

Appendix 2

Aboriginal Community Correspondence

(No. of pages including blank pages = 30)

Note: A copy of Appendix 2 is provided on the Project CD

This page has intentionally been left blank

Sample Expression of Interest Advert.

OzArk ENVIRONMENTAL & HERITAGE MANAGEMENT P/L
Is seeking Expressions of Interest from relevant Aboriginal groups or individuals interested in being consulted about the cultural heritage evaluation for the proposed Tomingley Gold Project in Central Western NSW, 55km southwest of Dubbo. Should you wish to be consulted over this project, please register your interest **by phone: (02) 6882 0118 (between 9am and 5pm week days) in writing to:**
OzArk EHM
PO Box 2069, DUBBO NSW 2830.
Written submissions should include: detail about you or who your group represents; the basis of cultural interest in the subject area and experience and capability in the assessment of cultural heritage. All submissions should be received no later than Wednesday 6th May 2009.

OzArk Environmental and Heritage Management Pty Ltd.

OZARK Environmental & Heritage Management
PO Box 2069
DUBBO NW 2830
Att: Cheryl Burke

7th May 2009

Your reference	Tomingley Gold Project
Our reference	: DOC09/18944
Contact	Paul Houston 68835361

Dear Cheryl,

**WRITTEN NOTIFICATION OF PROPOSAL AS REQUIRED UNDER DECC INTERIM
COMMUNITY CONSULTATION REQUIREMENTS FOR APPLICANTS – Proposed Tomingley
Gold Project**

I refer to your letter dated 20th April 2009 to the Department of Environment and Climate Change (DECC) regarding the above matter.

A list of known Aboriginal parties that DECC feels is likely to have an interest in this development is attached as Attachment 1 (overleaf). Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties and receipt of this list does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the Interim Requirements.

If you wish to discuss any of the above matters further please contact me, at your earliest convenience, on (02) 6883 5361.

Yours sincerely

Paul Houston
Aboriginal Heritage Planning Officer
Climate Change and Environment Protection

OzArk Environmental and Heritage Management Pty Ltd.

ATTACHMENT 1

DECC LIST OF ABORIGINAL STAKEHOLDER GROUPS WITHIN THE TOMINGLEY AREA - THAT MAY HAVE AN INTEREST IN THE PROJECT; PROVIDED AS PER THE 'INTERIM COMMUNITY CONSULTATION REQUIREMENTS FOR APPLICANTS'.

Name/Title	Organisation/Affiliation	Address
Chairperson	Peak Hill LALC	PO Box 63 Peak Hill, NSW 2869
Chairperson	Warramunga Community Advancement Co-operative Society LTD	79 Caswell Street, Peak Hill NSW 2869
Chairperson	Bogan River Peak Hill Wiradjuri Aboriginal Corporation	PO Box 42, Peak Hill NSW 2869
Chairperson	Little Burning Mountain Aboriginal Corporation	PO Box 152, Peak Hill NSW 2869
Chairperson	Narromine LALC	PO Box 327 NARROMINE NSW 2821
Chairperson	Bulgandramine Youth Development Aboriginal Corporation	PO Box 119, Peak hill NSW 28369
Wirrimbah Direct Descendants		P.O. Box 2070 Dubbo NSW 2830
Aboriginal Reference Group	Central West Catchment Management Authority	PO Box 227 Wellington NSW 2820
Robert Clegg	Wiradjuri Council of Elders	3 Loretta PI, Glendenning NSW 2761
Peter Peckham		27 Jennings Rd, Geurie, NSW 2831
Trevor Robinson		41 Euchie st , Peak Hill NSW 2869
Neville Williams		Po Box 70 Cowra NSW 2794



Cheryl Burke
Ozark Environmental Heritage Management
145 Wingewarra St
Dubbo NSW 2830

28 April 2009

Dear Cheryl

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter regarding an Aboriginal Heritage Assessment in the Peak Hill / Tomingley area.
I have searched the Register of Aboriginal Owners and the subject land does not appear to have Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983*.
I trust you are in contact with the Peak Hill Local Aboriginal Land Council. The land council may be able to assist you with information and contact details for other interested groups.

Regards,

Megan Webberson
Senior Project Officer
Office of the Registrar, *Aboriginal Land Rights Act 1983*



**NARROMINE LOCAL ABORIGINAL
LAND COUNCIL**

13 Burroway Street Narromine NSW 2821

Telephone: (02) 6889 2340 Fax: (02) 6889 2205 Mobile: 0427 892 340

Email: narromine@bigpond.com



23 April 2009

Ozark Environmental Management Pty Ltd
PO Box 2069
DUBBO NSW 2830

ATTENTION: Cheryl Burke

Dear Cheryl

**Re: Aboriginal Heritage Assessment for the proposed Tomingley Gold Project, 55km
southwest of Dubbo NSW**

We refer to your letter of 20th April seeking expressions of interest to form a consultation Group to assist in the cultural heritage evaluation for the proposed Tomingley Gold Project.
Thank you for your invitation to Narromine Local Aboriginal Land Council to be part of the Registered Stakeholder Group for this project. We wish to register an Expression of Interest as a portion of this development falls inside our boundary.

We trust that we will receive all relevant information and details at the appropriate time and look forward to hearing from you.

Yours faithfully
NARROMINE LALC


Judy McMillan
CEO

PO Box 70
COWRA NSW 2794
Mobile: 0447 841 560
12 June 2009

Dr Iodir Benton
OxAs, EHM PL
PO Box 2069
DUBBO NSW 2830

Dear Dr Benton

Aboriginal Heritage Assessment for the proposed Tomingley Gold Project
55 km southwest of Dubbo, NSW

Thank you for your letter dated 4 June 2009 and attached map about the involvement of the individuals from the Moeka Traditional Owners Council in the proposed Tomingley Gold Project.

Aboriginal sites registered on the AHIMS database

I note that you mention 46 Aboriginal sites within the proposed study areas that are registered on the Aboriginal Heritage Information Management System (AHIMS) database held by the NSW National Parks and Wildlife Service. As you would be aware, our experience has shown that it is quite possible during field surveys that other Aboriginal sites could be discovered within, or adjacent to, the proposed study areas. We would expect the methodology to allow time to cover such discoveries and to record and report on them as part of the fieldwork.

Meetings of Stakeholders and Elders

Although I am an Elder in my own right, depending on what we find during the survey, it may be necessary for stakeholders in this project to meet with other Aboriginal community members to discuss the proposals and our findings. We see our country from cultural and spiritual points of view, while archaeologists may see findings only from a scientific point of view and with the needs of the proponents in mind.

To ensure that the different viewpoints are all covered in reports of the survey groups' findings, it may be necessary for additional meetings to be held before the interim and final reports on the project are completed.

Possible Sub-Surface Investigations

Depending on what is discovered during fieldwork, it may be necessary to do some sub-surface investigations. If any are necessary, this would need to be discussed with stakeholders and other Aboriginal community members before such work is undertaken.

Participation in Field Surveys

I wish to discuss your proposals for the involvement of individuals from our stakeholder group in this project, including such issues as involvement in all parts of the surveys, rates of pay, Workers' Compensation Insurance, Occupational Health and Safety, provision of Personal Protective Equipment, accommodation and mileage allowance, living-away-from-home allowances, fees for production of reports, payment for travel to and from meetings and attendance at meetings.

On some other recent projects, we have worked through Manpower Recruitment Solutions who can provide the appropriate insurance for our group. The contact is Donna Madden, telephone (02) 5882 0118.

