as well as details on how information regarding cultural significance will be acquired.

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Extensions to mining operations will be undertaken in a staged approached. Stage 1 involves the extension of mining activities within the Great northern and Fassifern coal seams and within the area identified in Attachment 2. Mining operations within this area will be undertaken using bord and pillar mining methods and will be designed to ensure that there is less than 20 millimetres of surface subsidence.

Investigations into further extensions to mining activities beyond Stage 1 will be investigated by Centennial Mannering and will be considered as part of any future applications.

Centennial Mannering have engaged RPS Australia East Pty Limited (RPS) to undertake Aboriginal Cultural Heritage Assessments to support the currently proposed and any future applications for extensions to mining operations. The Aboriginal Cultural Heritage Assessments prepared by RPS will consider any potential impacts of mining activities on Aboriginal cultural heritage recommendations, where required, to avoid or minimise these impacts.

RPS

Aboriginal Cultural Heritage Assessment Methodology and Gathering Information Regarding Cultural Significance

As part of the Aboriginal Cultural Heritage Assessments, Centennial Mannering and RPS will undertake consultation with the registered Aboriginal Stakeholders in accordance with the ACHCRs. The methodology proposed by RPS for the Aboriginal Cultural Heritage Assessments for both the current proposed application and any future applications for extensions to mining activities, comprises:

- a review of background environmental and archaeological information,
- an AHIMS search;
- formulation of a predictive model;
- a heritage survey;
- assessment of significance; and
- formulation of recommendations for heritage management.

As part of this methodology Aboriginal stakeholders will be provided with any draft Aboriginal Cultural Heritage Assessment report for comment and allowed 28 days for review, as per the ACHCRs.

Cultural Information

RPS invites Aboriginal stakeholders to provide culturally appropriate information verbally or in writing with regards to this project (a feedback form is attached and may be used as necessary). This includes any places of cultural value which may or may not contain archaeological material.

Cultural information provided by Aboriginal stakeholders will be recorded in the Aboriginal consultation log and discussed in the report, unless the information is too sensitive to be made public. If this is the case, the attached protocol will be adopted (Attachment 3), or another protocol adopted as agreed by the Aboriginal stakeholder/s.

Methodology for Fieldwork

Fieldwork will be conducted in accordance with the requirements set out in the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010).

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The purpose of the survey is to inspect visible ground surfaces, observe exposed soil profiles or other visible features such as rockshelters, scarred trees and rock art, in addition to assessing whether potential archaeological deposits are present in the Project Area. The survey also aims to record any cultural sites or Aboriginal landscapes, if identified by the Aboriginal stakeholders.

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The survey will be conducted on foot (pedestrian) and target the landforms identified in the survey strategy above. The area surveyed will be recorded in survey units. Each survey unit will be mapped and recorded in accordance with landforms, Project Area boundaries, impact area boundaries, changes in survey conditions (such as visibility or ground surface exposure) and/or other relevant considerations. The mapping of survey units will be undertaken on the basis of GPS recorded data and with reference to aerial and topographic information. The recording of survey units will be undertaken using representative digital photographs and field notes which included observations of soils, ground surface exposure and visibility, vegetation cover, rock outcrops, levels of ground surface disturbance, erosion and similar observations. The field notes will provide a basis for the reporting of survey coverage and calculating survey effectiveness as presented in the survey results section. It is required that any Aboriginal sites identified are recorded and submitted to the AHIMS database. Such recording involves the documentation of the material traces of past Aboriginal land use, including the spatial extent of sites and any other obvious physical boundaries. Aboriginal cultural sites identified by Aboriginal stakeholders may not always involve material traces and boundaries of such sites, if identified, will be mapped on the basis of information provided by the stakeholders. The position of such sites need to be recorded by GPS receivers and mapped accordingly.

RPS

Feedback Form for the Mannering Colliery Aboriginal Heritage Impact Assessment

I have been sent information regarding the proposed heritage assessment methodology, including protocols for the management of sensitive cultural information, for the investigation into proposed extension of mining operations at the Mannering Colliery. I seek to endorse the proposed methodology, unless otherwise stated below, or with the following amendments:

Name.....
Registered Organisation.....
Signature.....
Date.....

Please send this document within 28 days signed back to **Ali Byrne** via:

- Fax : 02 4961 6794
- Post: P.O. Box 428 Hamilton NSW 2303
- E-mail: ali.byrne@rpsgroup.com.au

RPS

Attachment 1: Mannering Colliery Project Area



RPS

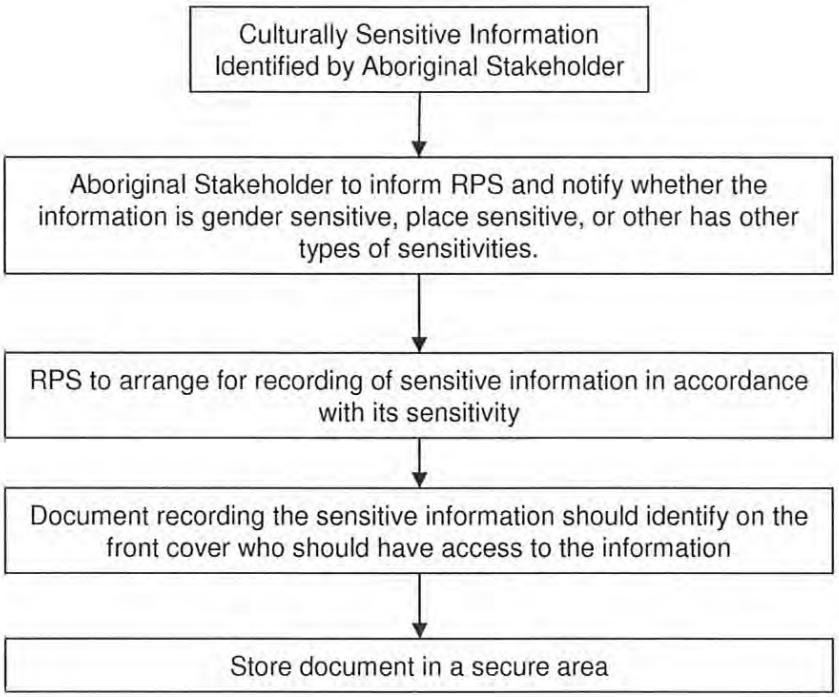
Attachment 2: Mannering Colliery Project Area – Stage 1



107888 Field Map 20110712

RPS

Attachment 3: Culturally Sensitive Information Protocol



"From the Mountains to the Sea"
AWABAKAL
Descendants Traditional Owners
Aboriginal Corporation
ICN:4500 ABN:20402046601

PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 13 August 2011

Attention: Ali Byrne
PRS
PO Box 428
Hamilton NSW 2303

Re: Response to Aboriginal Community Consultation and Draft Methodology-Mannering Park

ALLA Ali,

We thank you for your correspondence regarding the **Aboriginal Community Consultation and Draft Methodology-Mannering Park** asking us for comments in relation to this matter.

In response to the correspondence we received from RPS requesting us to provide any comments and feedback regarding the Methodology for the **Aboriginal Community Consultation and Draft Methodology-Mannering Park** we would like to notify you that the ***Awabakal Descendants Traditional Owners Aboriginal Corporation*** has reviewed the methodology and we believe that the methodology covers most areas of concern although we would like to identified some points of interest that are missing from the methodology and we would like to take advantage of your kind offer affording us the opportunity to make some complimentary additions that we believe need to be addressed and incorporated into the methodology.

The following dot points set out our response.

- We believe there is a necessity for an inclusion of an OEH AHIMS Database map of the registered Aboriginal sites within the area to accompany such a methodology. This gives an important insight into what investigations have or have not preceded this upcoming survey/assessment and can also help with establishing areas that may need to be targeted for the purpose of relocating those previously recorded sites or to focus on certain areas of concern.

- Ample and sufficient time needs to be afforded to the Aboriginal Stakeholders during the process (such as additional days if required/requested by the Aboriginal Stakeholders) of this survey so as to assess the area to our satisfaction and allowing for this survey/assessment to cover all areas of concern. It is crucial for adequate time to be agreed to conduct this survey and be put in place so as to locate Cultural Heritage sites and not put at risk any of our Cultural Heritage when the realisation of the full impact of the mining of this area goes ahead. It is essential not just for us but for Centennial Coal to know what is in the area and that as much as is possible of our Cultural Heritage sites are located before mining goes ahead because as the legislation puts forward it is an offence to ***knowingly*** or ***unknowingly*** cause damage or disturbance to any Aboriginal object/site/s, in other words, there is no excuse.

- As has been discussed with Centennial and RPS representatives on previous occasions there needs to be clear clarification and identification before the survey/assessment is conducted of all surveyable land in the area. The maps previously used and supplied by Centennial to those conducting the surveys have proven to be incorrect with their information (as was the case for the Myuna Colliery survey). The maps had shown that crown/council land on the lakes foreshore and in some other areas away from the lake were privately owned land which was not the case and unfortunately we were prevented from conducting surveys of these areas which then allows for possible future disturbance or destruction of our Cultural Heritage sites due to the areas not being surveyed and considered in relating to the future impacts from mining activities.

  Therefore it is paramount that all the crown/council owned and community/park land be accessible for the survey/assessment and this information needs to be checked and double checked and produced as correct information and shown on the maps provided to the survey members so no areas are missed in the process.

Significance of the Area

- This area is of great importance it is where our People have lived for many thousands of years and have relied upon the plentiful resources that the lake and surrounding areas have provided to sustain life. This area provided not just the sustenance for everyday life but also provided the necessities that helped govern the many facets of our Cultural Heritage such as the spiritual aspects of our Peoples lives. This included certain landforms and places that were presented within the oral aspect of our Peoples Cultural Heritage and have continued to this day. This specific area cannot be separated from the rest of our Traditional Country or us as a People in the sense that it was and still is considered by our People to be an area connected by a relationship that has continued over many thousands of years. The Cultural Heritage sites that can be found in this location are connected to those at other locations and in themselves they are important but cannot be separated.
  We will be happy to provide more specific information during the field survey and during any follow up consultation although we do reserve the right to provide information that we consider to be appropriate at the time and to whom we choose to give it.

We look forward to seeing these comments addressed and adopted into the methodology so as to afford the appropriate protection for our Cultural Heritage that it deserves.

We hope this addresses any queries you may have Ali, if not and further information is required please don't hesitate to contact us ASAP. Our contact details are as follows.

NGI NOA (Farewell in Awabakal)
Shane Frost-Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email:shanefrost@bigpond.com Phone: 49964325 Fax: 49964325 Mobile: 0428320671

16 August 2011

Ali Byrne
RPS
PO Box 428
Hamilton NSW 2292

Dear Ali,

Re: Comments for the Draft Methodology Regarding the Aboriginal Community Consultation Process for the Mannering Colliery Project Area

With regard to the Proposed Assessment Draft Methodology for the Mannering Colliery Project area, we have reviewed the proposed Draft Methodology and recognise the evaluation by RPS appears to be reasonably comprehensive.

The Aboriginal heritage assessment process involves both a cultural values assessment and an archaeological assessment.

"The participation of Aboriginal communities and Aboriginal owners in archaeological field assessments is based on the principle of Aboriginal partnership in all facets of Aboriginal heritage management. Such participation should not be construed as 'consultation'. It is not a substitute for an assessment of Aboriginal cultural interests or values in a particular area of land or particular sites, such assessments being separate from archaeological assessments. A 'cultural assessment' should not be thought of as a mere component of an archaeological assessment or investigation" *(NPWS 1997, Aboriginal Heritage Standards and Guidelines Kit, Partnership with Aboriginal Communities section, p2).*

Our comments to the contents of the Proposed Assessment Methodology are as follows:

We agree in principle with the majority of the Proposed Assessment Draft Methodology and would like RPS to also consider the value of 'place' within the Heritage and Cultural weighting, as this consideration is to insure the protection and conservation of Place & Objects which impact significantly on the spirituality, cultural, historic and general legacy needs of Aboriginal people to address inequalities in social and community well being.

We also believe that the Draft Methodology document and attached maps only provide a minimal outline of the relevant background information pertaining to the proposed Stage 1, Stage 2, Attached Map 1 and Attached Map 2 of the proposed project, as further information relating to these important aspects of the Proposed Project would bring a more informative context to the Draft Methodology process.

We believe that the Proposed Assessment Draft Methodology may need to provide some context to the discussion, for example:

- information relating to the Project Area within the Attachment Map 1 provided
- information relating to the Yellow outlined sections within the Attachment 2 Map provided
- the attached Maps should clarify and identify all surveyable land within the project area before the survey/assessment is conducted
- inclusion of the background environmental and archaeological information relating to the area within and surrounding the Proposed Project
- information and inclusion of previously recorded sites should be provided, including map of site locations
- information relating to where the Project Area is in relation to other recorded sites
- estimate of total area (ha) to be inspected
- concerns that that the Draft Methodology does not include estimation for amount of day/s for the proposed survey assessment
- concerns that no modifications have been included in the event that unexpected and/or further investigations may be necessary

- ***General comment:*** survey coverage should not be set by number of days, but should instead be set by the level (ha) of survey required to adequately understand the archaeological and Cultural Heritage Values within the project area

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

With regard to the proposed Sampling Strategy, we understand that 100% survey is not always needed or used, but to understand whether survey sampling is appropriate (and how much of a sample is appropriate), Registered Aboriginal Stakeholders need further information on past survey & assessments, archaeological site distribution and landform potential and which landform areas that actually are proposed to be surveyed.

