



NATIONAL NATIVE TITLE TRIBUNAL

Application Information and Extract from the Register of Native Title Claims

Application Information

Application numbers: Federal Court number: NSD6060/98
NNTT number: NC97/7

Application name: Gundungurra Tribal Council Aboriginal Corporation #6

Registration history: Registered from 29/04/1997.

Register Extract (pursuant to s.186 of the *Native Title Act 1993*)

Application lodged with: National Native Title Tribunal

Date application lodged: 29/04/1997

Date claim entered on Register: 29/04/1997

Applicants: Ms Elsie Stockwell, Ms Pamela Stockwell

Address for service: Eddy Neumann
Eddy Neumann Lawyers

Additional Information:

Not Applicable

Area covered by the claim:

(a) Commencing at 150.52997 east longitude and 34.591636 south latitude, approximately 15.5 kilometres east south east of Moss Vale, the application traverses clockwise starting in a south-westerly direction, passing through points 2 to 36,765 of the following geographic coordinates. They are in decimal degrees and referenced to Australian Geodetic Datum 1984 (AGD84). These coordinates are based on the position of spatial reference data sourced by Land Information Centre, Department of Information Management and Technology, New South Wales as of 18 May 1999.

(b) Subject to clauses (d) and (e) the area covered by the application excludes any land or waters covered by:

- (i) a scheduled interest;
- (ii) freehold estate;
- (iii) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- (iv) an exclusive agricultural lease or an exclusive pastoral lease;
- (v) a residential lease;
- (vi) a community purposes lease;
- (vii) a lease dissected from a mining lease as referred to in s23B(2)(vii);
- (viii) any lease (other than a mining lease) that confers a right of exclusive use over particular land or waters;

which was validly vested or granted on or before 23 December 1996.

(c) Subject to clauses (d) and (e) the area covered by the application excludes any area covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

(d) Where the act specified in (b) and (c) falls within the provisions of

- (i) s23B(9) - Exclusion of acts benefiting Aboriginal peoples or Torres Strait Islanders;
- (ii) s23B (9A) - Establishment of a national or state park;
- (iii) s23B (9B) - Acts where legislation provides for non-extinguishment;
- (iv) s23B (9C) - Exclusion of Crown to Crown grants; and
- (v) s23B (10) - Exclusion by regulation,

the area covered by the act is not excluded from this application.

(e) Where an act referred to in clauses (b) and (c) covers land or waters referred to in:

- s47 - Pastoral leases held by native title claimants;
- s47A - Reserves etc covered by claimant applications; and
- s47B - Vacant crown land covered by claimant applications,

the area covered by the act is not excluded from the application.

(f) Where an area is covered by a previous non-exclusive possession act (s 23F) the native title claim group does not claim possession, occupation, use and enjoyment to the exclusion of all others.

(g) The area covered by the application excludes land where native title has been extinguished at common law.

(h) The area covered by the application excludes areas covered by prior Gundungurra claims filed with the National Native Title Tribunal being NC96/7, NC96/27, NC96/30, NC96/36 and NC97/4.

Persons claiming to hold native title:

The native title claim group comprises all members of the Gundungurra Tribal Council Aboriginal Corporation

Registered native title rights and interests:

The following Native Title Rights & Interests were entered on the Register on 23/06/2000:

1. Subject to (2) - (5) below, the full and free enjoyment of the following native title rights and interests area are claimed in relation to the land and waters the subject of the application:

- a. A right to possess, occupy, use and enjoy the claim area;
- b. A right to make decisions about the use and enjoyment of the claim area;
- c. A right of access to the claimed area;
- d. A right to control the access of others to the claimed area;
- e. The right to control the use and enjoyment of others of resources of the claimed area.
- f. (Right not registered)
- g. (Right not registered)
- h. (Right not registered)

2. With respect of those parts of the area the subject of the application which are, or have been, the subject of a previous non-exclusive possession act within the meaning of s 23F of the Native Title Act 1993, the native title rights and interests area set out in (1) are claimed subject to the rights and interests created in the 'non-exclusive possession act' which are not inconsistent with the rights and interests claimed and, in the case of rights granted which are inconsistent with the rights and interests claimed, subject to any suspension of the native title rights and interests which those inconsistent rights and interests cause.

3. With respect to those parts of the area the subject of the application which are, or have been, the subject of:

- a. a category B intermediate period act within the meaning of s232C of the Native Title Act 1993;
- b. a category C intermediate period act within the meaning of s232D of the Native Title Act 1993;
- c. a category D intermediate period act within the meaning of s232E of the Native Title Act 1993;

the native title rights and interests claimed are those set out in (1) above subject to the rights and interests created in the non-exclusive possession act which are not inconsistent with the rights and interests claimed and, in the case of any rights granted which are inconsistent with the rights and interests claimed, subject to any suspension of the native title rights and interests which those inconsistent rights and interests cause.

4. With respect to those parts of the area of the application which are, or have been, the subject of:

- a. a category B past act within the meaning of s230 of the Native Title Act 1993;
- b. a category C past act within the meaning of s231 of the Native Title Act 1993;
- c. a category D past act within the meaning of s232 of the Native Title Act 1993;

the native title rights and interests claimed area those set out in (1) above subject to the rights and interests created in the non-exclusive possession act which are not inconsistent with the rights and interests claimed and, in the case of any rights granted which are inconsistent with the rights and interests claimed, subject to any extinguishment or suspension of the native title rights and interests which those inconsistent rights and interests cause.

5. The native title rights and interests identified above do not extend to ownership of any minerals, petroleum or gas which are wholly owned by the Crown.

6. The native title rights and interests identified above do not include a claim for exclusive occupation and use of offshore areas as defined by s253 of the Native Title Act 1993.

Register attachments:

1. Plan of Application Area, Attachment C of the Application, 1 page - A4, 29/04/1997.

▪ *Note: The Register may, in accordance with s.188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*



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>
Mail, fax or email your request to the Tribunal's Sydney registry, identifying the local government area/s you want searched.