Length of Time Allowed for Parts of Field Assessments

As you have not stated this in your letter, given our previous experience, we would like to discuss what periods of time you would like to allow for the involvement of Aboriginal fieldworkers you propose to allocate for each part of the field assessment. Anyone who has expressed an interest in being involved in the proposed fieldwork has a right to be included and to take part in any archaeological investigations, fieldwork and cultural heritage advice.

2

I wish to confirm that the following have put in expressions of interest to be involved in the three parts of the project—Narronite to Tomingley Water Pipeline, Tomingley Mining Lease Area, Peak Hill to Tomingley ETL:

Neville Williams, Senior Aboriginal Sites Officer
Eddie Curme, Senior Aboriginal Sites Officer
Sharon Williams, Aboriginal Sites Officer
Sharon Williams, Aboriginal Sites Officer
Wayne Williams, Aboriginal Sites Officer

It is up to the Aboriginal community who represents them. We wish to be involved in all parts of the field assessments. Also it is impossible to prepare a proper report if you are only involved in certain aspects of the fieldwork.

Data for and Methods of Field Assessments

Your letter does not include proposed dates for the assessments of the parts of the fieldwork or details of methods you propose are used for the fieldwork. We would like to discuss these aspects as well. For example, from our experience more than two Aboriginal fieldworkers would be necessary on any one part of the surveys to ensure that as much of the terrain is surveyed as possible. This cannot be done by vehicle survey only. From our point of view, surveys by foot are far more reliable for discovering and recording Aboriginal artefacts.

Also a number of Aboriginal fieldworkers can complete a survey in a shorter time than only two could do. From our estimation, one day would not be sufficient to conduct a field survey of the proposed Peak Hill to Tomingley ETL, a 20 km distance. You do not indicate either the width of the corridors for the proposed ETL and the water pipeline which should be surveyed on foot as far as possible as shown in the Mining Lease Area.

Could you please provide further details of your proposed field survey methods for the three parts of this project.

Project Proposals

You do not provide details of the project proponents(s) in your letter. We would like copies of the proposed(s) project proposals so that we have a better idea of the areas to be surveyed.

Aboriginal Cultural Heritage Management Plan(s)

We would like to discuss with you who holds the required s.87 and s.90 permits for these field surveys. As you would be aware, a s.87 permit from the NSW Department of Environment, Conservation and Climate Change would be required at least at this stage of the projects.

We would also like to discuss with you, and have an input into, Aboriginal Cultural Heritage Management Plans in relation to these permits.

Aboriginal Monitors

Should these projects receive government approval, Aboriginal Monitors should be involved during the construction and later phases. We would like to discuss this requirement as well.

Sincerely



Neville Williams

OzArk Environmental and Heritage Management Pty Ltd.



22nd June 2009

Mr Neville Williams
Mooka Traditional Owners
PO Box 70
Cowra NSW 2794

*Re: Correspondence regarding the proposed Aboriginal heritage assessment methodology for
Tomingley Gold Project, Tomingley, NSW*

Dear Mr Williams,

Thank you for your response to our letter regarding the proposed methodology for the Aboriginal cultural heritage assessment for the proposed Tomingley Gold Project (TGP). Your letter raises several specific issues, each of which has been addressed in the numbered points below:

1. Aboriginal sites registered on the AHIMS database.

We fully acknowledge and agree with your statement that Aboriginal sites may be recorded within the proposed three primary impact footprints for the TGP, hence the requirement to undertake field survey over these areas as part of the Aboriginal cultural heritage assessment. Notes regarding the field assessment were presented in the methodology letter, on page 3. It remains the case that the first stage of survey is scheduled for the Tomingley to Narromine Water Pipeline (TNWP), and that the Mining Lease Area (MLA) and Peak Hill to Tomingley Electricity Transmission Line (PHTETL) survey dates have not as yet been set. It is believed that appropriate time has been apportioned the archaeological field assessment phase of the Aboriginal cultural heritage assessment (see point 4 below).

2. Meetings of stakeholders and Elders

As you suggest, meetings may be required after the survey to discuss with registered Aboriginal community stakeholders the findings of the assessment, especially if a considerable numbers of sites are found that will be impacted by the project. Alternatively, if little is found and / or the project will not impact on sites, meetings may not be necessary. We acknowledge the possibility that a meeting may be an appropriate forum to discuss complex site impact issues and will ensure such meetings are scheduled after survey if required.

3. Possible sub- surface investigations

The need for sub-surface investigations will of course be informed by the archaeological assessment results overlaid with the project impacts. Sites with potential archaeological deposit that will be impacted by the TGP may require test excavation. As you note, if this is the case, this requirement will be discussed with the Aboriginal stakeholders and will form a recommendation of the Aboriginal cultural heritage assessment report that will be circulated for review as part of Stage 3 of the ICCR process.

OzArk Environmental and Heritage Management Pty Ltd.

4. Participation in field surveys

As you are aware, participation in archaeological field survey comprises the provision of services to the Proponent of the project and is separate to the Aboriginal community consultation process.

In terms of the project's need for archaeological field assistance, this has been determined based on the size of the areas being assessed and hence number of individuals required for each area. Each area is to be assessed as follows:

- The TNWP comprises a relatively narrow easement (5 m max impact footprint) although we will survey a buffer zone beyond this to ensure no inadvertent impacts to sites nearby. For this project component, we will require four surveyors at a maximum and these will include an archaeologist, an archaeological assistant, a Bogan traditional owner (from PH-LALC) and a Macquarie traditional owner (from the NLALC). The local traditional owners are considered the most appropriate for this assessment. Survey will cover a 2 day period, resulting in 8 person days being spent on the assessment and it will be undertaken on foot.
- The MLA is a large area (c. 900 ha), although heavily disturbed, and will require the services of an archaeologist, two archaeological assistants and four Aboriginal community assistants to be drawn from the pool of registered stakeholders. Again the local traditional owners wish to be involved, of which there are several groups and individuals registered. One field position is to be offered to the Mooka Traditional Owners, based on their provision of appropriate insurances and acceptance of the fee offers provided (as documented on p. 3 of the Methods letter). It is projected that this survey will cover 5 days, although specific dates and times are to be determined. This will result in 30 person days being spent in the assessment process, which is considered adequate, especially due to distances from permanent water and prior levels of disturbance. Assessment will be in foot.
- The TNETL comprises a relatively narrow easement (5 m max impact footprint) although we will survey a buffer zone to ensure no inadvertent impacts to sites nearby. For this project component, we will require only four surveyors at a maximum and these will include an archaeologist, an archaeological assistant, and two Bogan traditional owners, surveying over one day (predominantly agricultural fields). This results in 4 person days being spent on the easement which will be assessed on foot.

With regards to Workers Compensation cover, we are happy to accept documentation regarding the appropriate cover of Mooka Traditional Owners that Manpower solutions may be able to provide to us, however, *we will not seek this documentation on your behalf* (also please note the phone number you provided for Manpower is actually the number of our OzArk office). As you can imagine, we are working with large numbers of registered stakeholder groups and individuals over many projects and require that groups and individuals who wish to be considered as service providers for archaeological survey ensure that our office receives the appropriate documents.

5. Length of time allowed for parts of field assessments

You note that we have not stated lengths of time and numbers of participants. These have been clarified under point 4 above and have been determined in relation to the size of areas requiring assessment and to a lesser degree their disturbance levels.