We as Awabakal descendants believe that it is essential to be aware of all aspects relating to the Proposed Assessment Draft Methodology, so that we are able to make informed decisions.

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

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

The principal vision and aim of the Awabakal people is to protect the cultural heritage of our ancestors. Therefore the residual evidence of our people is held in high degree and is regarded as a cultural reminder that unites us with our land and sea country and spirituality.

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

We believe that RPS and Centennial Mannering are committed and supportive in adequately addressing the many aspects related to the perspectives and diversity that is associated with Aboriginal Cultural Heritage.

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

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

Yours sincerely,



Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
ABN: 90 203 408 390 | ICN: 4411
PO Box 253 Jesmond NSW 2299 Australia
T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au

Cacatua Culture Consultants

Entity of Carcatchua Pty Ltd

ABN: 87 145 082 480 ACN: 145 082 480

August 14, 2011

Your Ref: 107888:AB

Ali Byrne
RPS Group
PO Box 428
Hamilton NSW 2303

RE: Mannering Colliery

Ali Byrnes,

Thank you for your letter dated July 21, 2011 with regards to the above. We have discussed the material supplied and the following item was the main point raised within the methodology.
We would like to have the opportunity to survey other areas that stakeholders feel might be potentially cultural significant within the survey area when the field survey section of the work is being undertaken, even if the area is not very visible.

A part from the above comment, we endorse the information that was supplied in the above letter with regards to the Methodology on the Mannering Colliery.

Yours truly

Donna Sampson
CCC Admin Manager

Email: cacatua@resetdsi.net.au

UNIT 1b, 11 Glenwood Drive THORNTON NSW 2322 Ph: 02 4028 6942 Fax: 02 4028 6943

65 Jaeger Avenue, GUNNEDAH NSW 2380 Mob: 0403 765 019 Fax: 02 6742 1491

22 Ibis Parade WOODBERRY NSW 2322 Ph: 02 4964 4685 Fax: 02 4964 4635

Newcastle Office
Ground Floor, 241 Denison Street, Broadmeadow, NSW Australia 2292
PO Box 428, Hamilton, NSW Australia 2303
T +61 2 4940 4200 F +61 2 4961 6794 E newcastle@rpsgroup.com.au W rpsgroup.com.au

Our Ref: 107888: AB

21 July 2011

Darkinjung LALC
Suzanne Naden
PO Box 3018
Blacksmith, NSW 2281

Dear Ms Naden,

RE: Aboriginal Community Consultation - Mannering Colliery

Thank you for your registration of interest in participating in the Aboriginal consultation process for the mining projects associated with the Mannering Colliery. Attached is information about the proposed projects and the heritage assessment methodology including the methodology for information regarding Aboriginal cultural significance.

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Ali Byrne
RPS
PO Box 428
Hamilton NSW 2292
Phone: 02 4940 4200
ali.byrne@rpsgroup.com.au

If you have any further enquiries regarding the above please do not hesitate to contact me (02) 4940 4200.

Yours sincerely,
RPS

AByrne

Ali Byrne
Graduate Archaeologist

RPS

Mannering Colliery
Heritage Assessment Methodology, Project Information and Protocols for Sensitive Cultural Information

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RPS

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Name... SUZANNE NADEN
Registered Organisation... DARKINJUNG LALC
Signature...
Date... 19.8.2011

Suzanne Naden
Operations Manager

Please send this document within 28 days signed back to **Ali Byrne** via:

- Fax : 02 4961 6794
- Post: P.O. Box 428 Hamilton NSW 2303
- E-mail: ali.byrne@rpsgroup.com.au

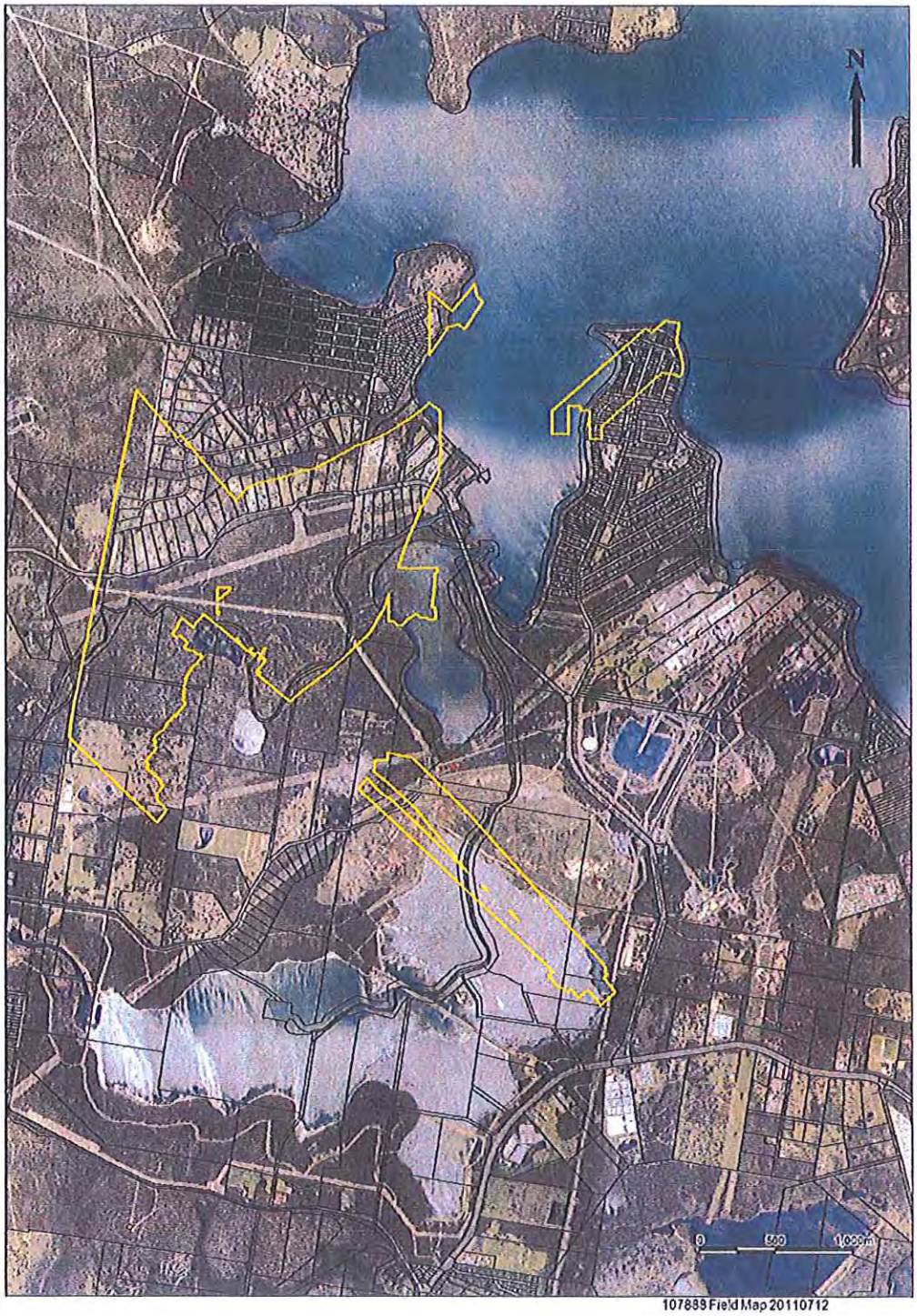
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Attachment 1: Mannering Colliery Project Area



RPS

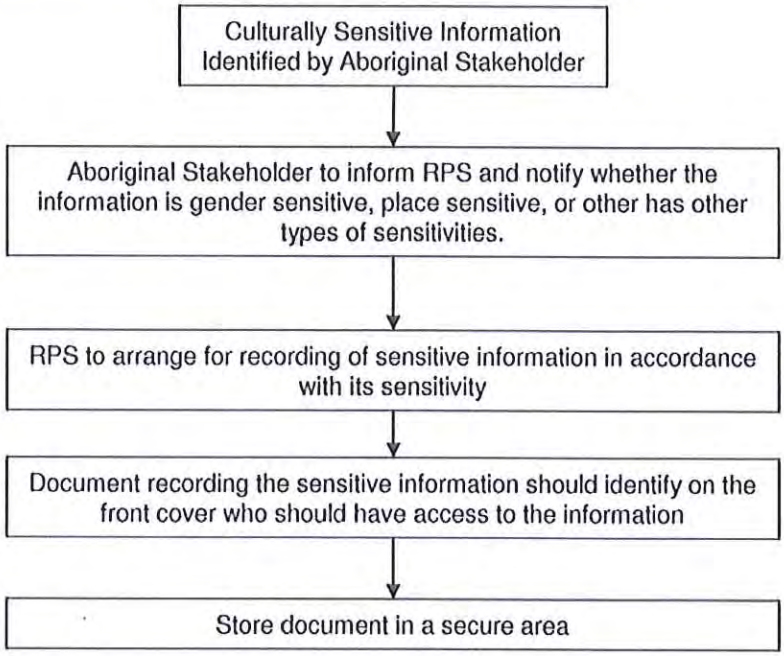
Attachment 2: Mannering Colliery Project Area – Stage 1



107888 Field Map 20110712

RPS

Attachment 3: Culturally Sensitive Information Protocol




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Dora Creek
Bonnells Bay
HALCOLYN
YARRAWONGA PARK
MORISSET PARK
MIRRABOOKA
SUNSHINE
BONNELLS BAY
WINDERMERE PARK
POINT WOLSTONCROFT
CAVES BEACH
SWANSEA
MACCABEE
FRASER PARK

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45-7-0187

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45-7-0254

Ali Byrne

From: Tracey Howie [tracey@guringai.com.au]
Sent: Thursday, 18 August 2011 9:39 PM
To: Ali Byrne
Subject: Methodology comments for Mannering Colliery Project

Dear Ali,
I agree with the methodology for the Aboriginal Cultural heritage assessment for Mannering Colliery with the following inclusions.

- Please supply a list of recorded Aboriginal sites within a 5km radius of the study area.
- Please clarify the expected size of the study area to be covered
- Please clarify the expected time frame required in the field, to accurately cover the study area allowing appropriate time for potential site recordings within the study area.

I look forward to the the Final Heritage assessment methodology.

Kind regards,
Tracey Howie
Guringai Tribal Link
Aboriginal Corporation

Laraine Nelson

From: Laraine Nelson
Sent: Wednesday, 2 November 2011 12:12 PM
To: 'kerrie@awabakal.com.au'
Subject: 107888 Mannering Draft Cultural heritage assessment

Hi Kerrie

I am finalising the comments for the above report today. I emailed last week and Ali has tried to call you a few times without success to let you know the final response date was yesterday.

If you would like to lodge a response can you have to me today?

Cheers

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

PO Box 428, Hamilton,
NSW, Australia, 2303

241 Denison St, Broadmeadow, NSW, 2292 | T +61 2 4940 4200 | F +61 2 4961 6794

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:31 PM
To: 'tracey@guringai.com.au'
Subject: FW: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Laraine Nelson
Senior Archaeologist
RPS
RPS Australia/SE Asia

T +61 2 4940 4200 | F +61 2 4961 6794 |

Please consider the environment before printing this email.

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:27 PM
To: 'guringai@kooee.com.au'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project

Dear Tracey

Please find attached the Draft Cultural Heritage Assessment for Mannering Colliery. A hard copy will be mailed shortly.

I am sorry that we were unable to include a representative of Guringai Tribal Link Aboriginal Corporation in the survey.

If you could have a response to the Assessment by 1 November 2011 would be much appreciated.

Best regards

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

PO Box 428, Hamilton,
NSW, Australia, 2303

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:29 PM
To: 'awabaka@bigpond.net.au'
Subject: FW: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Laraine Nelson
Senior Archaeologist
RPS
RPS Australia/SE Asia

T +61 2 4940 4200 | F +61 2 4961 6794 |

Please consider the environment before printing this email.

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:26 PM
To: 'awabaka@bigpond.com.au'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project

Dear Margaret

Please find attached the Draft Cultural Heritage Assessment for Mannering Colliery. A hard copy will be mailed shortly.

Julie Smith and Peter Townsend of Awabakal LALC participated in the survey.

If you could have a response to the Assessment by 1 November would be much appreciated.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

PO Box 428, Hamilton,
NSW, Australia, 2303

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:28 PM
To: 's.naden@dlalc.org.au'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Dear Suzanne

Please find attached the Draft Cultural Heritage Assessment for Mannering Colliery. A hard copy will be mailed shortly.

If you could have a response to the Assessment by 1 November 2011 would be much appreciated.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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NSW, Australia, 2303

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Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:27 PM
To: 'daniellachedzey@yahoo.com.au'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Dear Daniella

Please find attached the Draft Cultural Heritage Assessment for Mannering Colliery. A hard copy will be mailed shortly.

If you could have a response to the Assessment by 1 November 2011 would be much appreciated.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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NSW, Australia, 2303

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:27 PM
To: 'guringai@kooee.com.au'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Dear Tracey

Please find attached the Draft Cultural Heritage Assessment for Mannering Colliery. A hard copy will be mailed shortly.

I am sorry that we were unable to include a representative of Guringai Tribal Link Aboriginal Corporation in the survey.