Email: NSWEnquiries@nntt.gov.au

Fax: (02) 9227 4030

Address: GPO Box 9973, Sydney NSW 2001

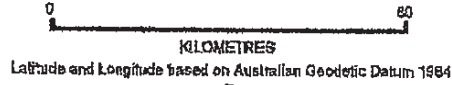
Phone: (02) 9227 4000

NATIVE TITLE APPLICATION

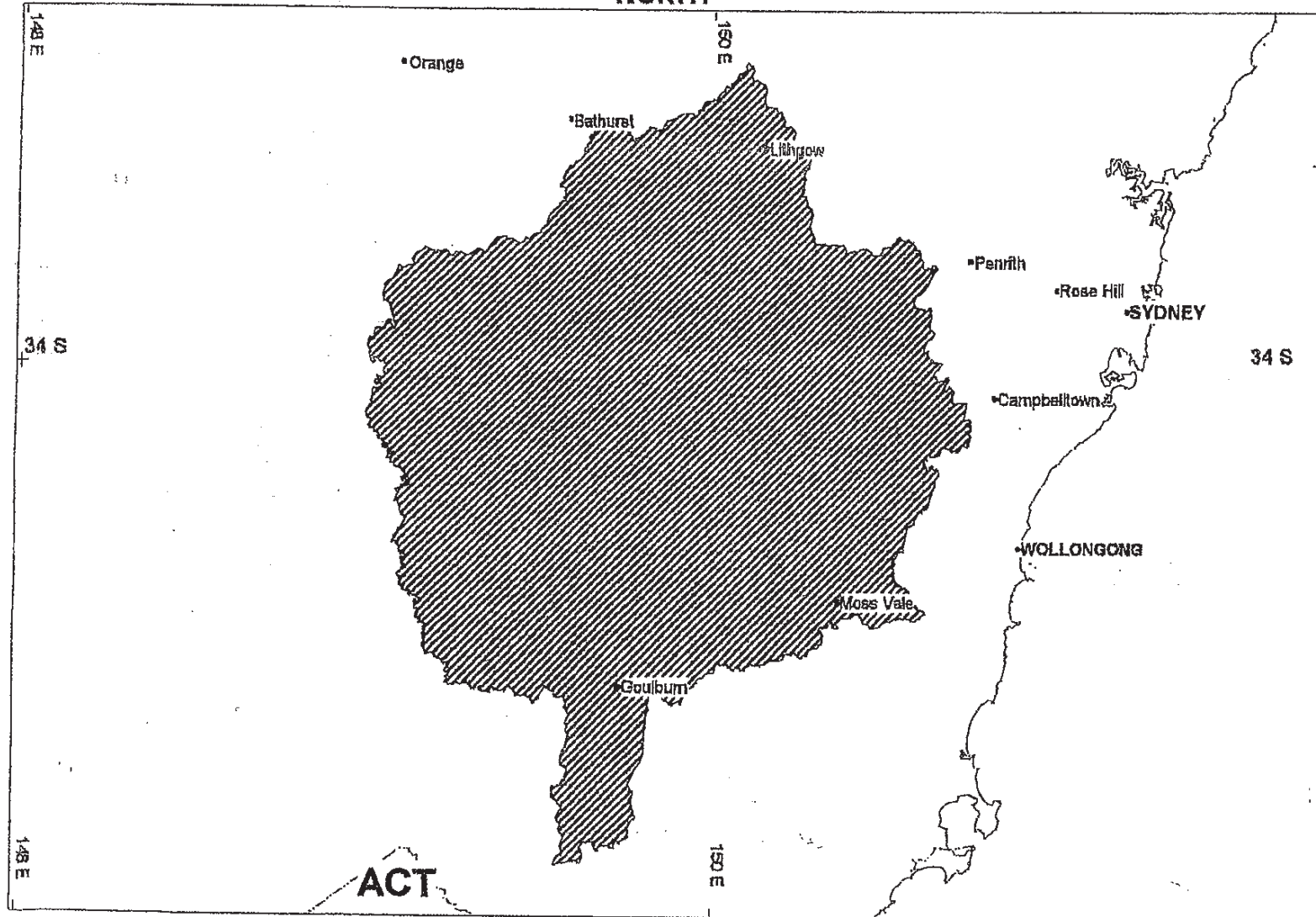
as at 18/05/1999

Map created from data sourced from Land Information Centre, DIM&T, NSW
by Geospatial Information Unit, National Native Title Tribunal

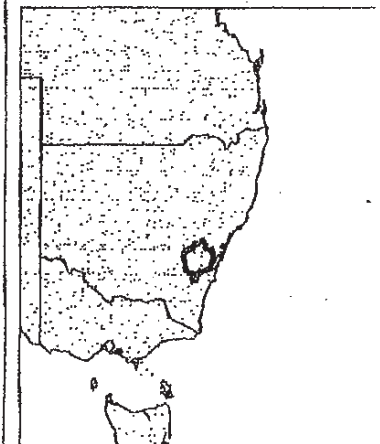
NSD6060/98 (NC97/7)
Plan of Application Area
Attachment C of the Application
Page 1 of 1, A4, 29/04/1997



NORTH



Location of NC97/007
Within New South Wales & ACT



TOTAL P.02



23 August 2012 ref: OE&H : 23 – 8 -12/4

EMGA / Mitchell McLennan
PO Box 21
St Leonards NSW 1590

Dear Sir or Madam

Aboriginal Cultural Heritage Assessment

Proposed development comprising an underground cut coal mine and relate infrastructure in the vicinity of Exeter/Belanglo State Forest

I refer to your letter of 10 August 2012 regarding the above matter.

We acknowledge that section 4.1.2 of the Office of Environment & Heritage's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* require you to contact us in order to compile a list of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places. However, we advise that NTSCORP's privacy guidelines restrict us from providing proponents with contact details of traditional owners who may have such an interest or hold such knowledge.