You note that anyone expressing interest to be consulted over the TGP as a registered stakeholder has the right to participate in field assessment. My understanding is that consultation is a separate issue from the provision of services in relation archaeological field survey. There will be comprehensive consultation in accordance with the DECC ICCRs and in

the spirit of ensuring that Aboriginal cultural heritage is appropriately identified and managed in accordance with the NPW Act 1974. This does not however require that all registered stakeholders will provide services to the Proponent for the purpose of archaeological survey. In acknowledgement of the need for survey participants however, the Proponent is pleased to make positions available to some representatives of the stakeholder groups who wish to be involved and hold appropriate experience and insurances.

As you will understand, the number of stakeholder groups for the project is high and the Proponent is trying to ensure that representatives of several of these groups are given the opportunity to provide archaeological survey assistance as required.

With regards to your comment regarding report preparation. The consultation process does not require registered stakeholder groups to provide a report on the results of the archaeological survey. This is considered to be a separate, although parallel and interrelated process. The contracted archaeological consultant will prepare the report on the archaeological assessment and this report will be made available to the registered stakeholders for review and comment. What is, however, asked of the stakeholders is to provide any specific cultural heritage information they may hold relating directly to the TGP Project Site such that it can be considered in relation to the overall issue of project impacts and cultural heritage management.

6. Dates and methods of field assessments

You note lack of detail on assessment and time in the original letter. Some details were presented in this letter, as was determined at the time, but additional information has been provided here under dot point 4 above.

Again although survey of the TMVVP will begin next week, the dates for the forthcoming assessments of the MLA and PHTETL have not yet been determined. Both will occur in July and we will be in touch as soon as dates have been set to advise you of these dates. As noted above, we will be offering an archaeological field survey position to a Mooka Traditional Owner for a five day period for the MLA study area during July.

7. Project Proposal

Brief detail on the proposed project was provided in the original letters sent to Mooka Traditional Owners.

More detail for the project can be found at the Alkane website www.alkane.com.au and then click on presentations. The Tomingley Community Consultation meeting gives a good overview.

In case you do not have access to the net, please find this information attached to this letter.

8. Aboriginal Cultural Heritage Management Plan(s)

You note under this heading the need for s.87 and s.90 permits from the DECC to undertake field survey. There is no requirement for such permits to undertake survey only. Aboriginal Heritage Impact Permits (AHIPs) are not required until such time as the Aboriginal heritage resources has been identified and the project impacts overlaid to arrive at an understanding of what sites will be impacted by the proposal. For projects such as the TGP that will be assessed under Part3A of the EP&A Act, AHIPs are not required; however impacts to heritage are managed in a similar way through a Statement of Commitments by the Proponent and the requirement to develop an Aboriginal Heritage Management Plan. It is likely that an AHMP will be required for the TGP project as part of the Project Approval, but this will occur much further down the track.

Any project TGP AHMP will be drafted in full consultation with the Aboriginal community stakeholders for the project.

9. Aboriginal monitors

With regards to the use of monitors, it is considered too early in the assessment process to consider the use of monitors in the final project, as the Aboriginal heritage resource over the Project Site has not yet been determined and nor have specific project impacts in relation to this. With the development of the AHMP as discussed above, such issues as monitoring will be considered depending on the impacts of the project.

We hope this response has answered your queries in their entirety, but feel free to call the OzArk office – 6882 0118 - should you have further questions / issues.

Yours faithfully



Dr Jodie Benton
Director – OzArk EHM P/L

Cc:
RW Corkery
Alkane

Attached documents:

- Alkane TGP community presentation – hardcopy printout of presentation.

Indigenous Community Fieldwork Record

Project Name: Tomingley Gold Project - NTU

Project Location: Tomingley, NTU

Client Name: RWC / Alkane

Name of Aboriginal Organisation: Peak Hill ALC

Name of Representative(s): Tom Peckham

Name of Archaeologist: Jodie Barton

Address of Archaeologist: 145 Wingenara Street Dubbo

Type of participation:

☐ Guided inspection of study area or sites

☒ Accompanied and participated in the archaeological survey of the study area

☐ Undertook a separate inspection of the study area

☐ Participated in excavation programme

Period of participation:

Date	Start	Finish
1/7/09	8:30	5pm
2/7/09	8:30	5pm

Topography: (Tick one or a combination)

☐ Flat Plains ☐ Gently Undulating ☐ Hilly

☐ Very steep ☐ Mountainous

Other: _____

Vegetation: (Tick one or a combination)

☐ Grassy Plains ☐ Open Woodland ☐ Thick Woodland

☐ Underscrub present ☐ Isolated trees ☐ Cleared

☐ Grassy woodland ☐ Swamp ☐ River Flats

☐ Flood Plain ☐ Wetlands ☐ Clumps of vegetation

Other: _____

Nearest Water Source: (Tick one or a combination)

☐ Lake ☐ Creek ☐ River ☐ Dam ☐ Irrigation Line

☐ Epithermal ☐ Permanent

Other: _____

Distance from Water: (in metres) _____

Local Indigenous Type: (Tick one or a combination)

☐ Private ☐ Lease ☐ Very Clay ☐ Sandstone ☐ Red Clay ☐ Black Clay

☐ State

Land Use: (Tick one or a combination)

☐ Reserve ☐ Roadside complex ☐ Forest Industry ☐ Mining Industry

☐ Pastoral/Farming Industry ☐ Public Land ☐ Private Land

☐ Cemetery ☐ Indigenous Land

Other: _____

Exhibit Plots: (Rg, sandstone, Yarn, antler, Kunging etc)

Flora Resources: (eg. shell fish, fish, possums, rabbits, etc)

Site Name: _____

Site Type: (Tick one or a combination)

☒ Sacred Tree ☐ Isolated Tree ☒ Open Scatter ☐ Midden ☐ Camp Site

☐ Burial Tree ☐ Stone Arrangement ☐ Grinding Groove ☐ Art Site

Other: lots sacred trees + one open site

Site Condition:

☐ Excellent ☐ very good ☐ satisfactory ☐ poor

Importance to Aboriginal:

☐ high importance ☐ average importance ☐ low importance

Management recommendations: (eg. erect protective barrier during construction, remove to safe place etc)

- Management of all old & old records

Sites - if impacts to occur

fuller consultation required.

1. Peak Hill

2. Wingenara

Record of Aboriginal Representative Participation in Cultural Heritage Fieldwork

Project Name: Tomingley Gold, Tomingley to Narromine Water Pipeline

Client Name: R.W.C. / Alkane

Client Address:

Name of Aboriginal Organisation:

Name of Representative(s): (midnight) Paul Brydon

Name of Archaeologist: Jodie Benson

Address of Archaeologist: 145 Wingewarra Street Dubbo

Type of participation:

☐ Guided inspection of study area or sites

☒ Accompanied and participated in the archaeological survey of the study area

☐ Undertook a separate inspection of the study area

☐ Participated in excavation programme

Period of participation:

Date	Start	Finish
1. 7. 09	8.30 am	5.00 pm
2. 7. 09	8.30 am	5.00 pm

Were sites recorded? yes

Issues Discussed: many scarred trees & 1 open site

.....

.....

.....

Signed Aboriginal Representative: [Signature]

Signed Archaeologist: [Signature]

Record of Aboriginal Representative Participation in Cultural Heritage Fieldwork

Project Name: Tomingley Gold Project MUA

Client Name: Alkane Resources

Client Address:

Name of Aboriginal Organisation: Little Burying Mountain Ab. Corp.