If you could have a response to the Assessment by 1 November 2011 would be much appreciated.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:27 PM
To: 'cacatua@resetdsl.net.au'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Dear Tegan

Please find attached the Draft Cultural Heritage Assessment for Mannering Colliery. A hard copy will be mailed shortly.

If you could have a response to the Assessment by 1 November 2011 would be much appreciated.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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NSW, Australia, 2303

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:26 PM
To: 'kerrie@awabakal.com.au'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Hi Kerrie

Please find attached the Draft Cultural Heritage Assessment for Mannering Colliery. A hard copy will be mailed shortly.

If you could have a response to the Assessment by 1 November 2011 would be great.

Cheers

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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NSW, Australia, 2303

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Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:26 PM
To: 'awabakal_to@bigpond.com'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Hi Shane

Please find attached the Draft Assessment. A hard copy will be mailed shortly.

If you could have a response to me by the 1 November would be great.

Cheers

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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NSW, Australia, 2303

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Please consider the environment before printing this email.

'Laraine Nelson

From: Laraine Nelson
Sent: Tuesday, 4 October 2011 4:26 PM
To: 'bahtabahmick@hotmail.com'
Cc: 'James Wearne'; Gillian Goode
Subject: Cultural Heritage Assessment - Draft Mannering Colliery
Attachments: Mannering Heritage Impact Assessment - JW LN BJ Reduced.pdf

Hi Mick

Please find attached the Draft Cultural Heritage Assessment for Mannering Colliery. A hard copy will be mailed shortly.

If you could have a response to the Assessment by 1 November 2011 would be much appreciated.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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NSW, Australia, 2303

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Thursday, 27 October 2011 3:16 PM
To: 'guringai@kooee.com.au'
Subject: Comments due 1 November 2011 - Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project.

Dear Tracey

On 4 October RPS sent a Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project for comment.

If you would like to comment on that report those comments are due by 1 November 2011.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

PO Box 428, Hamilton,
NSW, Australia, 2303

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Thursday, 27 October 2011 3:13 PM
To: 'cacatua@resetdsl.net.au'
Subject: Comments due 1 November 2011 - Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project.

Dear Donna

On 4 October RPS sent a Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project for comment.

If you would like to comment on that report those comments are due by 1 November 2011.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Thursday, 27 October 2011 3:11 PM
To: 'bahtabahmick@hotmail.com'
Subject: Comments due 1 November 2011 - Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project.

Hi Mick

On 4 October RPS sent a Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project for comment.

If you would like to comment on that report those comments are due by 1 November 2011.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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Laraine Nelson

From: Laraine Nelson
Sent: Thursday, 27 October 2011 3:10 PM
To: 's.naden@dlalc.org.au'
Subject: Comments due 1 November 2011 - Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project.

Dear Suzanne

On 4 October RPS sent a Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project for comment.

If you would like to comment on that report those comments are due by 1 November 2011.

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Thursday, 27 October 2011 3:06 PM
To: 'awabaka@bigpond.net.au'
Subject: Attn Julie Beetson- Comments due 1 November 2011 - Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project

Dear Julie

On 4 October RPS sent a Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project for comment. Representatives from Awabakal Local Aboriginal Land Council participated in the survey.

If you would like to comment on that report those comments are due on 1 November 2011.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

PO Box 428, Hamilton,
NSW, Australia, 2303

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Laraine Nelson

From: Laraine Nelson
Sent: Thursday, 27 October 2011 2:57 PM
To: 'kerrie@awabakal.com.au'
Subject: Comments due 1 November - Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Auction of rare paintings - Awabakal people.pdf

Hi Kerrie

Just a reminder that the comments on the Draft Mannering Colliery extension of Mining report are due next Tuesday (1 November 2011).

You probably saw the article in the Herald about the paintings – if not see attached.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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NSW, Australia, 2303

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Please consider the environment before printing this email.

Laraine Nelson

From: Laraine Nelson
Sent: Thursday, 27 October 2011 2:55 PM
To: 'Shane Frost'
Subject: Comments due November 1 - Cultural Heritage Assessment - Draft Mannering Colliery Extension of Mining project
Attachments: Auction of rare paintings - Awabakal people.pdf

Hi Shane

Just a reminder that the comments on the Draft Mannering Colliery extension of Mining report are due next Tuesday (1 November 2011).

You probably saw the article in the Herald about the paintings – if not see attached.

Best regards

RPS

Laraine Nelson
Senior Archaeologist
Australia Asia Pacific
http://rpsgroup.com.au
Laraine.Nelson@rpsgroup.com.au

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Appendix 4

Aboriginal Consultation Log

Date	Consultation Description	Method of Contact	Outcomes
14/06/2011	Identification letters sent out to relevant government bodies requesting Aboriginal Community Stakeholders (ACS) for Project Area	Mail	Responses due 01/07/2011
23/06/2011	Advert placed in Lakes Mail requesting Expression of Interest	Advert	Responses due 07/07/2011
20/06/2011	Ali Byrne RPS (AB) received Expression of Interest (EoI) from Suzanne Naden of Darkinjung LALC	Email	EoI noted - notified prior to EoI Invite letters being sent
22/06/2011	Response received by AB from Lake Macquarie City Council	Mail	Response noted, 5 groups specified (see document)
23/06/2011	Response received by AB from Office of Environment & Heritage (OEH)	Email	Response noted, 11 groups specified (see document)
24/06/2011	Response received by AB from National Native Title Tribunal (NNTT)	Email	Response noted, 1 ILUA specified (see document)
27/06/2011	Response received by AB from Office of the Registrar	Mail	Response noted
27/06/2011	AB received EoI from Kerrie Brauer at Awabakal Traditional Owners Aboriginal Corporation (ATOAC)	Email	EoI noted - notified prior to EoI Invite letters being sent
28/06/2011	AB received EoI from Tracey Howie of Guringai Tribal Link Aboriginal Corporation (GTLAC)	Email	EoI noted
30/06/2011	Response received by AB from Wyong Council	Email	Response noted
30/06/2011	Response received by AB from Hunter-Central Rivers CMA	Mail	Response noted
1/07/2011	AB received EoI from Shane Frost of Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC)	Email	EoI noted - notified prior to EoI Invite letters being sent
5/07/2011	AB sent out Expression of Interest (EoI) invitation letters to Bahtahbah LALC, Awabakal LALC/West Lakes, Yamuloong Group Initiatives Ltd, Awabakal Newcastle Aboriginal Co-op, Arwarbukarl Cultural Resource Association, Kevin Duncan and Daniella Chedzey & Jessica Wegener, Cultural Heritage Officers	Mail	Responses due 20/07/2011
6/07/2011	Arwarbukarl Cultural Resources Centre Daniella Chedzey contacted AB	Phone	EoI noted
12/07/2011	AB received EoI from Tegan McCormack of Cacatua Culture Consultants	Fax	EoI noted
21/07/2011	AB sent out methodology letters to the six ACS who expressed interest in the project	Mail	Responses due 18/08/2011
14/08/2011	AB received methodology response from Donna Sampson of Cacatua Cultural Consultants	Email	Response noted
14/08/2011	AB received methodology response from Shane Frost of ADTOAC	Email	Response noted
16/08/2011	AB received methodology response from Kerrie Brauer of ATOAC	Email	Response noted
18/08/2011	AB contacted Darkinjung LALC	Phone	Re: methodology

Date	Consultation Description	Method of Contact	Outcomes
			response, Suzanne Naden not available, left message with Jodi
18/08/2011	AB contacted Tracey Howie of Guringai Tribal Link	Phone	Re: methodology response, she said she would email her response this afternoon
18/08/2011	AB contacted Daniella Chedzey	Phone	Re: methodology response, phone number disconnected, email sent 18/8/11
19/08/2011	AB received methodology response from Tracey Howie Guringai Tribal Link	Email	Re: methodology
19/08/2011	AB was contacted by DLALC	Phone	Re: methodology - address was wrong, letter emailed out to them; response received same day
	Awabakal LALC		requesting participation in survey 7 Sept 2011 - insurances requested
	Darkinjung LALC		requesting participation in survey 7 Sept 2011 - insurances requested
	Bahtabah LALC		requesting participation in survey 7 Sept 2011 - insurances requested
29/082011	ADTOAC	Letters/ email	requesting participation in survey 7 Sept 2011
30/08/2011	AB contacted Darkinjung LALC; Awabakal LALC and Bahtabah LALC	phone	Requesting certificates of currency, follow up emails sent to ALALC and DLALC. BLALC did not answer phone, no current email on records.
30/08/2011	AB was contacted by DLALC	phone	unable to participate in survey (Suzanne Naden)
31/08/2011	LN spoke to Mick Green of Bahtabah LALC	phone	to confirm they would attend the survey and email address
7&8 /09/2011	Survey conducted with ADTOAC; ATOAC; Awabakal LALC; and Bahtabah LALC		
7/09/2011	Guringai tribal Link - Tracie Howie registered dissatisfaction with not being included in the survey	phone	Explained that all groups could not be included and 4 groups had been represented.
4/10/2011	Awabakal LALC	Email/mail	Draft Report
4/10/2011	Darkinjung LALC	Email/mail	Draft Report
4/10/2011	ADTOAC	Email/mail	Draft Report
4/10/2011	ATOAC	Email/mail	Draft Report

Date	Consultation Description	Method of Contact	Outcomes
4/10/2011	Guringai Tribal Link	Email/mail	Draft Report
4/10/2011	Cacatua Culture Consultants	Email/mail	Draft Report
4/10/2011	Arwarbukarl Cultural Resources Centre	Email/Mail	Draft Report
27/10/2011 &31/10/2011	Awabakal LALC	Email/phone	Request response to draft report
27/10/2011 &31/10/2011	Darkinjung LALC	Email/phone	Request response to draft report
27/10/2011 &31/10/2011	ADTOAC	Email/phone	Request response to draft report
27/10/2011 &31/10/2011	ATOAC	Email/phone	Request response to draft report
27/10/2011 &31/10/2011	Guringai Tribal Link	Email/phone	Request response to draft report
27/10/2011 &31/10/2011	Cacatua Culture Consultants	Email/phone	Request response to draft report
27/10/2011 &31/10/2011	Arwarbukarl Cultural Resources Centre	Email/phone	Request response to draft report
2/11/2011	Awabakal LALC	Phone	Response to draft report
31/10/2011	Darkinjung LALC	Email	Response to Draft Report
31/10/2011	ADTOAC	Email	Response to Draft Report
2/11/2011	ATOAC	Email	Response to Draft Report
27/10/2011	Cacatua Culture Consultants	Email	Response to Draft Report

Appendix 5

AHIMS Search

Office of Environment & Heritage NSW

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : 107888
Client Service ID : 46976

SiteID	SiteName	Datum	Zone	Eastings	Northings	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-7-0181	Chain Valley Bay 1	AGD	56	366150	6329600	Open site	Valid	Earth Mound : -, Shell : -, Artefact : -	Midden	101093
	Contact:	Recorders:	L.M Nelson					Permits:		
45-7-0138	Bonny Boy Gully;	AGD	56	366820	6332970	Open site	Valid	Earth Mound : -, Shell : -, Artefact : -	Midden	1846
	Contact:	Recorders:	Helen Brayshaw					Permits:		
45-3-0334	Tiombula Creek Midden;Tiombula Creek;	AGD	56	366730	6330420	Open site	Valid	Earth Mound : -, Shell : -, Artefact : -	Midden	1076
	Contact:	Recorders:	Mary Dallas Consulting Archaeologists					Permits:		
45-3-3261	B9, Bushells Ridge	AGD	56	359601	6326537	Open site	Valid	Artefact : 2		
	Contact: T Russell	Recorders:	Michael Therin					Permits:		
45-3-3263	B8, Bushells Ridge	GDA	56	359931	6325584	Open site	Valid	Artefact : 1		
	Contact: T Russell	Recorders:	Michael Therin					Permits:		
45-7-0249	PAD 1 - Mummorah	AGD	56	363200	6325900	Open site	Valid	Potential Archaeological Deposit (PAD) : -, Artefact : 7		100751,100944
	Contact: T Russell	Recorders:	Heritage Concepts,J Czastka					Permits:	2780,2781	
45-7-0250	PAD 2 - Mummorah	AGD	56	363175	6325350	Open site	Valid	Potential Archaeological Deposit (PAD) : -, Artefact : 8		100751,100944
	Contact:	Recorders:	Heritage Concepts,Jakub Czastka					Permits:	2780,2781	
45-7-0251	PAD 3 - Mummorah	AGD	56	361000	6326250	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	Contact:	Recorders:	Heritage Concepts,Jakub Czastka					Permits:		
45-7-0268	CV-04-09	GDA	56	368381	6331136	Open site	Valid	Shell : 1		
	Contact:	Recorders:	Mr.Geordie Oakes					Permits:		
45-7-0270	CV-07-09	GDA	56	367043	6331305	Open site	Valid	Artefact : 1		
	Contact:	Recorders:	Mr.Geordie Oakes					Permits:		
45-7-0277	CV-16-09	GDA	56	366335	6329635	Open site	Valid	Shell : 1		
	Contact:	Recorders:	Mr.Geordie Oakes					Permits:		
45-7-0280	CV-19-10	GDA	56	366988	6333151	Open site	Valid	Shell : 1		
	Contact:	Recorders:	Mr.Geordie Oakes					Permits:		
45-7-0281	CV-20-10	GDA	56	365588	6331434	Open site	Valid	Shell : 1		

Report generated by AHIMS Web Service on 20/07/2011 for Deborah Farina for the following area at Datum :AGD, Zone : 56, Eastings : 359081 - 369081, Northings : 6322935 - 6332935 with a Buffer of 200 meters.Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 53

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

Appendix 6

Glossary of Site Types

Aboriginal site types

The following is a brief description of most Aboriginal site types.