In response to your notification, NTSCORP will forward your correspondence to any individuals, groups and organisations whom NTSCORP is aware assert traditional interests within or hold cultural knowledge about the relevant area. Recipients of our correspondence will be invited to **register their interest in the project directly with you by 5 September 2012.**

Please be aware that NTSCORP cannot make a guarantee or undertaking that the recipients of our correspondence represent the entirety of traditional owners for the relevant area.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Peter Schultz". The signature is fluid and cursive.

Peter Schultz
Senior Land & Notifications Officer
NTSCORP Limited



Office of
Environment
& Heritage

Our reference: DOC12/34167

Hume Coal Project
c/o MitchellMcLennon
Attn: Neville Baker
PO Box 21
St Leonards NSW 1590

Dear Mr Baker,

Thank you for your letter dated 20/08/2012 to the Office of Environment and Heritage (OEH) regarding obtaining a list of the Aboriginal stakeholders that may have an interest in projects for the area of Hume Coal Project Area, Wingecarribee LGA.

Before making an application for the issue of an Aboriginal Heritage Impact Permit, the applicant must carry out an Aboriginal community consultation process in accordance with the National Parks and Wildlife Regulation 2009 and completed to the stage described in subclause 80C.

Please find attached the list of Aboriginal stakeholders known to OEH that may have an interest in the project. OEH's list of regional stakeholders is a list of groups, organisations or individuals who may hold cultural knowledge relevant to a proposal in a region. Consultation with Aboriginal people should not be confused with employment. Inclusion on the OEH's list is not an automatic right to employment. It is the decision of a proponent on who they choose to engage to deliver services based on a range of considerations including skills, relevant experience, and OHS considerations. To be clear, the proponent is under no obligation to employ Aboriginal people registered for consultation.

Further, receipt of this information does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties. Consultation with Aboriginal stakeholders must be in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* which can be found on the Office of Environment and Heritage (OEH) public website by accessing the following link:

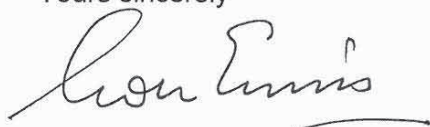
<http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>

Please note that these requirements replace the *Interim Community Consultation Requirements for Applicants, December 2004*.

Further, please note that as a result of the 2010 amendments to the National Parks and Wildlife Act, Section 87 permits no longer exist.

If you wish to discuss any of the above matters further please contact Margrit Koettig, Archaeologist, on (02) 9995 6866.

Yours sincerely

 21/8/12

LOU EWINS
Manager Planning & Aboriginal Heritage
Office of Environment and Heritage
Department of Premier and Cabinet

Wingecarribee LGA

Tharawal Local Aboriginal Land Council	Greg Bondar
Cubbitch Barta	Glenda Chalker
Peter Falk consultancy	Peter Falk



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

Neville Baker
c/o EMGA Mitchell McLennan
Po Box 21
St Leonards NSW 1590

15 August 2012

Dear Neville

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 10 August 2012 regarding Aboriginal stakeholders within the Exter and Belanglo State Forest 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 Illawarra 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)*

Cubbitch Barta Native Title Claimants
Aboriginal Corporation

18th September, 2012.

EMM
P.O. Box 21,
ST. LEONARDS. N.S.W. 1590

Dear Neville,

RE; HUME PROJECT

Thank you for the letter regarding the above project. I am not quite sure exactly where the location is, but will take this opportunity of registering an interest. I would need to have a bit more detail, as to ascertain our interest in the project. It may be outside of our interest, not sure.

Yours faithfully,



Glenda Chalker
Hon. Chairperson
Phone/Fax

Rebecca Moore

From: Neville Baker
Sent: Wednesday, 12 September 2012 9:32 AM
To: Sharyn Halls
Cc: Rebecca Moore
Subject: RE: Aboriginal Consultation Hume Project

Hi Sharyn,

Thank you for your registration of interest. We will list your name as the contact person for GAHAI and will be in touch regarding project information and an assessment methodology in due course.

regards,

Neville Baker
Associate Director - Archaeologist

Now in Sydney, Newcastle and Brisbane.



Ground Floor, Suite 01
20 Chandos Street
St Leonards NSW 2065

PO Box 21
St Leonards NSW 1590

T 02 9493 9500 | D 02 9493 9516 | M 0488 939 505 | F 02 9493 9599

www.emgamm.com

From: Sharyn Halls [<mailto:ghal6522@bigpond.net.au>]
Sent: Friday, 7 September 2012 12:53 PM
To: Neville Baker
Subject: Aboriginal Consultation Hume Project

Dear Neville

thank you for your letter dated 4th September 2012.

Gundungurra Aboriginal Heritage Association Inc (GAHAI) would like to register our interest in the Hume Project as we have a Aboriginal Cultural values in the area.

Thank you
Sharyn Halls
Secretary



Peter Falk Consultancy

EMGA Mitchell McLennan

PO Box 21

St Leonards NSW 1590

September 6th, 2012

Subject: Hume Coal project

Attn: Neville Baker,

I wish to be registered in the above project as I have lived in the Southern Highlands for many years and have been doing surveys and salvage in all locations. I have knowledge of sites in the area.