Name of Representative(s): JOHN ROBINSON, ROBINSON ARMY, LIAISON, STRAIN, LIAISON

Name of Archaeologist: Jodie Benson

Address of Archaeologist: 145 Wingewarra Street Dubbo

Type of participation:

☐ Guided inspection of study area or sites

☐ Accompanied and participated in the archaeological survey of the study area

☐ Undertook a separate inspection of the study area

☐ Participated in excavation programme

Period of participation:

Date	Start	Finish
6/8/09		
8/8/09		
11/8/09		

Were sites recorded? 2 open sites, 2 isolated finds

.....

.....

Issues Discussed: 14 modified sites, 13 scarred & 1 carved

.....

.....

Signed Aboriginal Representative: [Signature]

Signed Archaeologist: [Signature]

Record of Aboriginal Representative Participation in Cultural Heritage Fieldwork

Project Name: Tomingley Gold Project

Client Name: Alkane Resources

Client Address: Bank Hill + Bogan Traction /

Name of Aboriginal Organisation: Aboriginal Corporation

Name of Representative: John Roper

Address of Representative: 10 Warrumbidgee Street

Type of participation:

☐ Initial inspection of study area or site

☒ Accompanied and participated in the archaeological survey of the study area

☐ Undertake a separate inspection of the study area

☐ Participated in excavation

Period of participation:

Start	Finish
26/10/07	all day

Were any records? Yes. Culturally significant items?

Yes. One, type of 3. ds. order.

Notes: Will be discussed at community meeting

Signature of Representative: John Roper

Signature of Archaeologist: John Roper

Robert Clegg
Member
Wiradjuri Council of Elders
OZARK

Jodie, Cheryl, Phil

Just a few short lines in relation to the gathering at Tomingley on Wednesday. But, before I write this there is something that must be stated up front.

I commend You all on your professionalism in trying to sort the issue out before it got out of hand, individually you are beyond reproach, as a team you are very professional, as an organisation your ethics can not be disputed, I thank you.

I write this letter to you in relation to the issues relevant at the Tomingley meeting outside the Tomingley hotel prior to the Cultural survey of that area, I believe that if given the chance to express my intentions for that survey instead of being interrupted every time I went to say something by a person who's name eludes me (The person with the Video Camera).

My intentions were to assist in the survey only if the community representatives did not turn up, this would have given the community a person on site that would have given them a report on what was found or not found, it was not my intention to do the survey if the community turned up (which they did), I am also under the impression that under the DECC guidelines the Wiradjuri Council of Elders (WCE) had a right to have an expression of interest in this survey and decided to submit that expression of interest. With the knowledge that this was a local survey and that the Wiradjuri Council of Elders would forego any interest if the Locals so decided.

The decision not to continue with the survey by the representative of the WCE was made five minutes after turning up as members from the community started to arrive and could be heard stating that they did not require the representative of the WCE to be in attendance. I believe the verbal attack on myself from the person with the video camera was an individual with a personal reason for doing so (reason unknown), I believe the way in which I conducted myself was reasonable considering the attitude of this other person.

Again I state that I would not have conducted the survey due to the wishes of the community and would have left the area immediately if given the chance to do so.

I had no intention of and have no future intention of interfering with Local Aboriginal Communities politics or their agenda's in any way or form. The WCE will continue to submit expressions of interest in works being carried out in our nation, but, with the provision that we do not undertake any works unless agreed to by the Local Aboriginal TO's, our expression of interest may be a copy of the final report that keeps us updated to what is happening within the Wiradjuri Nation.

Yours in Unity

Robert Clegg
Representative



Wiradjuri Council of Elders
17th August 2009

Mr R Clegg
Member - Wiradjuri Council of Elders
3 Loretta Place
Glendenning NSW 2161
E: 'rclegg55@gmail.com'

Dear Rob

Thank you for your correspondence and positive comments relating to OzArk's handling of the episode in Tomingley Wednesday 5th August. It was with disappointment that we witnessed the situation unfold as it did and, although aware of slight unrest, were not able to anticipate the hostility that ensued.

Each organisation received letters informing them of the Registered Stakeholders chosen to participate in field work. Trevor Robinson, representative of Little Burning Mountain Aboriginal Corporation (LBMAC), DECC employee and cameraman, expressed concern with WCE involvement. As part of the DECC guidelines it is OzArk's role to invite Registered Stakeholders to contribute their knowledge to the assessment process, and undertake field work as part of this process. We are required to be fair to all parties. Trevor's concern with your input as a representative of WCE was addressed, and he was encouraged to contact you direct. Had this course of action been taken it can be assumed that you would have relinquished your position on the survey team prior to making the trip to Parkes.

Jodie, Phil and I do appreciate the way you conducted yourself during Trevor's diatribe. Our call to you on Tuesday was to give you an insight into issues which related to community unrest, but as a neutral party we cannot favour or act under direction of any of the Registered Stakeholders. For OzArk to rescind the offer for WCE to be represented on the survey team would have compromised our position as an impartial consultant. Our advice to LBMAC to speak with you about this problem prior to the survey date was ignored and we regret we could not foresee the outcome of their opposition.

We are aware that it is not on your agenda to interfere with the politics of any local Aboriginal community, and will take into consideration on future projects your position relating to the Aboriginal Heritage survey component of each project. As Registered Stakeholders for the Tomingley Gold Project, WCE will be kept informed and invited to view a draft report when it is complete.

Yours sincerely
Cheryl Burke
Administration Officer

OzArk Environmental and Heritage Management Pty Ltd.



Environmental & Heritage Management P/L

ABN: 59 104 582 354

MINUTES OF REGISTERED STAKEHOLDER MEETING
TOMINGLEY GOLD PROJECT

9 September 2009
6pm – Peak Hill Ex-Services Club

Attendees:

Russell Read, Amanda Read, Beryl Read, Pierce Reed, Peter Reed, Tom Cohen, Kristy Dart, Karryn Schaefer. – (Bogan River Peak Hill Wiradjuri Aboriginal Corporation) Ken Robinson, John Robinson, Jenny Robinson (Little Burning Mountain Aboriginal Corporation) Trevor Robinson (DECCW / individual registered stakeholder) Mike Sutherland, Glen Morgan (Alkane) Jodie Benton, Cheryl Burke (OzArk EHM).

Apologies: Robert Clegg (Wiradjuri Council of Elders) Neville Williams (Mooka Traditional Owners Council) Valda Keed, Cherie Keed (Peak Hill LALC).

General Business:

TGP

Mike Sutherland gave a two minute summary of the proposed development. There was a question asked about the sustainability of the bore water supply.

PHLALC/NLALC boundary

There was general discussion about where the Traditional Owners boundary crossed the Narromine Tomingley Road. It was generally agreed that Fiddlers Creek was the boundary (6.5km north of Tomingley).

Water supply pipeline route survey

Representatives from both Land Councils were involved in the 45 km water supply pipeline survey (Midnight Brydon and Tom Peckham). Survey found 38 Aboriginal sites; 36 modified trees, one ceremonial/dreaming site and one open site – cluster of artefacts (potential archaeological deposit) on this survey.

It was explained by Mike Sutherland that the pipeline would be designed to avoid damage to mature trees along the route and special care would be taken around scarred trees. The PAD on “Woodlands” will be discussed further by OzArk with Narromine LALC.

OzArk Environmental and Heritage Management Pty Ltd.

Electricity Transmission Line survey

Survey conducted by representatives from Bogan River Peak Hill Wiradjuri Aboriginal Corporation (BRPHWAC). Three scarred trees were identified along the 19.2km route easement.