Artefact Scatters

Artefact scatters are defined by the presence of two or more stone artefacts in close association (i.e. within fifty metres of each other). An artefact scatter may consist solely of surface material exposed by erosion, or may contain sub-surface deposit of varying depth. Associated features may include hearths or stone-lined fireplaces and heat treatment pits.

Artefact scatters may represent:

- Camp sites: involving short or long-term habitation, manufacture and maintenance of stone or wooden tools, raw material management, tool storage and food preparation and consumption;
- Hunting or gathering activities;
- Activities spatially separated from camp sites (e.g. tool manufacture or maintenance); or
- Transient movement through the landscape.

The detection of artefact scatters depends upon conditions of surface visibility, including vegetation cover, ground disturbance and recent sediment deposition. Factors such as poor light, vegetation, leaf litter may obscure artefact scatters and prevent their detection during surface surveys.

Bora Grounds

Bora grounds are a ceremonial site associated with initiations. They are usually comprise two circular depressions in the earth and may be edged with stone. Bora grounds generally occur on soft sediments in river valleys, although they may also be located on high, rocky ground in association with stone arrangements.

Burials

Human remains were often placed in hollow trees, caves or sand deposits and may have been marked by carved or scarred trees. Burials have been identified eroding out of sand deposits or creek banks, or when disturbed by development. The probability of detecting burials during archaeological fieldwork is extremely low.

Culturally Modified Trees

Culturally modified trees include scarred and carved trees. Scarred trees are caused by the removal of bark for use in manufacturing canoes, containers, shields or shelters. Notches were also carved in trees to permit easier climbing. Scarred trees are only likely to be present on mature trees remaining from original vegetation. Carved trees, the easiest to identify, are caused by the removal of bark to create a working surface on which engravings are incised. Carved trees were used as markers for ceremonial and symbolic purposes, including burials. Although, carved trees were relatively common in NSW in the early 20th century, vegetation removal has rendered this site type extremely rare. Modified trees, where bark was removed for often domestic use are less easily identified. Criteria for identifying modified trees include: the age of the tree; type of tree (the bark of many trees is not suitable, also introduced species would be unlikely subjects); axe marks (with the need to determine the type of axe - stone or steel – though Aborigines after settlement did use steel); shape of the scar (natural or culturally scarred); height of the scar above the ground (reasonable working height with consideration given to subsequent growth).

Fish Traps

Fish traps comprised arrangements of stone, branches and/or wickerwork placed in watercourses, estuaries and along coasts to trap or permit the easier capture of aquatic fauna.

Grinding Grooves

Grinding grooves are elongated narrow depressions in soft rocks (particularly sedimentary), generally associated with watercourses, that are created by the shaping and sharpening of ground-edge implements. To produce a sharp edge the axe blank (or re-worked axe) was honed on a natural stone surface near a source of water. The water was required for lubricating the grinding process. Axe grinding grooves can be identified by features such as a narrow short groove, with greatest depth near the groove centre. The

grooves also display a patina developed through friction between stone surfaces. Generally a series of grooves are found as a result of the repetitive process.

Isolated Finds

An isolated find describes a site where only one artefact is visible. These finds are not found in apparent association with other evidence for prehistoric activity or occupation. Isolated finds occur anywhere and may represent loss, deliberate discard or abandonment of an artefact, or may be the remains of a dispersed artefact scatter. Numerous isolated finds have been recorded within the study area. An isolated find may flag the occurrence of other less visible artefacts in the vicinity or may indicate disturbance or relocation after the original discard.

Middens

Shell middens comprise deposits of shell remaining from consumption and are common in coastal regions and along watercourses. Middens vary in size, preservation and content, although they often contain artefacts made from stone, bone or shell, charcoal and the remains of terrestrial or aquatic fauna that formed an additional component of Aboriginal diet. Middens can provide significant information on land-use patterns, diet, chronology of occupation and environmental conditions.

Mounds

Aboriginal mounds are places where people lived and reflect a record of that living space. Mounds may be places where Aboriginal people lived over long periods of time. Mounds often contain charcoal, burnt clay or stone heat retainers from cooking ovens, animal bones, shells, stone tools and occasionally Aboriginal burials.

Mythological / Traditional Sites

Mythological and traditional sites of significance to Aboriginal people may occur in any location, although they are often associated with natural landscape features. They include sites associated with dreaming stories, massacre sites, traditional camp sites and contact sites. Consultation with the local Aboriginal community is essential for identifying these sites.

Ochre quarries

Ochre, iron oxide may in colours through brown, yellow to red. Ochre may have been used dry for colouring hair or skin or ground to a fine powder and mixed with mediums such as water, blood, fat, etc as a fixative. Ochre was used for decorating the body, artefacts and rock shelters. Quality deposits provided a valuable resource with evidence of wide spread trade of the substance.

Rock Shelters may contain Art and / or Occupation Deposit

Rock shelters occur where geological formations suitable for habitation or use are present, such as rock overhangs, shelters or caves. Rock shelter sites generally contain artefacts, food remains and/or rock art and may include sites with areas of potential archaeological deposit, where evidence of rock-art or human occupation is expected but not visible. The geological composition of a study area will indicate the likelihood for rock shelters to occur.

Stone Arrangements

Stone arrangements include lines, circles, mounds, or other patterns of stone arranged by Aboriginal people. These may be associated with bora grounds, ceremonial sites, mythological or sacred sites. Stone arrangements are more likely to occur on hill tops and ridge crests that contain stone outcrops or surface stone. Preservation of those sites is dependent on minimal impact from recent land use practices.

Stone Quarries

A stone quarry is a place at which stone resource exploitation has occurred. Quarry sites are only located where the exposed stone material is suitable for use either for ceremonial purposes (e.g. ochre) or for artefact manufacture.

Appendix 7

New Site Cards

Aboriginal Site Recording Form

AHIMS Registrar
PO Box 1967, Hurstville NSW 2220

Department of Environment & Climate Change NSW

Office Use Only

Site Number 45-7-0320

Date received / / Date entered into system / / Date catalogued / /

Entered by (I.D.)

Information Access

☐ Gender/male ☐ Gender/female ☐ Location restriction ☐ General restriction ☐ No access

Office Use Only

For Further Information Contact:

☐ **Nominated Trustee**

Title	Surname	First Name	Initials
	FROST	SHANE	

Organisation: ADTOAC

Address: PO BOX 86 CLARENCETOWN

Phone number: Fax:

Client on system ☐

☐ **Knowledge Holder**

Title	Surname	First Name	Initials

Organisation:

Address:

Phone number: Fax:

Client on system ☐

Aboriginal Heritage Unit or Cultural Heritage Division Contacts

Geographic Location

Site Name: RPS MANNERING 1

Easting: 363449 Northing: 6331411 AGD/GDA: GDA

Mapsheet:

Zone 56 Location Method: Differential GPS

Other Registration:

Primary Recorder

Title	Surname	First Name	Initials
	NELSON	LARAINE	

Organisation: RPS PTY LTD

Address: PO BOX 428 HAMILTON NSW 2303

Phone number: 02 4940 4200 Fax: 02 4961 6794

Date recorded: 08/09/2011

Client on system ☐

NPWS Aboriginal Site Recording Form - Site Information

OPEN/CLOSE SITE: Open Site

Site Context

Landform

- [ ] Mountainous
- [ ] Plain
- [ ] Rolling hills
- [ ] Steep hills
- [ ] Undulating plain

Landform Unit

- [ ] Beach
- [ ] Coastal rock platform
- [ ] Dune
- [ ] Intertidal flat
- [ ] Lagoon
- [ ] Tidal Creek
- [ ] Tidal Flat
- [ ] Cliff
- [ ] Crest
- [ ] Flat
- [ ] Lower slope
- [ ] Mid slope
- [ ] Upper slope
- [ ] Plain
- [ ] Ridge
- [ ] Tor
- [ ] Valley flat
- [ ] Levy
- [ ] Stream bank
- [ ] Stream channel
- [ ] Swamp
- [ ] Terrace
- [ ] Terrace flat

Slope

0-15 degrees

Vegetation

- [ ] Closed forest
- [ ] Grasslands
- [ ] Isolated clumps of trees
- [ ] Open forest
- [ ] Open woodland
- [ ] Scrub
- [ ] Woodland
- [ ] Cleared
- [x] Revegetated
- [ ] N/A

Land use

- [x] Conservation
- [ ] Established urban
- [ ] Farming-intensive
- [ ] Farming-low intensity
- [ ] Forestry
- [ ] Industrial
- [ ] Mining
- [ ] Pastoral/grazing
- [ ] Recreation
- [ ] Semi-rural
- [ ] Service corridor
- [ ] Transport corridor
- [ ] Urban expansion
- [ ] Residential

Water

Distance to permanent water source: UNKNOWN metres

Distance to temporary water source: metres

Name of nearest permanent water source:

Name of nearest temporary water:

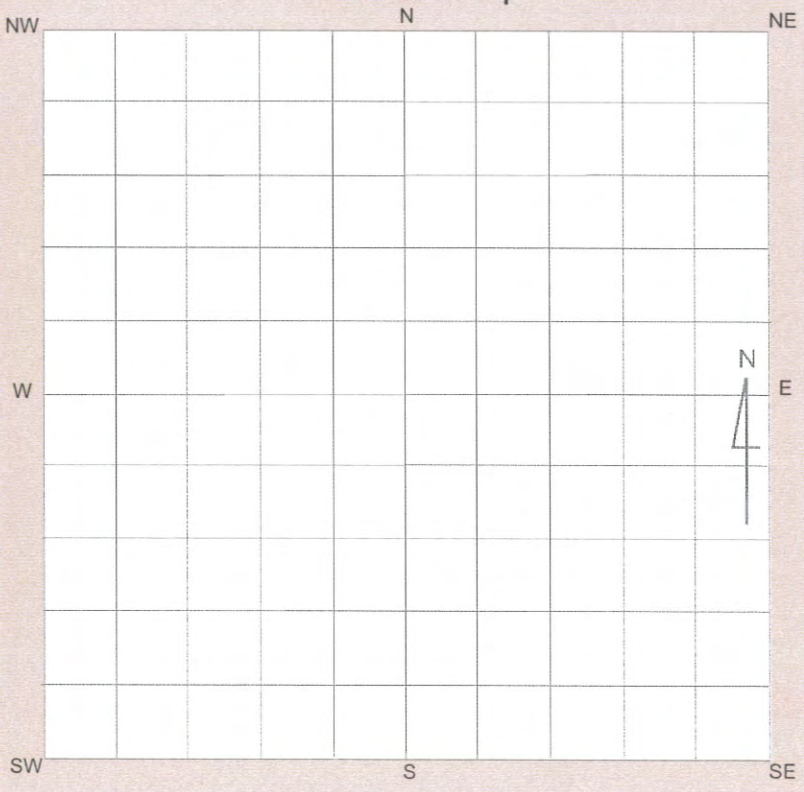
Directions for Relocation

Current Land Tenure

- [ ] Public — National Park / other Government Dept.
- [ ] Private

Primary report I.D. (I.D. Office Use only)

Site Location Map



NPWS Aboriginal Site Recording Form - Site Information

General Site Information

Closed Site

Shelter/Cave Formation

- [ ] Boulder
- [ ] Wind erosion
- [ ] Water erosion
- [ ] Rock collapse

Rock Surface Condition

- [ ] Boulder
- [ ] Sandstone platform
- [ ] Silica gloss
- [ ] Tessellated
- [ ] Weathered
- [ ] Other platform

Condition of Ceiling

- [ ] Boulder
- [ ] Sandstone platform
- [ ] Silica gloss
- [ ] Tessellated
- [ ] Weathered
- [ ] Other platform

Shelter Aspect

- [ ] North
- [ ] North East
- [ ] East
- [ ] South East
- [ ] South
- [ ] South West
- [ ] West
- [ ] North West