Contact Details:

Peter Falk Consultancy

Yours faithfully,

Peter Falk



Regional Publishers Pty Ltd, Bowral

ACN 000 014 700, ABN 20 000 014 700

28 Wingecarribee St, Bowral NSW, P.O. Box 109, Bowral 2576

Ph 4862 4862, Fax 4862 1301, Email classifieds.highlandnews@ruralpress.com

- Southern Highland News • Highlands Post
- Property Press • Southern Highlands Visitors Guide

ABN: 20-000-014-700

TAX INVOICE / STATEMENT

Customer details:

**EMM- EMGA MITCHELL MCLENNAN
PO BOX 21**

ST LEONARDS NSW 1590

Account No: 12159370
Invoice No: 2355939
Phone: 0294939500
Dates: 12/08/2013 to 12/08/2013
Classification: 628 (PUBLIC NOTICES)
First Words: ABORIGINALCONSU
Size: 21 cms x 2 cols
Inserts: 1
Authorised by: PAMELA
P/O Number:
Package:
Sales Rep: Heather McLaughlin - Bowral

Insertion details:

<i>Publication</i>	<i>Run date</i>
Southern Highland News	12/08/2013

Total: \$536.85
plus GST: \$53.69
Total Charges:
(inc GST): **\$590.54**

Payment options:

Payment received with thanks

26 July 2013

Ground Floor, Suite 01, 20 Chandos St
St Leonards NSW 2065
PO Box 21
St Leonards NSW 1590

«Agency»
«Address1»
«Address2»
«Address3»

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F +61 2 9493 9599
E info@emgamm.com
www.emgamm.com

Re: Aboriginal consultation Hume Mine Project – re-identification of Aboriginal parties

Dear Sir/Madam,

EMGA Mitchell McLennan Pty Limited (EMM), on behalf of Hume Coal Pty Limited, is seeking to identify Aboriginal organisations or Aboriginal persons who hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or Aboriginal places in the area of the Hume Coal Project (the Project) between Exeter and Belanglo State Forest, NSW which is bisected by the Hume Highway (see attached map).

The proposed development comprises an underground cut coal mine and related infrastructure within and in the vicinity of Authorisation 349 shown on the attached map.

EMM previously initiated the Aboriginal consultation process for the Project in August 2012. A total of three Aboriginal parties registered for the Project. However, as a result of changes to the Project timeframe, Aboriginal consultation with registered Aboriginal parties (RAPs) has lapsed beyond six months. Due to the amount of elapsed time, EMM are seeking to readvertise for Aboriginal consultation in accordance with best practice guidelines (*RMS procedure for Aboriginal cultural heritage consultation and investigations 2011 p.31*).

In accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* EMM requests information about relevant Aboriginal persons and Aboriginal organisations who you consider may have cultural knowledge relevant to the Authorisation 349 area and should be invited to register for consultation.

Through the previous agency request process, the following Aboriginal parties were identified as potential interest stakeholders for the Project:

- Tharawal Local Aboriginal Land Council;
- Cubbitch Barta;
- Peter Falk Consultancy;
- Illawarra Local Aboriginal Land Council;
- Indigenous Historical Research;
- Gundungurra Aboriginal Heritage Association Inc.;
- Moyengully Natural Resource Management Group;
- Coomaditchie United Aboriginal Corporation;

- Korewal Elouera Jerrungarugh;
- Bellambi Indigenous Corporation;
- Wodi Wodi Traditional Owners Corporation;
- Pejar Local Aboriginal Land Council;
- Yamanda Aboriginal Association;
- Gundungurra Tribal Council Aboriginal Corporation;
- Kula N Gadu Association; and
- Gibbergunyah Aboriginal Association.

EMM requests information of any Aboriginal persons or organisations not listed above, or any contact information regarding the names listed above that your agency has in their possession. This will ensure EMM is kept up to date on all the potential RAPs for the Project.

I would be appreciative of your response by 16 August 2013 to:

Hume Coal Project
c/o EMGA Mitchell McLennan
ATN: Ryan Desic
PO Box 21
St Leonards NSW 1590