Mike Sutherland noted that he should notify ETL designers about the locations of two scarred trees which lie in the 30m wide ETL easement.

Karryn Schaefer requested that some sort of monitoring occur close to pole construction near one of the scarred trees on the ETL. This idea was approved and can be incorporated into the report and AHMP.

MLA area plus the northwest corner of Wyoming from Gundong Creek to access road

Survey conducted by representatives from Little Burning Mountain Aboriginal Corp (LBMAC).

There were 19 Aboriginal sites recorded across the MLA. The bulk of these are not disturbed by the development. However, three recorded Aboriginal sites on the MLA are within the project impact footprint that will require management. Management will be described in the heritage report and eventually embodied into an Aboriginal Heritage Management Plan (AHMP).

There is an open scatter of artefacts close to the access road that will need special treatment to avoid disturbance. There is a scarred tree within the footprint of WRE3 and there is a carved tree located within the Wyoming One open cut.

The Carved Tree (TGP-ST7)

The tree is considered by the community as very significant. Consensus was that it could represent a burial (nearby or inside the tree itself). None of those present could remember the local discovery of a carved tree in the past fifty years. Three members of the Robinson family stated that the tree could/should not be moved. One member briefly considered setting up a protest on site.

After discussion Ken and John Robinson stated that they did not want to stand in the way of progress. There was mention about the safety of the tree from vandalism if the tree were seen to be holding up development. Trevor Robinson, as a DECCW employee, was asked what legally could be done to protect the tree. His advice was that once a Part 3A determination had been made then the mining Company did not need consent to destroy the tree. There was discussion around how a burial could be investigated and where it could be moved to accommodate the development.

Due to the importance of the carved tree community wished to defer further discussion about its management until they had opportunity to hold their own community meeting, to that end Trevor Robinson and Karryn Schaefer intended to letter drop the community for a meeting to discuss the carved tree early in the next week.

Mike Sutherland suggested the outcome of this meeting and the community's ideas could potentially be shared at a follow up meeting with the Managing Director of Alkane on 17th September 2009.

Meeting Close: 7.50 pm.



Dubbo Office: Second Floor 21 Church Street (PO Box 910) Dubbo NSW 2800 Telephone: 61 2 6882 2866 Facsimile: 61 2 6882 9282
Email: msutherland@alkane.com.au

MEMORANDUM

To Ian Chalmers

From: Mike Sutherland

CC: Mitch Bland (RWC)

Re: Cultural Heritage Registered Stakeholder Meeting – Peak Hill

Date: 9th September 2009

Jodie Benton (Ozark) convened a meeting to discuss TGP cultural heritage survey results with the Tomingley Gold Project Registered Stakeholders (Cultural Heritage) at Peak Hill Ex-Services Club 5.30 for 6pm. Alkane provided a light supper.

Representatives of Registered Stakeholders;

Trevor Robinson, John Robinson, Ken Robinson, Jenny Robinson, Frances Robinson-Bell, Kristy Dart, Karen Schaeffer, Russel Read, Peter Read, Mandy Read, Tom Cohen, Karyn Schaefer

Others; Jodie Benton, Cheryl Burke (Ozark), Mike Sutherland, Glen Morgan (Alkane).

Apologies were received from Robert Clegg (Wiradjuri Council of Elders), Neville Williams (Mooka), Valda Keed, Cherie Keed

TGP

Mike Sutherland gave a two minute summary of the proposed development. There was a question asked about the sustainability of the bore water supply.

PHLALC/NLALC boundary

There was general discussion about where the Traditional Owners boundary crossed the Narromine Tomingley Road. It was generally agreed that Fiddlers Creek was the boundary (6.5km north of Tomingley).

Water supply pipeline route survey

Reps from both Land Councils were involved in the 45km water supply pipeline survey (Midnight Brydon and Tom Peckham). Survey found 38 Aboriginal sites; 36 modified trees, one ceremonial/dreaming site and one open site – cluster of artefacts (potential archaeological deposit) on this survey.

OzArk Environmental and Heritage Management Pty Ltd.

Mike explained that the pipeline would be designed to avoid damage to mature trees along the route and special care would be taken around scarred trees. The PAD on "Woodlands" will be discussed further by Ozark with NLALC.

Electricity Transmission Line survey

Three scarred trees were identified along the 19.2km route easement.

Alkane should notify ETL designer about the locations of two scarred trees which lie in the 30m wide ETL easement.

Karryn Schaffer asked that some sort of monitoring occur near pole construction near one of the scarred trees on the ETL. This is not considered a problem and can be incorporated into the report and AHMP.

MLA area plus the northwest corner of Wyoming from Gundong Creek to access road

There were 19 Aboriginal sites recorded across the MLA. The bulk of these are not disturbed by the development.

However, three recorded Aboriginal sites on the MLA area within the project impact footprint that will require management. Management will be described in the heritage report and eventually embodied into an Aboriginal Heritage Management Plan.

There is an open scatter of artefacts close to the access road that will need special treatment to avoid disturbance. There is a scarred tree within the footprint of VRE3 and there is a carved tree located within the Wyoming One open cut.

The Carved Tree

This item consumed most of the discussion at the meeting. The tree is considered by the community as very significant. Consensus was that it could represent a burial (nearby or inside the tree itself). None of those present could remember the local discovery of a carved tree in the past fifty years. Three members of the Robinson family stated that the tree could/should not be moved. One member briefly considered setting up a protest on site.

However after several minutes the same Robinson men stated that they did not want to stand in the way of the development. There was discussion about the safety of the tree from vandalism if the tree were seen to be holding up development. Trevor was asked what legally could be done to protect the tree. His advice was that once a Part 3A determination had been made then the mining Company did not need consent to destroy the tree.

There was discussion around how a burial could be investigated and where it could be moved to accommodate the development. Discussion after the meeting closed suggested a keeping place somewhere on the mine site may be appropriate ie near the site office. The carved tree and another near the racecourse may also need to be relocated.

The registered stakeholders gathered considered the issue of what to do with the carved tree was one for the whole community to discuss. To that end Trevor and Karryn were going to letter drop the community for a meeting to discuss the carved tree early in the next week.

The community's ideas could potentially be shared with the Managing Director of Alkane on 17th September 2009.

Paul (Midnight) Brydon,
166 Minore St
NARROMINE NSW 2821

Phone/Fax 0268894427

29/09/09

Jodie Benton
Ozark
DUBBO NSW 2821

Re: our phone conversation on 29/9/09, regarding the site on "Woodlands" Narromine which was found when we did the cultural survey for the proposed pipeline between Narromine & the mine site at Tomingley. I was/am the representative from the Narromine Aboriginal Lands Council for this project

It would be preferred if an exploratory dig of some kind was done before commencement of excavation for the pipeline so that we could ascertain the cultural significance of this site; and also discuss the future development of this site.

Could you please forward any correspondence to me at the above address please.