Open Site

Site Orientation

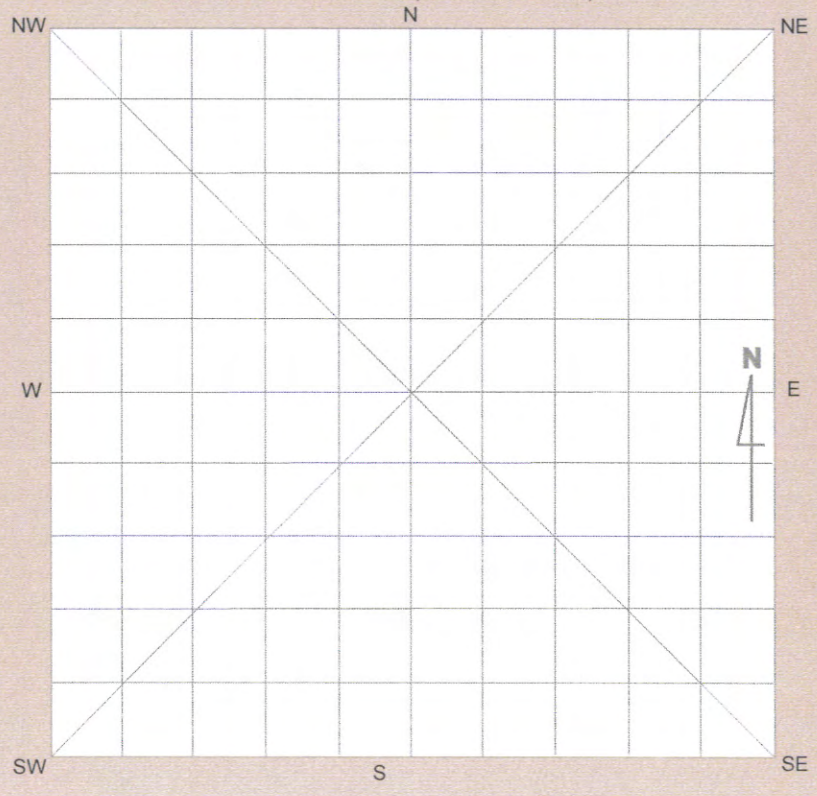
- [ ] N-S
- [ ] NE-SW
- [x] E-W
- [ ] SE-NW
- [ ] N/A

Features

- [ ] 1. Aboriginal Ceremony & Dreaming
- [ ] 2. Aboriginal Resource & Gathering
- [ ] 3. Art
- [ ] 4. Artefact
- [ ] 5. Burial
- [ ] 6. Ceremonial Ring
- [ ] 7. Conflict
- [ ] 8. Earth Mound
- [ ] 9. Fish Trap
- [ ] 10. Grinding Groove
- [ ] 11. Habitation Structure
- [ ] 12. Hearth
- [ ] 13. Non Human Bone & Organic Material
- [ ] 14. Ochre quarry
- [ ] 15. Potential Archaeological Deposit
- [ ] 16. Stone Quarry
- [x] 17. Shell
- [ ] 18. Stone Arrangement
- [ ] 19. Modified Tree
- [ ] 20. Water Hole

Site Plan

Indicate scale, boundaries of site, features



Site Dimensions

Closed Site Dimensions (m)

	Internal length
	Internal width
	Shelter height
	Shelter floor area

Open Site Dimensions (m)

200 M	Total length of visible site
15 M	Average width of visible site
3000SQM	Estimated area of visible site
	Length of assessed site area

Aboriginal Community Interpretation and Management Recommendations

Preliminary Site Assessment

Site Cultural & Scientific Analysis and Preliminary Management Recommendations

The midden, comprising Anadara trapezia and occasional Ostrea angasi was found to be present in surface exposures around trees and in the eroding foreshore bank at the lake edge. The area is a band of foreshore reserve with residences to the eastern side and Lake Macquarie on the western edge. The midden is comparable in composition and size to the numerous middens found around the Lake Macquarie foreshore.

Located in the same area was a culturally modified tree recorded as RPS Mannering 2.

This section should only be filled in by the Endorsees

Endorsed by: ☐ Knowledge Holder ☐ Nominated Trustee ☐ Native Title Holder ☐ Community Consensus

Title | Surname | First Name | Initials

Organisation

Address

Phone number | Fax

Attachments (No.)

- ☐ A4 location map
- ☐ B/W photographs
- ☑ Colour photographs
- ☐ Slides
- ☐ Aerial photographs
- ☐ Site plans, drawings
- ☐ Recording tables
- ☐ Other
- ☐ Feature inserts-No. ☐

Comments

NPWS FEATURE RECORDING FORM - SHELL

Site I.D.

Site Name RPS MANNERING 1

First recorded date / /

Importance Contributes to secondary site impo

Aboriginal Information Recorded?

No. of instances

Recorded by

Feature Context & Condition

Easting 3 6 3 4 4 9 Northing 6 3 3 1 4 1 1

Dimensions of Whole Feature 200 Length (m) 15 Width (m) 0.05 Depth (m)

Shell Distribution

- [ ] Surface scatter
- [ ] Stratified deposit
- [ ] Mounded

[ ] Distance to high water mark (m)

Feature Condition

- [ ] Very good
- [x] Good
- [ ] Poor

General Condition

- [ ] Weathered
- [ ] Vandalised
- [ ] Surface water wash
- [ ] Mineralisation
- [ ] Graffiti

General Condition ctd

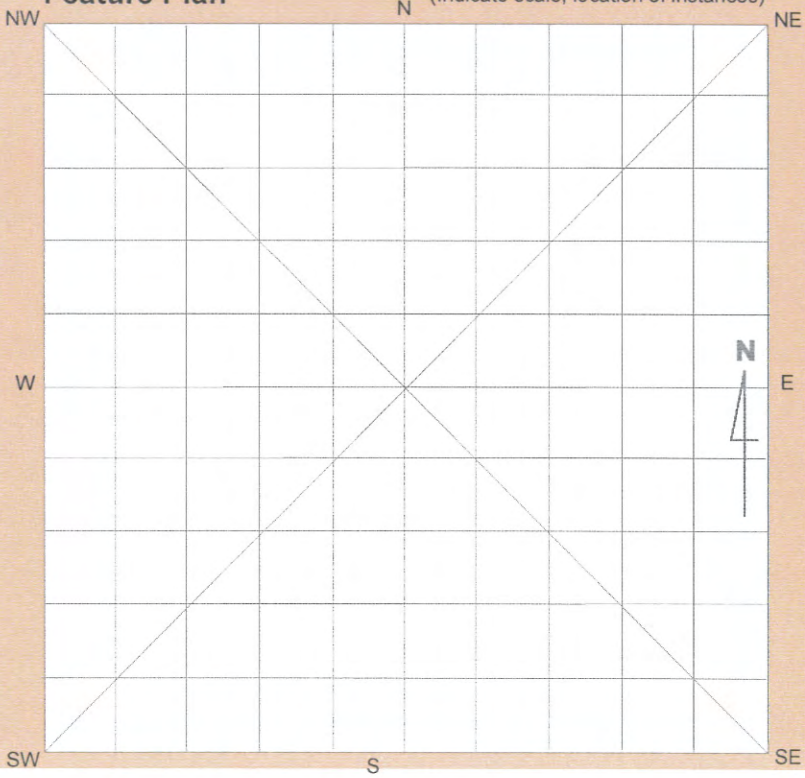
- [ ] Fire damage
- [ ] Vehicle damage
- [ ] Insects/termites
- [ ] Erosion
- [ ] Stock damage
- [ ] Unstable structure
- [ ] Exposed bone material
- [x] Exposed archaeological material

Recommended Action

- [ ] Boardwalk
- [ ] Cage/barrier/fencing
- [ ] Closure to public
- [ ] Continued inspection
- [ ] Expert assessment
- [ ] Fire hazard removal
- [ ] Graffiti removal
- [ ] Meeting with land manager
- [ ] Insect/bird nest removal
- [ ] Revegetation
- [ ] Rubbish removal
- [ ] Signage
- [ ] Erosion control
- [ ] Track closure/re-routing
- [ ] Additional recording

Feature Plan

(Indicate scale, location of instances)



Feature Environment

(Complete when *feature* environment differs to *site* environment, use attributes from cover card, p. 2)

LAKE Land form

FORESHORE Land form unit

0-15deg Slope

revegetated Vegetation

reserve Land use

Water

Distance to permanent water source [ ] metres

Distance to temporary water source [ ] metres

Name of nearest permanent water source

unknown

Name of nearest temporary water

NPWS FEATURE RECORDING TABLE - SHELL

Instance No.	Recording Date	Shell Species	% of this species shell to % total of other shell
	8/9/2011	Anandara	90-100%
	8/9/2011	Mud Oyster	0-9%

Species		Percentage of this Species Shell to Percentage Total of other Shell
Anadara	Nerita	0 – 9%
Bimbala	Ocean Snail	10 – 19%
Chiton	Periwinkle	20 – 29%
Cowrie	Pippi	30 – 39%
Dog Cockle	Ribbed Cockle	40 – 49%
Duck Bill	Rock Oyster	50 – 59%
Limpit	Thiad	60 – 69%
Mud oyster	Triton	70 – 79%
Mutton Fish	Turban (large)	80 – 89%
		90 – 100%

Comments:

the midden is comparable to other Lake middens with great majority of shell comprising Anadara trapezia with occasional Ostrea angasi. The dense lawn grass that covers the area provides good protection to the midden with exposures limited to the bases of trees and the eroded foreshore embankment. Located in the same area was a culturally modified tree recorded as RPS Mannering 2.



Plate 1: General view of foreshore reserve looking south



Plate 2: Midden shell visible around base of tree



Plate 3: Detail of midden shell visible around base of tree



Plate 4: Detail of midden shell in foreshore embankment

Aboriginal Site Recording Form

AHIMS Registrar
PO Box 1967, Hurstville NSW 2220

Office Use Only

Site Number 45-7-0321

Date received / / Date entered into system / / Date catalogued / /

Entered by (I.D.)

Information Access

☐ Gender/male ☐ Gender/female ☐ Location restriction ☐ General restriction ☐ No access

Office Use Only

For Further Information Contact:

☐ **Nominated Trustee**

Title	Surname	First Name	Initials
	FROST	SHANE	

Organisation: ADTOAC

Address: PO BOX 86 CLARENCETOWN

Phone number: Fax:

Client on system ☐

☐ **Knowledge Holder**

Title	Surname	First Name	Initials

Organisation:

Address:

Phone number: Fax:

Client on system ☐

Aboriginal Heritage Unit or Cultural Heritage Division Contacts

Geographic Location

Site Name: RPS MANNERING 2

Easting: 363401 Northing: 6331331 AGD/GDA: GDA

Mapsheet:

Zone 56 Location Method: Differential GPS

Other Registration:

Primary Recorder

Title	Surname	First Name	Initials
	NELSON	LARAINE	

Organisation: RPS PTY LTD

Address: PO BOX 428 HAMILTON NSW 2303

Phone number: 02 4940 4200 Fax: 02 4961 6794

Date recorded: 08/09/2011

Client on system ☐

NPWS Aboriginal Site Recording Form - Site Information

OPEN/CLOSE SITE: Open Site

Site Context

Landform

- [ ] Mountainous
- [ ] Plain
- [ ] Rolling hills
- [ ] Steep hills
- [ ] Undulating plain

Landform Unit

- [ ] Beach
- [ ] Coastal rock platform
- [ ] Dune
- [ ] Intertidal flat
- [ ] Lagoon
- [ ] Tidal Creek
- [ ] Tidal Flat
- [ ] Cliff
- [ ] Crest
- [ ] Flat
- [ ] Lower slope
- [ ] Mid slope
- [ ] Upper slope
- [ ] Plain
- [ ] Ridge
- [ ] Tor
- [ ] Valley flat
- [ ] Levy
- [ ] Stream bank
- [ ] Stream channel
- [ ] Swamp
- [ ] Terrace
- [ ] Terrace flat

Slope

0-15 degrees

Vegetation

- [ ] Closed forest
- [ ] Grasslands
- [ ] Isolated clumps of trees
- [ ] Open forest
- [ ] Open woodland
- [ ] Scrub
- [ ] Woodland
- [ ] Cleared
- [x] Revegetated
- [ ] N/A

Land use

- [x] Conservation
- [ ] Established urban
- [ ] Farming-intensive
- [ ] Farming-low intensity
- [ ] Forestry
- [ ] Industrial
- [ ] Mining
- [ ] Pastoral/grazing
- [ ] Recreation
- [ ] Semi-rural
- [ ] Service corridor
- [ ] Transport corridor
- [ ] Urban expansion
- [ ] Residential

Water

Distance to permanent water source: UNKNOWN metres

Distance to temporary water source: metres

Name of nearest permanent water source:

Name of nearest temporary water:

Directions for Relocation

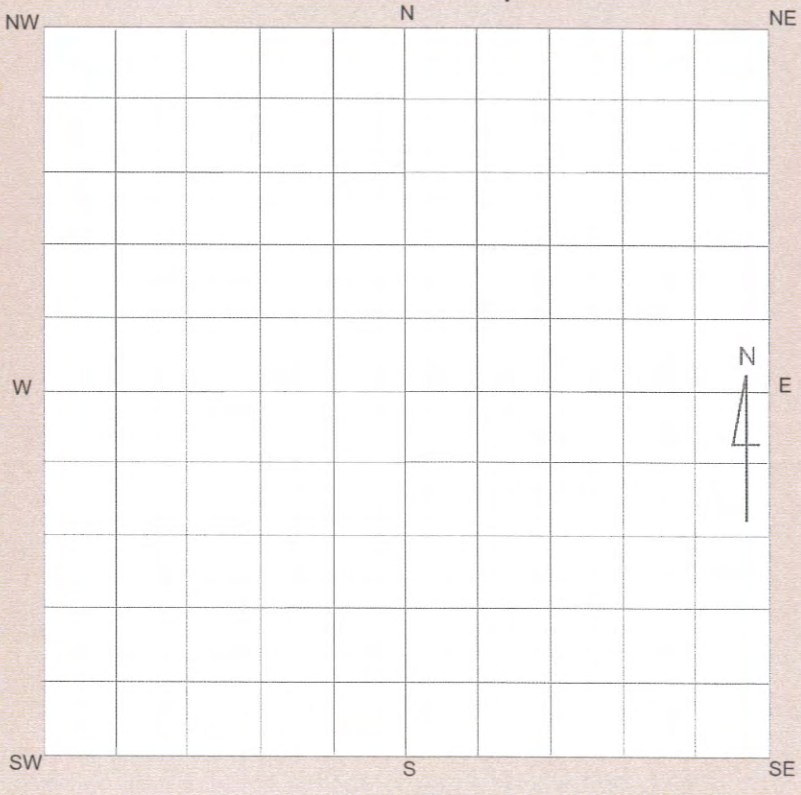
Current Land Tenure

- [ ] Public — National Park / other Government Dept.
- [ ] Private

Primary report I.D.