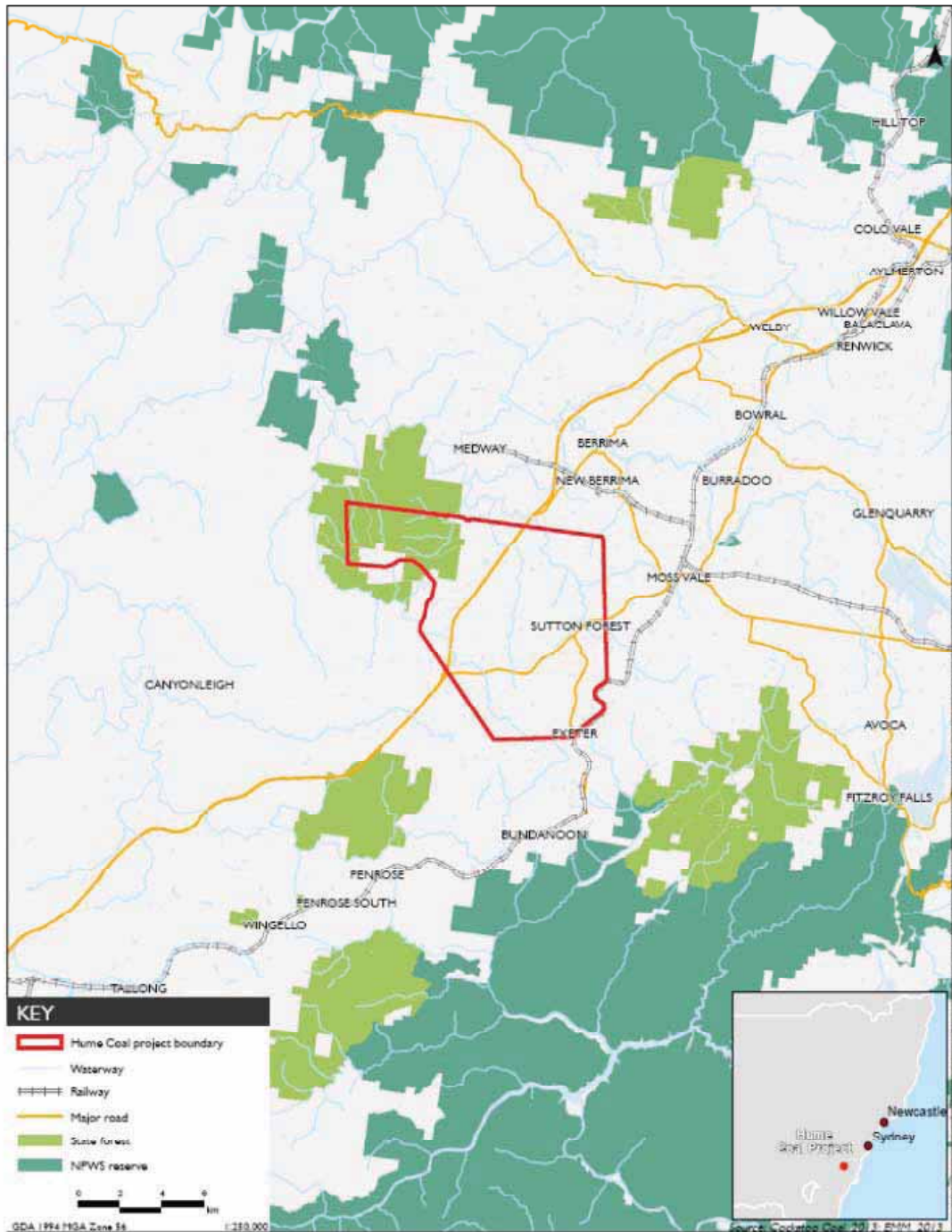
Ph: 9493 9519
email: rdesic@emgamm.com

Please advise us at your earliest convenience if additional time is required to provide this information. Information received after 16 August 2013 might not be considered in the consultation process due to the assessment timeframe.

Yours sincerely,



Ryan Desic
Archaeologist
rdesic@emgamm.com



Location plan
Hume Coal Project
Figure 1.1





Office of
Environment
& Heritage

Your reference: EMM Letter of Request
26 July 2013
Our reference: DOC13/37741
Contact: Jackie Taylor
(02) 6229 7089

Mr Ryan Desic
Archaeologist,
EMGA Mitchell McLennan
PO Box 21
St Leonards NSW 1590

Dear Mr Desic,

**WRITTEN NOTIFICATION OF PROPOSAL AS REQUIRED UNDER OEH ABORIGINAL CULTURAL
HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010
RE: Aboriginal Cultural Heritage Assessment – Hume Coal Project, Exeter - Belanglo, NSW**


I refer to your letter of 26 July 2013 to the Office of Environment and Heritage (OEH) regarding the above matter.

Attached is a list of known Aboriginal parties for the Wingecarribee local government area that OEH feels is likely to have an interest in the development. 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 *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (April 2010). Details held by OEH for known Aboriginal Parties in the Illawarra and Upper Lachlan LGA's that are on EMM's list are also included for your records.

Please note: the contact details in the list provided by OEH may be out of date as it relies on Aboriginal parties advising OEH when their details need changing. If individuals/ companies undertaking consultation are aware that any groups contact details are out of date, or letters are returned unopened, please contact either the relevant stakeholder group (if you know their more current details) and/ or OEH. AHIP applicants should make a note of any group they are unable to contact as part of their consultation record.

If you wish to discuss any of the above matters further please feel free to contact me (02) 6229 7089.

Yours sincerely



06/08/2013

JACKIE TAYLOR
A/ Team Leader Aboriginal Heritage – South East
Regional Operations Group
Office of Environment and Heritage

Enclosure: Attachment 1



**Office of
Environment
& Heritage**

ATTACHMENT 1

Wingecarribee LGA

Organisation/Individual Name	Address	Contact Details
Tharawal Local Aboriginal Land Council. Contact: Greg Bondar		
Cubbitch Barta. Contact: Glenda Chalker		
Peter Falk Consultancy		

Current OEH Details for Upper Lachlan and Illawarra LGA Registered Aboriginal Parties that are on EMM's List

Upper Lachlan

Organisation/Individual Name	Address	Contact Details
Peter Falk Consultancy		
Pejar Local Aboriginal Land Council Primary Contact: Delise Freeman		
Gundungurra Aboriginal Heritage Association Inc. Secretary Sharyn Halls		

Illawarra Area			
Organisation/ Name	Contact person	Phone number	Address
Illawarra Local Aboriginal Land Council	Sharralyn Robinson		
Korewal Elouera Jerrungurah Tribal Elders Council	Uncle Rueben Brown		
The Wadi Wadi Coomaditchie Aboriginal Corporation (represented by NIAC)			
The Wodi Wodi Elders Corporation	Kim Davis/Lisa Davis		
Woronora Plateau Gundungara Elders Council (NIAC) – name reserved with Fair Trading	Paul Cummins		
Coomaditchie United Aboriginal Corporation	Lorraine Brown		
Gandangara Elders Group	Ms Kim Moran		
NIAC			

Ryan Desic

From: O'Malley, Melissa [Melissa.O'Malley@nntt.gov.au]
Sent: Tuesday, 30 July 2013 4:39 PM
To: Ryan Desic
Subject: National Native Title Search Results [SEC=UNCLASSIFIED]
Attachments: Search results.pdf; NC97_7.pdf

UNCLASSIFIED

Dear Ryan,

Thank you for your native title search request of Exeter and Belanglo State Forest

Please find attached:

- search results
- map attachment
- NNTT fact sheet

For any future searches, I would like to direct you to our website where you can download a Tribunal search request form. It is important that we are provided with the required information so as to action your search request as timely and accurately as possible.

<http://www.nntt.gov.au/Applications-And-Determinations/Registers/Pages/Search-The-Tribunal-Registers.aspx>

If you require any additional information, please feel free to contact me on the numbers below.