Regards

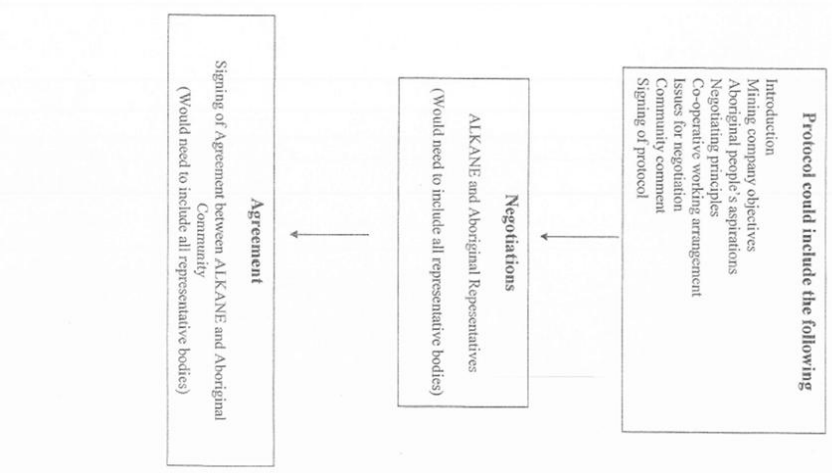


Paul (Midnight) Brydon
Wiradjuri Elder for the Narromine Community

www.midnightdowns@bigpond.com

<u>Tomingley Gold Mine Project</u> ABORIGINAL, TRADITIONAL OWNERS NEGOTIABLE ITEMS WITH ALKANE RESOURCES LTD. Aboriginal Traditional Owners and Alkane Resources LTD to develop an agreed protocol regarding principles and procedures to guide the negotiation process	ISSUES FOR DISCUSSION PROTECTION OF CULTURAL HERITAGE SITES - Develop policy regarding the impacts of Aboriginal sites. Develop procedures to monitor Aboriginal sites. If sites are disturbed, need to develop procedures for Cultural Items to be repatriated to Keeping Place. - Induction of workers at mine site about Aboriginal Cultural Awareness.	KEEPING PLACE - Purchase of building in Peak Hill for Keeping Place (98 Caswell St ?). - Develop building and facilities to effectively house Cultural Material.	TRAINING - Proposed long term training to be development in Peak Hill. This includes TAFE mine simulator at the Peak Hill Mine Site. (Negotiated agreement with TAFE/ALKANE/Aboriginal Community). - Accommodation and facilities to be developed on Aboriginal Land next to the Peak Hill Mine site. The accommodation would be used by people who need to travel long distances to train on the simulator and other courses. (Opportunity for community to be employed in the service industry at the facility and or teach on behalf of TAFE).
ALKANE ABORIGINAL COMMUNITY TRUST (TAX-DEDUCTIBLE) - No Indigenous organisation or people to manage trust (trust only to be managed by Alkane or Public Trust Body). - Develop policy on how trust is to be managed including guidelines and policies. - Trust fund will not to be exploited by indigenous or non-indigenous peoples. - Trust to maintain Keeping Place and administration of facilities. - Trust to maintain training, Accommodation and administration of facilities. - Trust to provide grants for Cultural Heritage/Education/Health/ Sporting/Community Capacity Building/Good Governance/ any other benefit to the Aboriginal Community. - Trust will not provide private individual grants. - Trust and Grants to be audited and have appropriate accounting procedures. - Trust to be funded for life of the Mine with a balance at the end of the life of the mine. Balance is not to drop below specified amount. Interest earned on Trust Balance to fully sustain the financial management of the Keeping Place, Training Facilities and Community Grants in perpetuity.	EMPLOYMENT - Guarantee of Employment for Indigenous People - 25% of work force, including a % of the TAFE students doing Cert 1 and Cert 2 in Mining. - Contractors (tendering process to look favourable towards contractors who are Indigenous or who employ Indigenous workers). - The development of traineeships and or apprenticeships within any profession of the mining industry.	ENVIRONMENTAL MONITORING - Will the 3A development approval process exclude an Environmental Impact Statement for the Mine? - What will be the long term environmental monitoring in the surrounding area? How will the surrounding environmental be impacted upon, will there be long	

term monitoring of the Ecology (Flora, Fauna, Water, Air etc - this includes the Bogan River, Creeks etc and Goodang National Park (including number of Wedge Tailed Eagles located at Coloma Trig etc). • Opportunity for training in environmental management and or contracts to be awarded to indigenous organisations or tinacship for rehabilitation work or environmental monitoring.
<i>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT</i> • 3A Development of Tomingley Mine to include the township of Peak Hill and Bogan Weir. 3A development over this area will help the future development of the Peak Hill district to meet needs of community and mine. (Indigenous and Non-indigenous).
<i>PROMISED TRANSMISSION LINE</i> • Aboriginal Site Officers to be employed to monitor the construction of the power line.
<i>LONG TERM ISSUES</i> • Preservation of the Native Title Act. Moreover, no legal action to take place by Native Title Holders prior to and during life of mine. • What opportunity is there for Aboriginal people to develop the area after the life of mine? And Or agreements to cooperate on business ventures that develop site for the benefit of Aboriginal community. • What are the long term rehabilitation issues for the mine site? • Aboriginal Community and ALKANE to Develop Long Term Social and Business Plan for Aboriginal Community for the life of the mine and after the life of mine.





Peak Hill Wiradjuri Community Meeting

Wednesday 13th October, Peak Hill Ex-Services Club at 6pm
Convened by Alkane Resources Ltd

- Tomingley Gold Project update
- Community Engagement Protocol
- EOLs in Tomingley Cultural Heritage
- Sharing the responsibilities for carriage of community development projects
 - TGP Cultural Heritage Plan
 - Keeping Place negotiations/consultations
 - Cultural Awareness Training delivery
 - Open Cut Experience tour development



Community Engagement Protocol



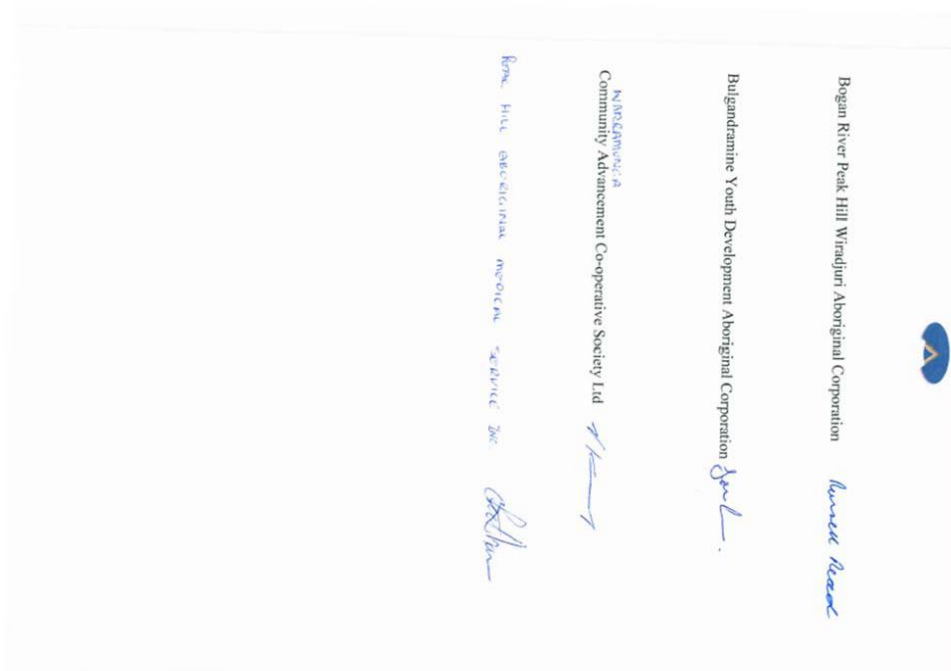
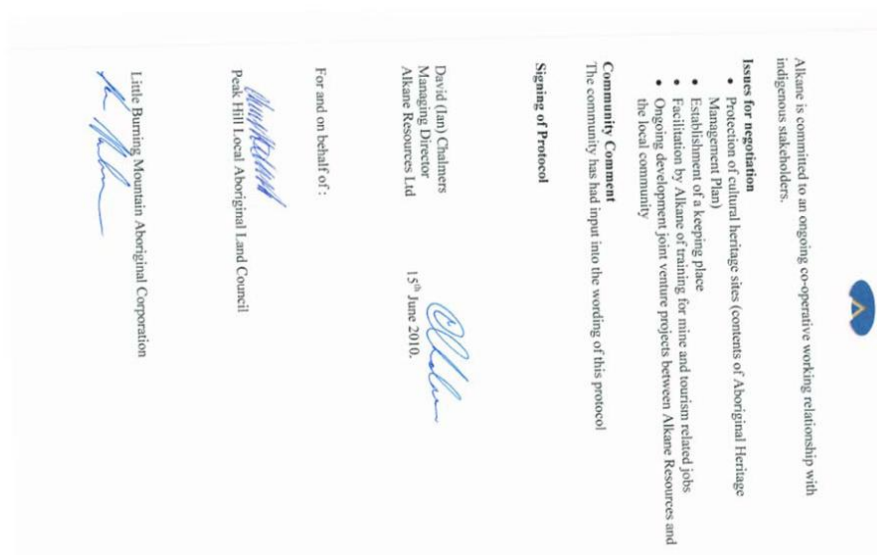
and