(I.D. Office Use only)

Site Location Map



NPWS Aboriginal Site Recording Form - Site Information

General Site Information

Closed Site

Shelter/Cave Formation

- ☐ Boulder
- ☐ Wind erosion
- ☐ Water erosion
- ☐ Rock collapse

Rock Surface Condition

- ☐ Boulder
- ☐ Sandstone platform
- ☐ Silica gloss
- ☐ Tessellated
- ☐ Weathered
- ☐ Other platform

Condition of Ceiling

- ☐ Boulder
- ☐ Sandstone platform
- ☐ Silica gloss
- ☐ Tessellated
- ☐ Weathered
- ☐ Other platform

Shelter Aspect

- ☐ North
- ☐ North East
- ☐ East
- ☐ South East
- ☐ South
- ☐ South West
- ☐ West
- ☐ North West

Open Site

Site Orientation

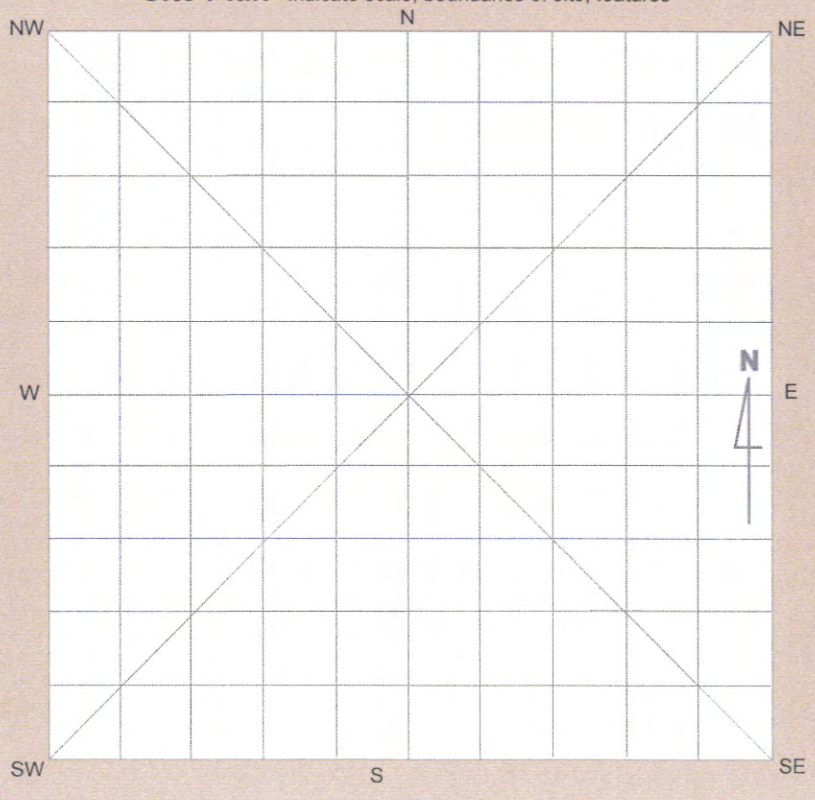
- ☐ N-S
- ☐ NE-SW
- ☑ E-W
- ☐ SE-NW
- ☐ N/A

Features

- ☐ 1. Aboriginal Ceremony & Dreaming
- ☐ 2. Aboriginal Resource & Gathering
- ☐ 3. Art
- ☐ 4. Artefact
- ☐ 5. Burial
- ☐ 6. Ceremonial Ring
- ☐ 7. Conflict
- ☐ 8. Earth Mound
- ☐ 9. Fish Trap
- ☐ 10. Grinding Groove
- ☐ 11. Habitation Structure
- ☐ 12. Hearth
- ☐ 13. Non Human Bone & Organic Material
- ☐ 14. Ochre quarry
- ☐ 15. Potential Archaeological Deposit
- ☐ 16. Stone Quarry
- ☐ 17. Shell
- ☐ 18. Stone Arrangement
- ☑ 19. Modified Tree
- ☐ 20. Water Hole

Site Plan

Indicate scale, boundaries of site, features



Site Dimensions

Closed Site Dimensions (m)

- ☐ Internal length
- ☐ Internal width
- ☐ Shelter height
- ☐ Shelter floor area

Open Site Dimensions (m)

- ☐ Total length of visible site
- ☐ Average width of visible site
- ☐ Estimated area of visible site
- ☐ Length of assessed site area

Aboriginal Community Interpretation and Management Recommendations

Preliminary Site Assessment

Site Cultural & Scientific Analysis and Preliminary Management Recommendations

The tree in good condition and well maintained as part of a foreshore reserve. there appears to be some damage to the lower part of the scar through damage possible caused by park maintenance activities.

A midden recorded as RPS Mannering 1 was also recorded in the area.

This section should only be filled in by the Endorsees

Endorsed by: ☐ Knowledge Holder ☐ Nominated Trustee ☐ Native Title Holder ☐ Community Consensus

Title | Surname | First Name | Initials

Organisation

Address

Phone number | Fax

Attachments (No.)

- ☐ A4 location map
- ☐ B/W photographs
- ☑ Colour photographs
- ☐ Slides
- ☐ Aerial photographs
- ☐ Site plans, drawings
- ☐ Recording tables
- ☐ Other
- ☐ Feature inserts-No. ☐

Comments

NPWS FEATURE RECORDING FORM - ARTEFACT

Site I.D. | Site Name

First recorded date

Importance Cannot be presently determined

No. of instances

Recorded by

	Yes	No
Stone artefacts only		No
Artefacts collected		No
Permit issued		No

Percentage of Non-stone Artefacts to Percentage of Stone Artefacts

0-9% | 10-19% | 20-29% | 30-39% | 40-49% | 50-59% | 60-69% | 70-79% | 80-89% | 90-100%

0-9%

Feature Context & Condition

Scatter No. | Easting | Northing

Density (Artefact count per square metre)

Dimensions Length (m) | Width (m) | Depth (m)

	Yes	No
In situ		No
Stratified		No

Feature Condition

- Very good
- Good
- Poor

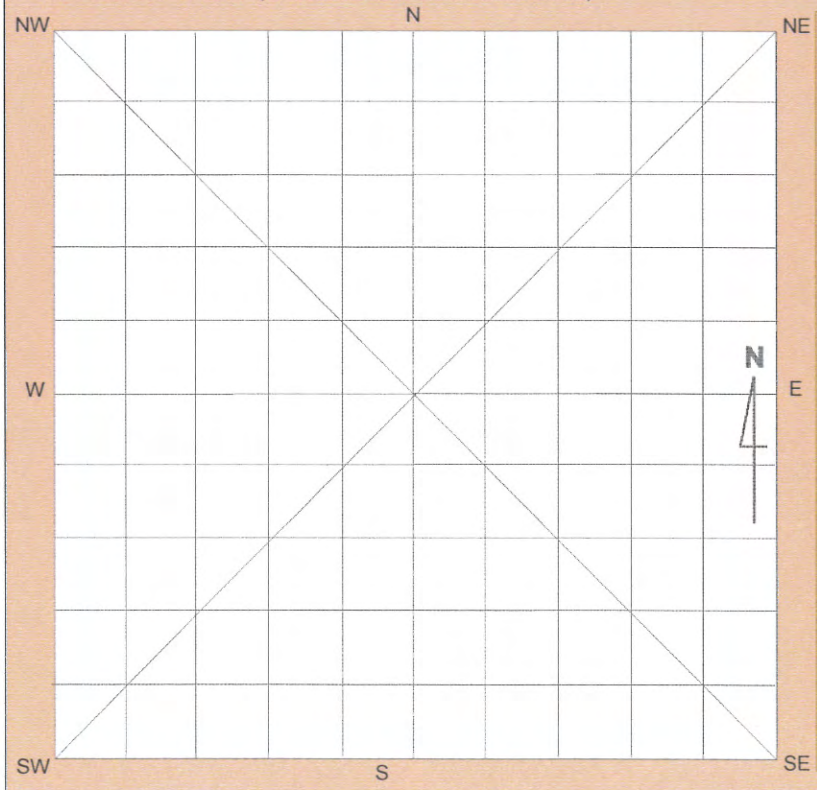
General Condition

- Weathered
- Vehicle damage
- Surface water wash
- Fire damage
- Erosion
- Stock damage
- Exposed archaeological material

Recommended Action

- Boardwalk
- Fencing
- Closure to public
- Continued inspection
- Fire hazard reduction
- Expert assessment
- Meeting with land manager
- Revegetation
- Signage
- Soil erosion control
- Track closure/re-routing
- Additional recording

Feature Plan (Indicate scale, location of instances)



Feature Environment

(Complete when *feature* environment differs to *site* environment, use attributes from cover card, p. 2)

- Land form
- Land form unit
- Slope
- Vegetation
- Land use

Water

Distance to permanent water source metres

Distance to temporary water source metres

Name of nearest permanent water source

Name of nearest temporary water

NPWS FEATURE RECORDING FORM - MODIFIED TREE

Site I.D.

Site Name RPS MANNERING 2

First recorded date

Importance Contributes to secondary site impor

Aboriginal Information Recorded?

No. of instances

Recorded by

Feature description

Easting 3 6 3 4 0 1 Northing 6 3 3 1 3 3 1

No. of scars 1

No. of carved panels

Feature Condition

- Very good
- Good
- Poor

Condition

- Weathered
- Ringbarked
- Fire damage
- Vehicle damage
- Insects/termites
- Rot
- Limb fall
- Stock damage

Recommended Action

- Fencing
- Closure to public
- Continued inspection
- Expert assessment
- Fire hazard reduction
- Insect removal
- Meeting with land manager
- Rubbish removal
- Signage
- Tree health assessment
- Track closure/re-routing
- Additional recording

Feature environment

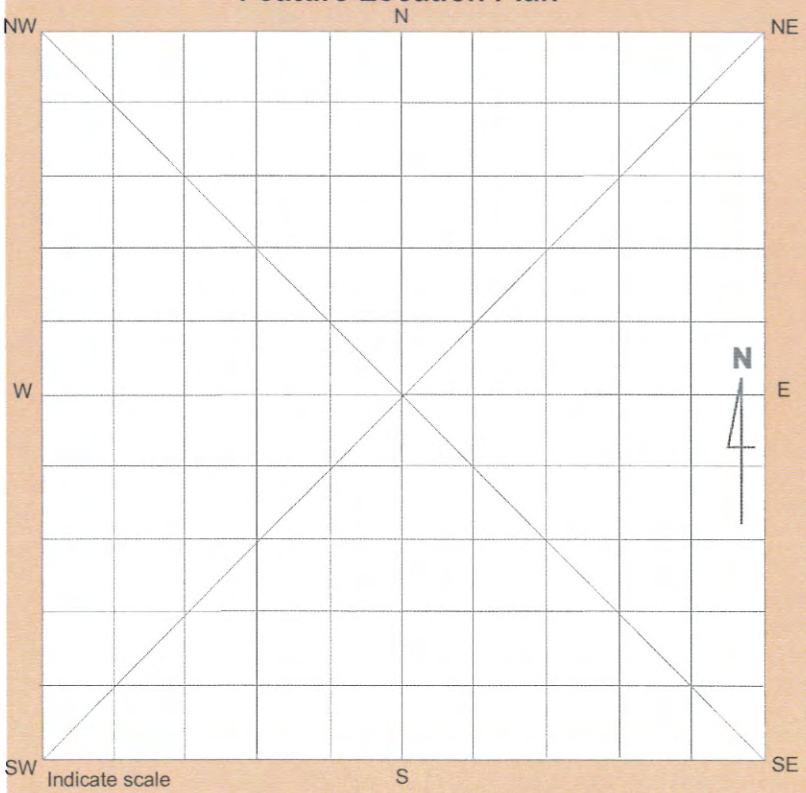
(Complete when *feature* environment differs to *site* environment, use attributes from cover card, page 2)

LAKE	Land form
FORESHORE	Land form unit
0-15deg	Slope
revegetated	Vegetation
reserve	Land use