Regards,

Melissa O'Malley | RECEPTIONIST/CLIENT SERVICES OFFICER

National Native Title Tribunal | Sydney Office

Level 16, Federal Law Courts Building, Queens Square, Sydney, New South Wales 2000

Telephone (02) 9227 4000 | Facsimile (02) 9227 4030 | Email melissa.o'malley@nntt.gov.au

Freecall 1800 640 501 | www.nntt.gov.au

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30 July 2013

Ryan Desic
EMGA Mitchell McLennan
PO Box 21
St Leonards NSW 1590

Operations East, Sydney Office

Level 16, Law Courts Building,
Queens Square
Sydney NSW 2000
GPO Box 9973
Sydney NSW 2000
Telephone (02) 9227 4000
Facsimile (02) 9227 4030

Our Reference: 5620/13MO
Your Reference: Hume Coal Project

Dear Mr Desic

**Native Title Search Results for Exeter and Belanglo State Forest within the Wingecarribee
Local Government Area**

Thank you for your search request of 29 July 2013 in relation to the above area.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

Register Type	NNTT Reference Numbers
Schedule of Applications (unregistered claimant applications)	Nil.
Register of Native Title Claims	NC1997/007
National Native Title Register	Nil.
Register of Indigenous Land Use Agreements	Nil.
Notified Indigenous Land Use Agreements	Nil.

I have included a register extract, a map attachment and a NNTT Registers fact sheet to help guide your understanding of 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.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the

external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to “Area covered by claim” section of the relevant Register Extract or Application Summary and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representative, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please contact me on 1800 640 501.

Yours sincerely



Melissa O'Malley | RECEPTIONIST/CLIENT SERVICES OFFICER

National Native Title Tribunal | Sydney Office

Level 16, Federal Law Courts Building, Queens Square, Sydney, New South Wales 2000

Telephone (02) 9227 4000 | Facsimile (02) 9227 4030 | Email melissa.o'malley@nntt.gov.au

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Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NSD6060/1998
NNTT number: NC1997/007

Application name: Gundungurra Tribal Council Aboriginal Corporation #6

Registration History: Registered from 29/04/1997

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: National Native Title Tribunal

Date application filed: 29/04/1997

Date claim entered on Register: 29/04/1997

Applicants: Ms Elsie Stockwell, Ms Pamela Stockwell

Address for service: Eddy Neumann Lawyers
Level 1
255 Castlereagh Street
SYDNEY NSW 2000
Phone: (02) 9264 9933
Fax: (02) 9264 9966

Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

(a) Commencing at 150.52997 east longitude and 34.591636 south latitude, approximately 15.5 kilometres east south east of Moss Vale, the application traverses clockwise starting in a south-westerly direction, passing through points 2 to 36,765 of the following geographic coordinates. They are in decimal degrees and referenced to Australian Geodetic Datum 1984 (AGD84). These coordinates are based on the position of spatial reference data sourced by Land Information Centre, Department of Information Management and Technology, New South Wales as of 18 May 1999.

(b) Subject to clauses (d) and (e) the area covered by the application excludes any land or waters covered by:

- (i) a scheduled interest;
- (ii) freehold estate;
- (iii) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- (iv) an exclusive agricultural lease or an exclusive pastoral lease;

- (v) a residential lease;
- (vi) a community purposes lease;
- (vii) a lease dissected from a mining lease as referred to in s23B(2)(vii);
- (viii) any lease (other than a mining lease) that confers a right of exclusive use over particular land or waters;

which was validly vested or granted on or before 23 December 1996.

(c) Subject to clauses (d) and (e) the area covered by the application excludes any area covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

(d) Where the act specified in (b) and (c) falls within the provisions of

- (i) s23B(9) - Exclusion of acts benefiting Aboriginal peoples or Torres Strait Islanders;
- (ii) s23B (9A) - Establishment of a national or state park;
- (iii) s23B (9B) - Acts where legislation provides for non-extinguishment;
- (iv) s23B (9C) - Exclusion of Crown to Crown grants; and
- (v) s23B (10) - Exclusion by regulation,

the area covered by the act is not excluded from this application.

(e) Where an act referred to in clauses (b) and (c) covers land or waters referred to in:

- s47 - Pastoral leases held by native title claimants;
- s47A - Reserves etc covered by claimant applications; and
- s47B - Vacant crown land covered by claimant applications,

the area covered by the act is not excluded from the application.

(f) Where an area is covered by a previous non-exclusive possession act (s 23F) the native title claim group does not claim possession, occupation, use and enjoyment to the exclusion of all others.

(g) The area covered by the application excludes land where native title has been extinguished at common law.

(h) The area covered by the application excludes areas covered by prior Gundungurra claims filed with the National Native Title Tribunal being NC96/7, NC96/27, NC96/30, NC96/36 and NC97/4.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The native title claim group comprises all members of the Gundungurra Tribal Council Aboriginal Corporation

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 23/06/2000

1. Subject to (2) - (5) below, the full and free enjoyment of the following native title rights and interests area are claimed in relation to the land and waters the subject of the application:

- a. A right to possess, occupy, use and enjoy the claim area;
- b. A right to make decisions about the use and enjoyment of the claim area;
- c. A right of access to the claimed area;
- d. A right to control the access of others to the claimed area;
- e. The right to control the use and enjoyment of others of resources of the claimed area.
- f. (Right not registered)

- g. (Right not registered)
- h. (Right not registered)

2. With respect to those parts of the area the subject of the application which are, or have been, the subject of a previous non-exclusive possession act within the meaning of s 23F of the Native Title Act 1993, the native title rights and interests area set out in (1) are claimed subject to the rights and interests created in the 'non-exclusive possession act' which are not inconsistent with the rights and interests claimed and, in the case of rights granted which are inconsistent with the rights and interests claimed, subject to any suspension of the native title rights and interests which those inconsistent rights and interests cause.

3. With respect to those parts of the area the subject of the application which are, or have been, the subject of:

- a. a category B intermediate period act within the meaning of s232C of the Native Title Act 1993;
- b. a category C intermediate period act within the meaning of s232D of the Native Title Act 1993;
- c. a category D intermediate period act within the meaning of s232E of the Native Title Act 1993;

the native title rights and interests claimed are those set out in (1) above subject to the rights and interests created in the non-exclusive possession act which are not inconsistent with the rights and interests claimed and, in the case of any rights granted which are inconsistent with the rights and interests claimed, subject to any suspension of the native title rights and interests which those inconsistent rights and interests cause.