Peak Hill Wiradjuri
Peak Hill Local Aboriginal Land Council, Little Burning Mountain Aboriginal Corporation, Bogan River Peak Hill Wiradjuri Aboriginal Corporation, Bulgandrinne Youth Development Aboriginal Corporation, Warrungga Community Advancement Co-operative Society Ltd and Peak Hill Aboriginal Medical Service Inc.

15th June 2010

Registered Office: 121 Edward Street Perth WA 6000 Telephone: 61 8 9227 9277 Facsimile: 61 8 9227 8178
PO Box 8179 Perth Business Centre Western Australia 6848
Email: m.hawkins@alkane.com.au

	Introduction Alkane Resources Ltd (Alkane) is a publicly listed (since 1969) mining and exploration company based in Perth but with the focus of its activities in the Central West of New South Wales. Alkane acknowledges the Upper Bogan River mob, members of the Wiradjuri Nation, as the traditional custodians, past and present, of the land around Peak Hill and Tomingley. Alkane recognises that the local Wiradjuri community can delegate who speaks for 'country' on Aboriginal cultural heritage matters. The Tomingley Gold Project (TGP) is located about half way between the large regional centres of Dubbo and Parkes on the Newell Highway in the Central West of New South Wales, 16km north of the town of Peak Hill. The TGP is currently based upon three open pit/deep deposits Caloma, Wyoming One and Wyoming Three located in close proximity to each other and the planned carbon in leach (CIL) treatment plant. The mine and processing plant will operate 365 days per year and 24 hours per day using two 12 hour shifts. The plant will process 1Mtpa of gold ore to produce 50,000 to 60,000 oz gold annually. No camp facilities are required and most of the project workforce can be sourced locally, living in their own accommodation. Power to the site will come from the NSW state grid via a power line from Peak Hill. Water supply will be achieved via a pipeline to be laid from established groundwater sources near Narromine, 45 kilometres to the north. The TGP will likely require a construction workforce of 100 people for twelve months and approximately 65 permanent employees spread between Alkane and its mining contractor over the 7-8 year mine life. If the project economics are favourable, mine life could be extended through the addition of satellite ore bodies and/or underground mining.
	Mining Company Objectives The Tomingley Gold Project is currently Alkane's most advanced of three significant projects in the Central West. However, Alkane continues to commit resources to the Dubbo Zirconia Project (23km south of Dubbo) and its other exploration tenements. Alkane is committed to sustainable development. The Tomingley gold resource will be extracted in a safe and efficient manner while minimising all environmental impacts of the development. Benefits from this project will flow to the local economy, shareholders, employees and State and Federal Government. Alkane will provide infrastructure associated with the TGP that will benefit the whole community into the future. Aboriginal people's aspirations • To participate and contribute to the local community socially, culturally and economically; • To be trained and ready to take advantage of employment opportunities; • To participate in the identification and preservation of local Aboriginal culture; • That all employees and contractors working on the mine site are provided training in cultural awareness. Principles for negotiations • Negotiations to be founded on mutual respect between Alkane and the local community • Negotiations to be inclusive, open and transparent • Good communications between parties will facilitate constructive negotiations • The Tomingley Gold Project will take several years to repay capital costs and generate profits Co-operative working arrangement The Peak Hill Gold Mine (1996-2002) was a demonstration that Alkane is an equal opportunity employer which employed at least 80% of the workforce 'locally' (ie living in the district before the mine started in 1996).



Sample letter with draft report



8th April 2011
Members: Peak Hill LALC
c/- Mr C Ford
88 Cassell Street
Peak Hill NSW 2869

Dear Creafe

Re: Aboriginal Heritage Assessment, Tomingley Gold Project DRAFT report.

On behalf of OzArk EHM, thank-you for your assistance and input in the assessment process for this project. Please find enclosed a copy of the DRAFT report.

To ensure any comments you wish to make are incorporated into the final document, we ask that you review this report and provide us with your comments within the required three week period. Additionally should you require more time to construct a response, please contact our office within this timeframe and we will work with you towards a reasonable extension. Any relevant comments the PHALC have will then be incorporated into the finalised document.

If you could submit your reply by close of business **Monday 2nd May 2011**, it would be appreciated. Should our office not be contacted within this three week time frame, we will presume that you are happy with the contents of the report as it stands.

Please do not hesitate to get in touch should you have any questions regarding the enclosed information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Cheryl Burke'.

Cheryl Burke
Office Administrator

OzArk Environmental and Heritage Management Pty Ltd.

Sample letter re draft report availability



8th April 2011
Members: Windfall Council of Elders
c/- Mr R Chagg
3 Lucretia Place
Glenferling NSW 2761
E: info@ozark.com.au

Dear Rob,

Re: Aboriginal Heritage Assessment, Tomingley Gold Project DRAFT report.

Thank you for your registration of interest to form part of the stakeholder group to be consulted concerning potential indigenous heritage issues for the above project.

The DRAFT report is now completed and available. If you would like a copy of this report, please notify our office without delay, and we will forward it to you to review and provide comment. Note that the document is approximately 200 pages, an electronic or a hard copy of the report will be made available upon request.

We can be contacted by phone: (02) 6882 0118, fax: (02) 6882 0530 or email: cheryl@ozark.com.au, or alternatively on the emails or mobile numbers listed below.

Registered stakeholders will have until **Monday 2nd May 2011** to provide feedback.

Should our office not be contacted within this three week time frame, we will assume that you do not wish to review and comment on the report.

Kind regards

A handwritten signature in black ink, appearing to read 'Cheryl Burke'.

Cheryl Burke
Office Administrator

OzArk Environmental and Heritage Management Pty Ltd.

OzArk Environmental and Heritage Management Pty Ltd.

Sample letter with draft report to both Dot & Diane Stewart



8th April 2011
Diane Stewart
3 Prindles Close
Dubbo NSW 2830

Dear Diane,

Re: Aboriginal Heritage Assessment, Tomingley Gold Project DRAFT report.

On behalf of Alkane Resources Ltd, thank you for your interest in the assessment process for this project. Please find enclosed a copy of the DRAFT report.