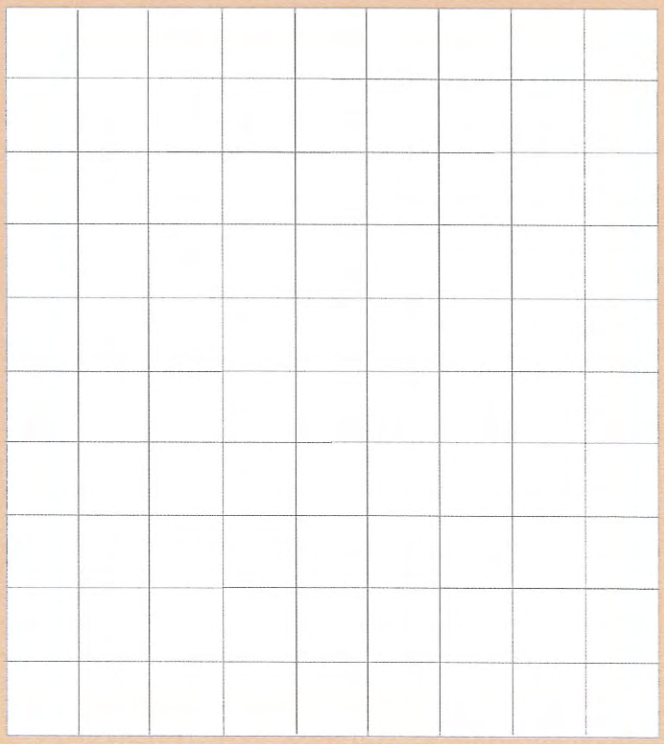
Water

Distance to permanent water source	metres
Distance to temporary water source	metres
Name of nearest permanent water source	unknown
Name of nearest temporary water	

Feature Location Plan



Scar/Carved Panel Drawing



Attach additional drawings

NPWS FEATURE RECORDING TABLE - MODIFIED TREE

Instance No.	Recording Date	Type	Species	Living Status	Tree Status	Regrowth	Length of Scar	Width of Scar	Depth	Height Above Ground	No. of Scars	Shape	No. of Carved Panels	Carving Type	Orientation	Axe Marks
1	8/9/2011	Scarred	Eucalypt	Alive	Standing	Yes	110	23	6	20	1	Oval			West	Indeterm

Type of Tree
Carved Tree
Scarred Tree
Carved/Scarred Tree

Tree Species
Eucalypt
Red Gum
Angotha

Living Status
Dead
Alive
Dying

Tree Status
Standing
Lying down
Partially felled
Subject to salinity
Not *in situ*

Regrowth
Yes
No

Scar Shape
Oval
Rectangular
Square
Round
Other

Carving Type
Linear
Geometric
Pictorial

Axe Marks
Metal
Stone
Indeterminate

Orientation
North East
East
South East
South
South West
West
North West
North

Comments:
the tree was in good condition and part of a well maintained foreshore reserve. Its girth was 170cm. A shell midden - RPS
Mannering 1 was recorded in the area.

NPWS FEATURE RECORDING FORM - SHELL

Site I.D.

Site Name RPS MANNERING 1

First recorded date / /

Importance Contributes to secondary site impo

Aboriginal Information Recorded?

No. of instances

Recorded by

Feature Context & Condition

Easting 3 6 3 4 4 9 Northing 6 3 3 1 4 1 1

Dimensions of Whole Feature 200 Length (m) 15 Width (m) 0.05 Depth (m)

Shell Distribution

- ☐ Surface scatter
- ☐ Stratified deposit
- ☐ Mounded

☐ Distance to high water mark (m)

Feature Condition

- ☐ Very good
- ☑ Good
- ☐ Poor

General Condition

- ☐ Weathered
- ☐ Vandalised
- ☐ Surface water wash
- ☐ Mineralisation
- ☐ Graffiti

General Condition ctd

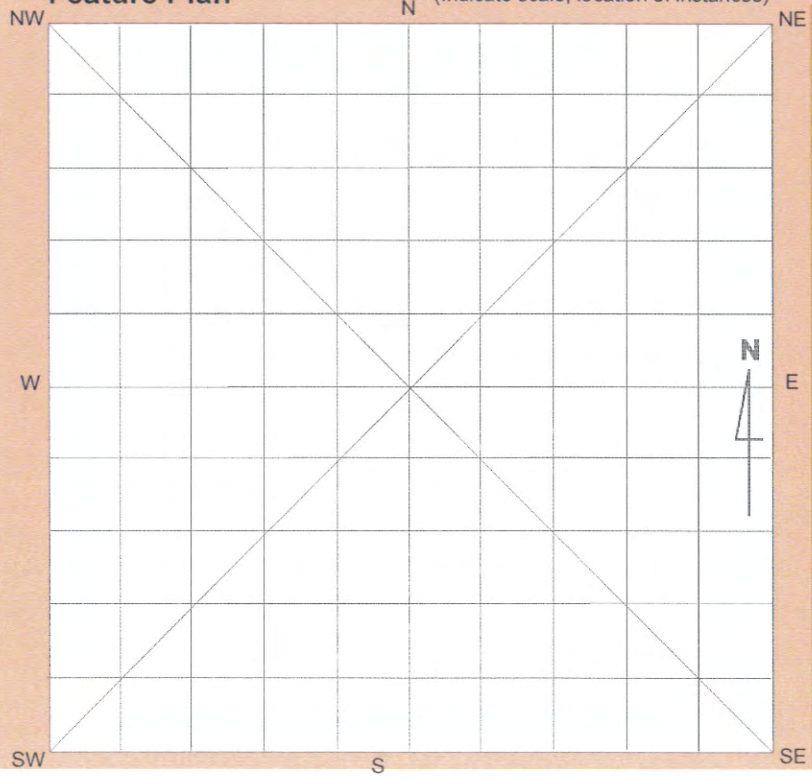
- ☐ Fire damage
- ☐ Vehicle damage
- ☐ Insects/termites
- ☐ Erosion
- ☐ Stock damage
- ☐ Unstable structure
- ☐ Exposed bone material
- ☑ Exposed archaeological material

Recommended Action

- ☐ Boardwalk
- ☐ Cage/barrier/fencing
- ☐ Closure to public
- ☐ Continued inspection
- ☐ Expert assessment
- ☐ Fire hazard removal
- ☐ Graffiti removal
- ☐ Meeting with land manager
- ☐ Insect/bird nest removal
- ☐ Revegetation
- ☐ Rubbish removal
- ☐ Signage
- ☐ Erosion control
- ☐ Track closure/re-routing
- ☐ Additional recording

Feature Plan

(Indicate scale, location of instances)



Feature Environment

(Complete when *feature* environment differs to *site* environment, use attributes from cover card, p. 2)

LAKE — Land form

FORESHORE — Land form unit

0-15deg — Slope

revegetated — Vegetation

reserve — Land use

Water

Distance to permanent water source ☐ metres

Distance to temporary water source ☐ metres

Name of nearest permanent water source

unknown

Name of nearest temporary water

NPWS FEATURE RECORDING TABLE - SHELL

Instance No.	Recording Date	Shell Species	% of this species shell to % total of other shell
	8/9/2011	Anandara	90-100%
	8/9/2011	Mud Oyster	0-9%

Species		Percentage of this Species Shell to Percentage Total of other Shell
Anadara	Nerita	0 – 9%
Bimbala	Ocean Snail	10 – 19%
Chiton	Periwinkle	20 – 29%
Cowrie	Pippi	30 – 39%
Dog Cockle	Ribbed Cockle	40 – 49%
Duck Bill	Rock Oyster	50 – 59%
Limpit	Thiad	60 – 69%
Mud oyster	Triton	70 – 79%
Mutton Fish	Turban (large)	80 – 89%
		90 – 100%

Comments:

the midden is comparable to other Lake middens with great majority of shell comprising Anadara trapezia with occasional Ostrea angasi. The dense lawn grass that covers the area provides good protection to the midden with exposures limited to the bases of trees and the eroded foreshore embankment.. A midden recorded as RPS Mannering 1 was also recorded in the area.



Plate 1: View of reserve looking south east



Plate 2: View of reserve looking east with midden, also located in area visible in embankment



Plate 3: Scar on culturally modified tree – looking south west



Plate 4: Close up of scar on culturally modified tree – looking south west

Appendix 8

Registered Stakeholder Responses

"From the Mountains to the Sea"
AWABAKAL
Descendants Traditional Owners
Aboriginal Corporation
ICN:4500 ABN:20402046601

PO BOX 86
CLARENCE TOWN
NSW 2321

Date: 31 October 2011

Attention: Laraine Nelson
PRS
PO Box 428
Hamilton NSW 2303

Re: Response to Draft Report-Mannering Colliery Extension of Mining Project Cultural Heritage Assessment.

ALLA Laraine,

We thank you for your correspondence regarding the **Draft Report-Mannering Colliery Extension of Mining Project Cultural Heritage Assessment** asking us for comments. In response to this correspondence we would like to notify you that the ***Awabakal Descendants Traditional Owners Aboriginal Corporation*** has reviewed the draft and the following dot points set out our response.

- It is disconcerting to say the least that there has been no mention of this area being the Traditional Lands of the Awabakal People. It is as if the Awabakal People don't exist and play no part in this at all!!
    a. Why have such important facts as these been overlooked??

Please note that we would like this oversight to be rectified for the final document.

- There is also no mention of Threlkeld and his missions to our People and his very important contribution to the ethnographical record for this area around Lake Macquarie.

Please note that we would like this oversight to be rectified for the final document.

- We disagree with the decision not to record the area around the lagoons/swamp as PAD (see draft page 43 last paragraph). These areas would have been highly utilised by our People and to consider them to be sensitive areas but not PAD defies all logic! This matter was discussed in the field and the impression was given that PAD would be the case.

- We dispute (as we have in all our previous correspondence) the statement that it is anticipated that there will be less than 20mm subsidence from the proposed mining activities. Again we reiterate that these figures are only guesstimates! No one can give a 100% guarantee that it will only fall this far. If they are so sure, then why are they using the word anticipated (page 47 of draft)? The use of the word "anticipated" is a way out for someone as it means likely, probable, expected but does not indicate any assurance of the long term stability of the workings and subsequent impacts to the surface due to the proposed mining activities. What is to be the fate of our Cultural Heritage sites well into the future? What about the sites that have not been recorded/located as of yet? Are they not as important as those already found? What consideration and management recommendations have been formulated to protect those sites not visible?

- This area is very significant to us and we do not agree to anything that may cause damage or impact the integrity of our Cultural Heritage sites within this area.

We look forward to seeing these comments addressed so as to afford the appropriate protection for our Cultural Heritage.

We hope this addresses any queries you may have Laraine, if not and further information is required please don't hesitate to contact us ASAP. Our contact details are as follows.

NGI NOA (Farewell in Awabakal)
Shane Frost-Managing Director: Awabakal Descendants Traditional Owners Aboriginal Corporation
Email:shanefrost@bigpond.com Phone: 49964325 Fax: 49964325 Mobile: 0428320671



31 October 2011

Laraine Nelson
RPS
PO Box 428
Hamilton NSW 2303

Dear Laraine,

Re: Comments Regarding the Draft Report Concerning the Cultural Heritage Assessment for the Mannering Colliery Extension of Mining Project.

With regard to the Draft Report for the Cultural Heritage Assessment for the Manning Colliery Extension of Mining Project, we recognise the evaluation by RPS appears to be reasonably comprehensive.

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

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

We believe that Centennial Coal are committed and supportive in adequately addressing the many aspects related to the perspectives and diversity that is associated with Aboriginal Cultural Heritage.

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

Page 4, Recommendation 2, We believe that the proposed Recommendation regarding the development of an Aboriginal Cultural Heritage Management Plan (ACHMP) which indicates that, this process will be in consultation with the relevant Aboriginal Stakeholders, be initiated at the beginning of the process and not after the ACHMP has been developed.

It has been our experience that the development of an ACHMP is usually an exclusive process, until the relevant Aboriginal Stakeholders are asked to make comment and/or recommendations after the ACHMP has been completed. Therefore we believe that the last reference within Recommendation 2 regarding the involvement of the relevant Aboriginal Stakeholders being consulted in the development of the ACHMP will need further clarification to indicate whether this procedure will be an inclusive process as indicated.

Page 4, Recommendation 3, We believe that the context pertaining to the Heritage aspects within Recommendation 3 needs to be specific to clarify whose Heritage is being referred to within this section of the **Draft Report**, in which the Recommendation does not specify weather is it Aboriginal or Colonial Heritage is being discussed.

Page 26, 5, With regard to the Aboriginal Heritage context within this section of the **Draft Report**, we are perplexed and concerned that there is no reference made to the original inhabitance, the Awabakal People. We would have expected RPS to least include some reference within the Draft Report and *not just* a reference made on **page 10**.

The Historical Records of L.E. Threlkeld who was a missionary to the Aborigines of Lake Macquarie 1824-1859, in whose correspondence and accounts with the Awabakal people of the Newcastle and Lake Macquarie region are the earliest recorded.

Therefore at this juncture we believe that the **Draft Report** is incomplete as there is no reference to the original inhabitants of the area, the Awabakal People.

Page 26, 5.1, With regard to the 1998 references of L'Oste Brown within this section of the Historical Records of Aboriginal Occupation, we are again concerned that this is the only material that RPS is able to reference, and believe that the reference being made may seem to be irrelevant.

We consider that the diversity of our "Cultural Heritage perspective" pertaining to the Historical Records of Aboriginal Occupation and aspects of the study area is excluded from this section within the **Draft Report**, and believe that the writings of the Reverend Lancelot Threlkeld are an informative adjunct to the Awabakal Peoples lifestyle, that would have indeed broaden the context of the Mannering area within the **Draft Report**.

Therefore we believe that this section should be reconstructed to actually include the Awabakal Aboriginal Cultural and Heritage context, as additional historical research would bring an informative adjunct to the Awabakal Peoples presence, occupation and lifestyle within the local area and surrounding districts.