4. With respect to those parts of the area of the application which are, or have been, the subject of:

- a. a category B past act within the meaning of s230 of the Native Title Act 1993;
- b. a category C past act within the meaning of s231 of the Native Title Act 1993;
- c. a category D past act within the meaning of s232 of the Native Title Act 1993;

the native title rights and interests claimed area those set out in (1) above subject to the rights and interests created in the non-exclusive possession act which are not inconsistent with the rights and interests claimed and, in the case of any rights granted which are inconsistent with the rights and interests claimed, subject to any extinguishment or suspension of the native title rights and interests which those inconsistent rights and interests cause.

5. The native title rights and interests identified above do not extend to ownership of any minerals, petroleum or gas which are wholly owned by the Crown.

6. The native title rights and interests identified above do not include a claim for exclusive occupation and use of offshore areas as defined by s253 of the Native Title Act 1993.

REGISTER ATTACHMENTS:

- 1. 1. Plan of Application Area, Attachment C of the Application, 1 page - A4, 29/04/1997

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.



Searching the NNTT Registers in New South Wales

Search service

On request the National Native Title Tribunal may 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.

Schedule of Native Title Claims

The Schedule of Native Title Claims 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 I request a native title search?

Download the Search Request Form from the Tribunal's website at - <http://www.nntt.gov.au/Applications-And-Determinations/Registers/Pages/Search-The-Tribunal-Registers.aspx>

Email to: NSWEnquiries@nntt.gov.au

Post to: GPO Box 9973 Sydney NSW 2001

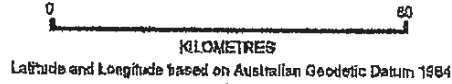
For additional enquiries: 02 9227 4000

NATIVE TITLE APPLICATION

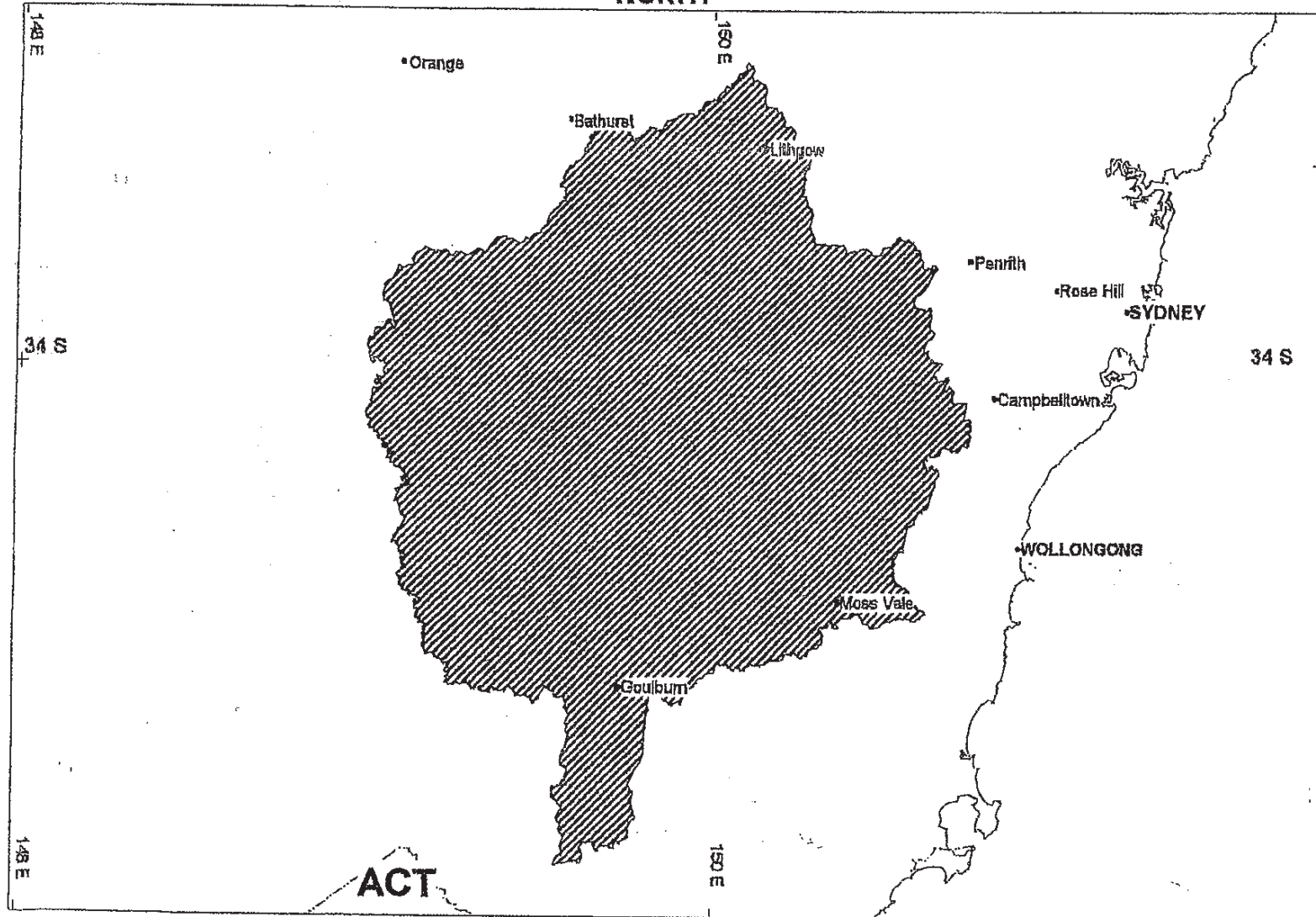
as at 18/05/1999

Map created from data sourced from Land Information Centre, DIM&T, NSW
by Geospatial Information Unit, National Native Title Tribunal

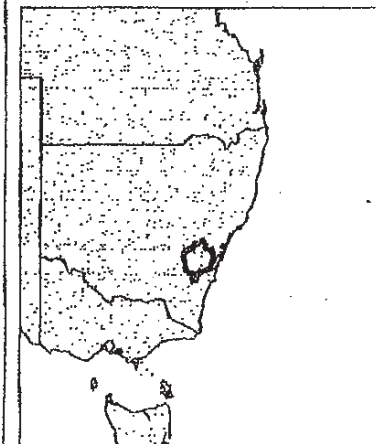
NSD6060/98 (NC97/7)
Plan of Application Area
Attachment C of the Application
Page 1 of 1, A4, 29/04/1997



NORTH



Location of NC97/007
Within New South Wales & ACT



TOTAL P.02



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

Ryan Desic
EMGA Mitchell McLennan
PO Box 21
ST LEONARDS NSW 1590

Dear Ryan

Re: Request - Search for Registered Aboriginal Owners

I refer to your letter dated 26 July 2013 regarding Aboriginal stakeholders within the Exeter and Belanglo State Forest area in NSW.