To ensure any comments you wish to make are incorporated into the final document, we ask that you review this report and provide Dr Jodie Benion at OzArk Environmental and Heritage Management (PO Box 2069, DUBBO 2830) with your comments within the required three week period. Additionally should you require more time to construct a response, please contact OzArk office on 68820118 within this timeframe and they will work with you towards a reasonable extension. Any relevant comments you have should then be incorporated into the finalised document.

If you could submit your reply by close of business 2 May 2011, it would be appreciated. Should the OzArk office not be contacted within this three week time frame, they will presume that you are happy with the contents of the report as it stands.

Please do not hesitate to get in touch should you have any questions regarding the enclosed information.

Yours faithfully

Michael Sutcliffe
General Manager NSW

OzArk Environmental and Heritage Management Pty Ltd.



19th September 2011

Members: Peak Hill LALC
c/- Ms C Kead
88 Casswell Street
Peak Hill NSW 2869

Dear Cherie

RE: TOMINGLEY GOLD PROJECT (TGP).

In order to talk about the issues associated with the management of the Aboriginal Sites which will be impacted by the Tomingley Gold Project, and to discuss the development of the Cultural Heritage Management Plan (CHMP), we would like to advise that an Aboriginal Stakeholder meeting will be held Wednesday 28th September, 2011.

Mr Mike Sutcliffe, representing Alkane Resources, will hold the meeting at Peak Hill to discuss the items outlined in the attached agenda. Jodie Benion, OzArk archaeologist, will also be in attendance. Enclosed with this correspondence is the draft CHMP which we invite all Stakeholders to review.

This meeting aims to formalise the management recommendations outlined in the Cultural Heritage report (OzArk, 2011), and seek input from all Registered Aboriginal Parties to develop the CHMP. As four (4) sites are likely to be impacted by the project, the draft CHMP contains measures to establish that impacts are managed appropriately. We seek your input to make sure that the Peak Hill LALC has an active role in the Aboriginal cultural heritage management process associated with the Tomingley Gold Project.

So that your comments are incorporated into the final CHMP, subsequent to the meeting we ask Stakeholders to submit feedback, either written or verbal, by Monday 10th October, 2011.

Please advise our office by Monday 28th September, 2011 if a representative(s) from your organisation plans to attend this meeting.
Kind Regards

Cherie Burke

Cherie Burke -
Administration/Consultation Officer

OzArk Environmental and Heritage Management Pty Ltd.

OzArk Environmental and Heritage Management Pty Ltd.

Environmental & Heritage Management P/L
ABN: 59 104 582 354



Notice of meeting

For

Registered Stakeholders in

Cultural Heritage

for the

Tomingley Gold Project

6pm on Wednesday 28th September 2011

At

Peak Hill AIF Hall, Caswell Street Peak Hill 2869

Agenda

1. Progress with Tomingley Gold Project Approvals Process
2. Heritage Office requirement for additional research
3. Discussion on context of the heritage findings at Tomingley
4. Discussion on the draft TGP Cultural Heritage Management Plan
5. Peak Hill Reference Group

OzArk Environmental and Heritage Management Pty Ltd.



Registered Stakeholder's Consultation Meeting Regarding Tomingley Gold Project

28 September, 2011

Alf Hall, Caswell Street, Peak Hill

Meeting commenced: 6.25 pm

Attendees:

Peter Peckham, Christine Peckham (Peak Hill Aboriginal Medical Service), Bill Cohen (Bogan River Wiradjuri), Frances Robinson-Bell (Little Burring Mountain Aboriginal Corporation), Trevor Robinson (Little Burring Mountain Aboriginal Corporation), Russell Read (Bogan River Wiradjuri), Melvyn Koed, Paul 'Midnight' Brydon

Dr Jodie Benton, Cheryl Burke (Ozark EHM), Mike Sutcliffe, Glen Morgan (Alkane)

6. Progress with Tomingley Gold Project Approvals Process

Mike provided an explanation of the delays in getting the TGP EA onto public exhibition. More work is required for the heritage section to meet adequacy but all other aspects of the EA are now considered adequate.

7. Heritage Office requirement for additional research.

Heritage Office (DPS) require additional research into the context and significance of the archaeological findings at TGP (European and Aboriginal Heritage) to the Upper Bogan Wiradjuri, local community and the State of NSW.

8. Discussion on context of the heritage findings at Tomingley.

The community was asked to explain the significance of the project site and the Tomingley Aboriginal Reserve (as marked in a hand drawn map from the Tomingley History book). There was consensus that the significance of the project lies in the fact that the Upper Bogan River Wiradjuri people (forbears) occupied and travelled through the whole landscape. There was anecdotal evidence still held by the Peak Hill community that the families that camped on and near Bugandramine mission travelled to Tomingley via Gundong Creek (drainage line) to camp at Tomingley (particularly when the Bogan River was dry). It was agreed by those at the meeting that the Aboriginal Reserve at Tomingley was located between the Newell Highway and the Narrimine Road. Jacky 'Pecdar' camped in that area. There was permanent spring water near Milgate's piggery. The work done by Gaynor Macdonald was mentioned as source of genealogies and some of the cultural history and sites of the local area. This information was gathered for

a Native Title Claim on Peak Hill in 1993 when Alkane was in the throes of getting the Peak Hill Gold Project started. Mike said he would search Alkane's office for a copy of this information. Ozark has asked Belinda Burbridge (who has been doing an anthropological study at Peak Hill) to conduct some research through Sydney sources. There could be some police records from Tomingley (which once had a Police Station).

There was discussion about the Department's requirement to know whether or not the tree above Wynting One is a Carved Tree so they can assess its significance. Jodie advised she has discussed the Carved Tree issue with Phil Purcell at the Office of Environment and Heritage and presents his email and suggestion to peel the bark to test the tree.

Christine Peckham feels that the tree should not be touched, this is based on strong cultural beliefs which are shared not only by Christine but other members of the indigenous community (members of the Robinson family have echoed this belief during wider community consultation). Russell Read sensibly noted that the only way to resolve the issue was to determine whether or not the site type is a Carved Tree, and agreed that the way forward would be to remove the bark. By verbal yes votes there was consensus that an arborist or somebody with experience in removing bark should be employed as soon as possible to test the tree. It is noteworthy that Christine Peckham had left the meeting prior to this voting process. Should the tree prove not to be a Carved Tree it will negate the need to do GPR, grader scrapes and a lot of additional research. It was agreed that registered stakeholders would be represented during the bark removal and notice sent out when an arborist is found and a date determined.

9. Discussion on the draft TGP Cultural Heritage Management Plan (CHMP).

Jodie explained that the Cultural Heritage Management Plan has been distributed to all registered stakeholders. The entire draft archaeological report was sent only to survey participants and the registered stakeholders from further afield were informed by letter that the draft report was available if they would like a copy. There have been no comments received on the draft report. As it stands the CHMP is not necessarily relevant as there is not definitive answer as to whether the tree above Wynting One is a Carved Tree. Should it be determined as a Carved Tree then the management of such a rare site type will need to be carefully considered. The impact of the project cannot at this stage be accurately measured as it is yet to be determined one hundred percent that the tree is a Carved Tree.

10. Peak Hill Working Party.

Mike explained that the Peak Hill Working Party was not the sole representative of the Upper Bogan Wiradjuri but rather they are simply carrying out one of the projects that was offered by Alkane to anybody in the community to take forward. The Working Party is doing great things at the Open Cut Experience. Alkane requested that a group from the six signatory groups to the CEP get ready and be available to deliver cultural awareness training to TGP contractors and Alkane employees.

Meeting closed: 8.00 pm