Page 26, 5.2, The reference made to the 2009 Lake Macquarie City Council Draft Sustainable Management of Aboriginal Cultural Heritage in the Lake Macquarie Local Government Area (Umwelt 2009) within this section of the **Draft Report** may be misleading.

Although the the 2009 Lake Macquarie City Council Draft Sustainable Management of Aboriginal Cultural Heritage in the Lake Macquarie Local Government Area was on public display recently, it is our understanding, and being a working party participant in the development of the strategy for nearly six years, has not yet been adopted by the Lake Macquarie City Council at this stage. Therefore, it is important that the **Draft Report** should acknowledge that references made to the strategy may contain inconsistencies.

With regard to the 1986 Assessment by Haglund within this section of the **Draft Report**, we believe that these references fall short of the Aboriginal context in which the **Draft Report** should be based on. Therefore, it is our belief that **Reports** such as these would be more informative when based on Historical Records rather than Desktop Research.

Although anthropologists may have the ability to identify past physical use of a location, they do not have the capability to adjudicate on the spirituality of any particular location or site. This is the exclusive right of the traditional owners who have a cultural and hereditary association with the land of their ancestors.

Page 27, 5.2, We believe that another descriptive word could have been used in this paragraph instead of the word… "exploited the resources"…, as this word can invoke a negative meaning. We suggest that the word… "utilised the resources"…would be more appropriate to describe how our people made use of their resources.

Page 27, 5.3.1, and page 28, Table 5.1, We are concerned that the reference to 'common site type' used within this section of the **Draft Report** may have the potential to undervalue the Aboriginal Cultural Heritage significance of Shell Midden sites.

Our concerns are based on the statements within this and many other **Reports** that continually refer to Shell Midden sites as a "common site type" along the foreshore of Lake Macquarie, as the meaning of 'common' has the potential to demean the value and rarity that each Midden Site possess.

At this juncture it would be safe to say that Shell Midden sites around the foreshore of Lake Macquarie are still being recorded, therefore would this not be an opportunity to identify these sites as continual Aboriginal Occupation and propose that there may be a need to consider the value of 'place' within the Heritage and Cultural perspective.

Midden Sites around the foreshore of Lake Macquarie have more than halved since the colonisation of this area, as the destruction of these Shell Middens were used for lime, and will continue to be damaged and/or destroyed for the reason that they are repeatedly being referred to and regarded as 'common'. In addition, we believe that Aboriginal Midden Sites will continue to disappear from the Lakes foreshores areas caused by mining subsidence, development, infrastructure and public access.

Page 28, Table 5.1, AHIMS Results Summarised, We believe that the statements within this section of the **Draft Report** may be misleading, and believe that the reference to the AHIMS search may need further clarification, as it is our understanding that the AHIMS Database only shows recorded sites, and does not show sites that are unlikely to occur.

Page 41, Figure 6.1 Map, With regard to the Map within this section of the **Draft Report**, we are concerned that the Riparian Zone is not identified within the project area, and believe that this may need clarification.

Page 44, 7, With regard to the Significance Criteria within this section of the **Draft Report**, we recommend that RPS may need to consider the value of 'place' within the Cultural Heritage weighting within this section of the **Draft Report**, as this consideration is to insure the protection and conservation of Place & Objects which impact significantly on the spirituality, cultural, historic and general legacy needs of Aboriginal people to address inequalities in social and community well being.

With regard to the reference for Aboriginal people being placed to assess cultural significance, we propose that there may be a need for a definition regarding the difference between 'Aboriginal People' and the 'Traditional Descendants' of the area to bring greater clarification concerning the difference between attachment and association, which will have a bearing on who are placed within the community concerning specific social and cultural significance and value within this and future Reports.

For example: Aboriginal Traditional Owner - the term 'Traditional Owner' are those people who, through an Apical Ancestor, have a responsibility for caring for their particular Traditional Country (Ask First: A guide to respecting Indigenous heritage places and values, Australian Heritage Commission, 2002).

Aboriginal communities consist of Aboriginal people many of whom have relocated into other Aboriginal Nations traditional lands. The Hunter and Lake Macquarie regions consist of many Aboriginal community members who have no cultural association with this land; nonetheless they feel a sense of belonging.

Page 45, 7.3.1, With regard to the reference to the integrity of the RPS Mannering 1, we believe that if the **Report** continues to undervalue Aboriginal Cultural Heritage and value, such as Middens, Modified Trees and Artifacts, then how will the perspectives pertaining to the archaeological criteria ever be resolved if the criteria perpetuates a series of questions without any answers.

Page 47, 8, The Awabakal Traditional Owners are rejecting the Impact Assessment and Mitigation of this Draft Report because it is not based on empirical evidence nor mitigation ranking and mitigation, and therefore have no confidence that our cultural and heritage values, landscape and features will be protected or conserved within such an unknown assessment paradigm.

It is our understanding that if there is a potential for movement/subsidence from a Board and Pillar extraction, there is potential for an impact on cultural heritage sites whether it be minimal or not, it is still an impact. The **Draft Report** *does not* contain the documentation to support a Passive Underground Activities Impact statement.

The impact of subsidence can have devastating effects on our cultural heritage landscape and features, and our cultural heritage is coming under increasing and continuing pressure and risk because of the volume and level of mining activity.

Empirical learning has identified that there is a history of agreed practices to mitigate and protect Shell Middens etc; however there has still been damage and unresolved tensions relating to the appropriate measures for conserving and protecting cultural heritage values.

Therefore we urge the OEH and DoP to seriously consider the assessment intentions of cultural associations and practice in the conclusions of approval or non-approval against the act in this context.

These areas are *very significant* to our People, the Awabakal, and were usual places for Aboriginal People to use for resource collection and resulting in camping around the perimeter of Lake Macquarie and are considered to contain Potential Archaeological Deposits (PAD). If these areas are undermined without mitigation and strategy measures in place there may be catastrophic results.

In summary with regard to the Impact Assessment and Mitigation, and Conclusion and Recommendations within the Draft Report, our Comments and Recommendations are that:

We are extremely concerned regarding the possible impacts on our cultural heritage with the future Proposed Works outlined within the **Draft Report** which ***does not*** contain a mitigation strategy for other contingencies regarding future mining operations and the mine decommissioning process, as the decisions that are being made now may possibly affect the integrity of the Awabakal Cultural Heritage and Values of this area in which have their basis supported by a variety of conclusions that are primarily and purely founded on assumption and not fact.

- The Awabakal Traditional Owners are rejecting the Impact Assessment and Mitigation of this **Draft Report** because it is not based on empirical evidence nor mitigation ranking and mitigation, and therefore have no confidence that our cultural and heritage values, landscape and features will be protected or conserved within such an unknown assessment paradigm.

- We agree in principle with Recommendation 1; however at this juncture we believe that the proposed Monitoring within Recommendation 1 is insufficient, and highly recommend that serious consideration is given to an Cultural Heritage Management and Strategy Plan which provides a mitigation strategy involving the Aboriginal Stakeholders to ascertain if there are ongoing impacts occurring to Awabakal Cultural Heritage that are being undermined.

- We agree in principle with Recommendation 2; however we consider that the Aboriginal Cultural Heritage Management Plan (ACHMP) should be developed and agreed upon between Centennial Coal and the Relevant Aboriginal Stakeholders at the beginning of the development process, as this consultation method would produce a more inclusive process.

- We agree in principle with Recommendation 3; however the proposal *does not* outline how the heritage induction will be accomplished, therefore we have no self-assurance that this aspect will be realised and/or achieved.

- We agree with Recommendation 4 and 5.

- We are concerned that the section titled *'Aboriginal Heritage Context'* within section 5 does not contain any reference to the Awabakal People and only refers to the environment and believe that the **Final Report** should reflect Awabakal occupation and Heritage perspectives, as this would indeed broaden the regional context of the **Final Report** of the local area.

- We are concerned that there are *no* recommendations for damage to unknown Aboriginal sites within the **Draft Report**; therefore we believe that this aspect should be included within Recommendation 2 within the proposed ACHMP.

- The Riparian Zone including the lagoon system adjacent to the Wyee Creek *has not* been included within the Recommendations for any possible mitigation strategy; therefore we believe that this aspect should be included within Recommendation 2 within the proposed ACHMP.

- We believe there is a need for a definition regarding the difference between 'Aboriginal People' and the 'Traditional Descendants' of the area to bring greater clarification concerning the difference between attachment and association, which will have a bearing on who are placed within the community concerning specific social and cultural significance and value within this and future **Reports**.

We would like to take this opportunity to clarify our position being the direct descendants of the Traditional Awabakal People of the Newcastle and Lake Macquarie Region.
As Awabakal Descendants our cultural association with our area (Awabakal region) is derived through the history of our apical ancestors Margaret and Ned of the Awabakal People, the original inhabitants of the land.

The Mannering and Lake Macquarie regions are regarded as highly significant to the Awabakal people, and in our view the region is part of the land that facilitates and completes the landscape that echoes the ethos of our cultural heritage.

The principle vision and aims of the Awabakal People is to protect the cultural heritage of our ancestors. Therefore, any artifacts and/or residual evidence of our people are held in high regard and are considered a cultural reminder that unites us with our land and sea country, our past and spirituality and provides us with a visual generational legacy.

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

We would like to thank RPS for the opportunity to comment and would ask for a copy of the *Finished Report* to be forwarded to us at your earliest convenience demonstrating how you have addressed all the Aboriginal stakeholder comments provided.

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

Yours sincerely,



Kerrie Brauer
Director | Administration

Awabakal Traditional Owners Aboriginal Corporation
ABN: 90 203 408 390 | ICN: 4411
PO Box 253 Jesmond NSW 2299 Australia
T: 61 2 49 58 81 70 | E: info@awabakal.com.au | www.awabakal.com.au

RPS

Notes

☐ Facsimile ☐ Transmittal ☐ Memorandum ☐ Minutes ☐ Note to File

Reference:	Peter Townsend	Date:	2/11/11
Attendees:	Awabakal LACC		2.15pm
To:			
From:	0401 128 987	Office:	
Subject:	Manmerup Colliery Cultural Heritage Assess		

- Peter was speaking following discussion with Julie Smith who also participated in survey.
- Peter concerned about water table & flora + fauna (environmental issues not archaeological)
- any impact to the midden sites registered a concern.
  - explained about < 20mm subsidence nil impact expected on middens.

Lauren Nelson

Cacatua Culture Consultants

Entity of Carcatchua Pty Ltd

ABN: 87 145 082 480 ACN: 145 082 480

October 27, 2011

Your Ref:

Laraine Nelson
RPS Group
PO Box 428
Hamilton NSW 2303

RE: Mannering Heritage Impact Assessment

lariane,

Thank you for your email dated October 4, 2011 with regards to the above. We have discussed the material supplied. We are in support of the draft that was issued to us.
Please note: that if our view differs from that of any Native Tittle Claimant or T.O of this area, we will support any changes that they wish to undertake.

Yours truly

Donna Sampson
Office manager

Email: cacatua@resetdsl.net.au

UNIT 1b, 11 Glenwood Drive THORNTON NSW 2322 Ph: 02 4028 6942 Fax: 02 4028 6943

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Ms Laraine Nelson
RPS – Senior Archaeologist
PO Box 428
HAMILTON NSW 2303

31st October 2011

Dear Laraine

RE: Darkinjung LALC formal response to the Mannering Colliery – Extension of Mining Project.

Thank you for the opportunity to formally respond to the Draft Mannering Colliery Extension of Mining Project Heritage Assessment.

Darkinjung LALC has now reviewed the draft report and provides the following issue/s and recommendations that we wish for you to consider.

Issues:

- Aboriginal Consultation: page 16, states that Darkinjung Local Aboriginal Land Council declined-required 6 weeks' notice.

  This statement is not correct as Darkinjung LALC only received 4 days working notice for this site survey, which it was indicated to RPS that we would like 6 weeks' notice for site surveys as we are engaged 6 weeks in advance.

- Darkinjung LALC was unable to participate in the survey simply because of the lack of professional notice and due to other prior commitments was unable to attend.

Recommendations:

- Darkinjung LALC agrees with all recommendations and strongly supports recommendations 2 and 5.

- In future Darkinjung LALC should be given sufficient prior notification of any site survey dates allowing Darkinjung LALC to participate.

Darkinjung Standard Additional Recommendations.

Recommendation One:

- Darkinjung LALC must be notified of any proposed developments or earthworks prior to work being conducted for this site survey.

Recommendation Two:

- Mannering Colliery Extension of Mining Project must give notice to Darkinjung LALC 30 days prior to any commencement of construction work and to engage a Darkinjung LALC Sites Officer to monitor any earthworks or excavations. This is due to the possibility of uncovering Aboriginal objects/items of significance whilst earthmoving/excavation takes place.

Recommendation Three:

- If during the course of excavation, earthmoving and/or construction if suspected Aboriginal cultural heritage material is encountered, work should cease immediately in that area and the Office of Environment and Heritage (OEH) and Darkinjung LALC be immediately notified. Work should only recommence when an appropriate and approved management strategy has been agreed to be DECCW and Darkinjung LALC

If you wish to discuss any of the above listed recommendations or responses please do not hesitate to contact me directly on 43512930 or alternatively 0404479569 or email: s.naden@dlalc.org.au.

Thanking you

Suzanne Naden
Operations Manager