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

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

Yours sincerely

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

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St Leonards NSW 1590
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www.emgamm.com



Please consider the environment before printing my email

From: Margaret Bottrell [<mailto:Margaret.Bottrell@cma.nsw.gov.au>]
Sent: Wednesday, 7 August 2013 9:32 AM
To: Admin Info
Subject: Aboriginal Consultation Hume Coal Project - re-identification of Aboriginal Parties

To Mitchell McLennan

Under the act that we work under I am not allowed to pass on the information that you requested in your letter dated 26 July 2013 **Re: Aboriginal Consultation Hume Coal Project - re-identification of Aboriginal Parties**

The Hawkesbury Nepean CMA has no interest in this project, and will pass your letters on to the members of our Advisory Committee for their information. If they comment on this, it is an individual person and not a representative of the Hawkesbury Nepean Catchment Management Authority.

Regards

Margaret Bottrell Senior Strategic Land Services Officer (Aboriginal Communities)
Hawkesbury-Nepean Catchment Management Authority
NSW Government Office Block Level 4, 2-6 Station Street Penrith
PO Box 4515 Penrith Westfields NSW 2750
T: 02 472 53049 **F:** 02 4725 3088
E: margaret.bottrell@cma.nsw.gov.au
W: www.hn.cma.nsw.gov.au

This message is intended for the addressee named and may contain confidential/privileged information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department.

You should scan any attached files for viruses.



31st July 2013 ref: OE&H 31- 7 -13/1

Hume Coal Project
Atten:Ryan Desic
PO BOX 21
St Leonards NSW 1590.

Dear Sir / Madam

Aboriginal Consultation Hume Coal Project- re-identification of Aboriginal parties.

I refer to your letter of 26th July 2013 regarding the above matter.

We acknowledge that section 4.1.2 of the Office of Environment & Heritage's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* require you to contact us in order to compile a list of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places. **However, we advise that NTSCORP's privacy guidelines restrict us from providing proponents with contact details of traditional owners who may have such an interest or hold such knowledge.**

In response to your notification , NTSCORP will forward your correspondence to any individuals, groups and organisations whom NTSCORP is aware assert traditional interests within or hold cultural knowledge about the relevant area. **Recipients of our correspondence will be invited to register their interest in the project directly with you by 16th August 20`3.**

Please be aware that NTSCORP cannot make a guarantee or undertaking that the recipients of our correspondence represent the entirety of traditional owners for the relevant area.

NTSCORP will require a minimum of 14 days from the date of receipt of completed notice in order to undertake the above process.

Yours faithfully,

A handwritten signature in black ink, appearing to read "George Tonna", written over a large, stylized circular flourish.

George Tonna
Land & Notifications Officer
NTSCORP Limited

26 July 2013



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St Leonards, NSW, 1590

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F +61 2 9493 9599

E info@emgamm.com

www.emgamm.com

«First_Name» «Last_Name»

«Organisation»

«Address_1»

«Address_2»

«Address_3»

Re: Aboriginal Consultation for the Hume Project –re-registration of Aboriginal parties

Dear «First_Name»

EMGA Mitchell McLennan Pty Ltd (EMM), on behalf of Hume Coal Pty Limited is currently seeking to identify Aboriginal organisations or Aboriginal persons who hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or Aboriginal places in the area of the Hume Coal Project (the Project) located approximately 4 km west of Moss Vale (Wingecaribee Local Government Area) including Sutton Forest, Belanglo Forest in the north-west and Exeter in the south-east.

EMM previously initiated the Aboriginal consultation process for the Project in August 2012. Your organisation has previously registered for the Project in September 2012. However, as a result of changes to the Project timeframe, Aboriginal consultation with all registered Aboriginal parties (RAPs) has lapsed beyond six months. In accordance with best practice consultation procedures (*RMS procedure for Aboriginal cultural heritage consultation and investigations* 2011 p.31), EMM are seeking to readvertise for Aboriginal consultation.

As your organisation has previously registered for the Project, EMM will continue to recognise your registration unless advised otherwise.

To provide the background of the Project once again: Hume Coal Pty Limited proposes to construct an underground cut coal mine and related infrastructure within and in the vicinity of Authorisation 349 shown on the attached map. The Project involves development activities under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act* 1979. Consultation will also encompass any future Aboriginal Heritage Impact Permit (AHIP) applications for the Project issued under s.90 of the NPW Act.

EMM currently has the following contact details for your organisation:

«Organisation»

«First_Name» «Last_Name»

«Address_1»

«Address_2»

«Address_3»

«Phone»

«Email»

If your contact details have changed please provide them in writing (email, letter, or fax) to the address provided below.

EMM is seeking to engage all future correspondence with RAPs via email. This method is considered the most reliable, cost-effective, and timely manner of consultation. As such, EMM requests your agreement to undertake the consultation via email as the official method of contact. A simple response in writing stating 'I agree to be contacted by email as the main source of consultation' is requested.

EMM requests that your organisation responds to this letter recognising your continued registration in the Project. This, along with any additional contact information must be received by Ryan Desic (see contact details below) by close of business on 16 August 2013.

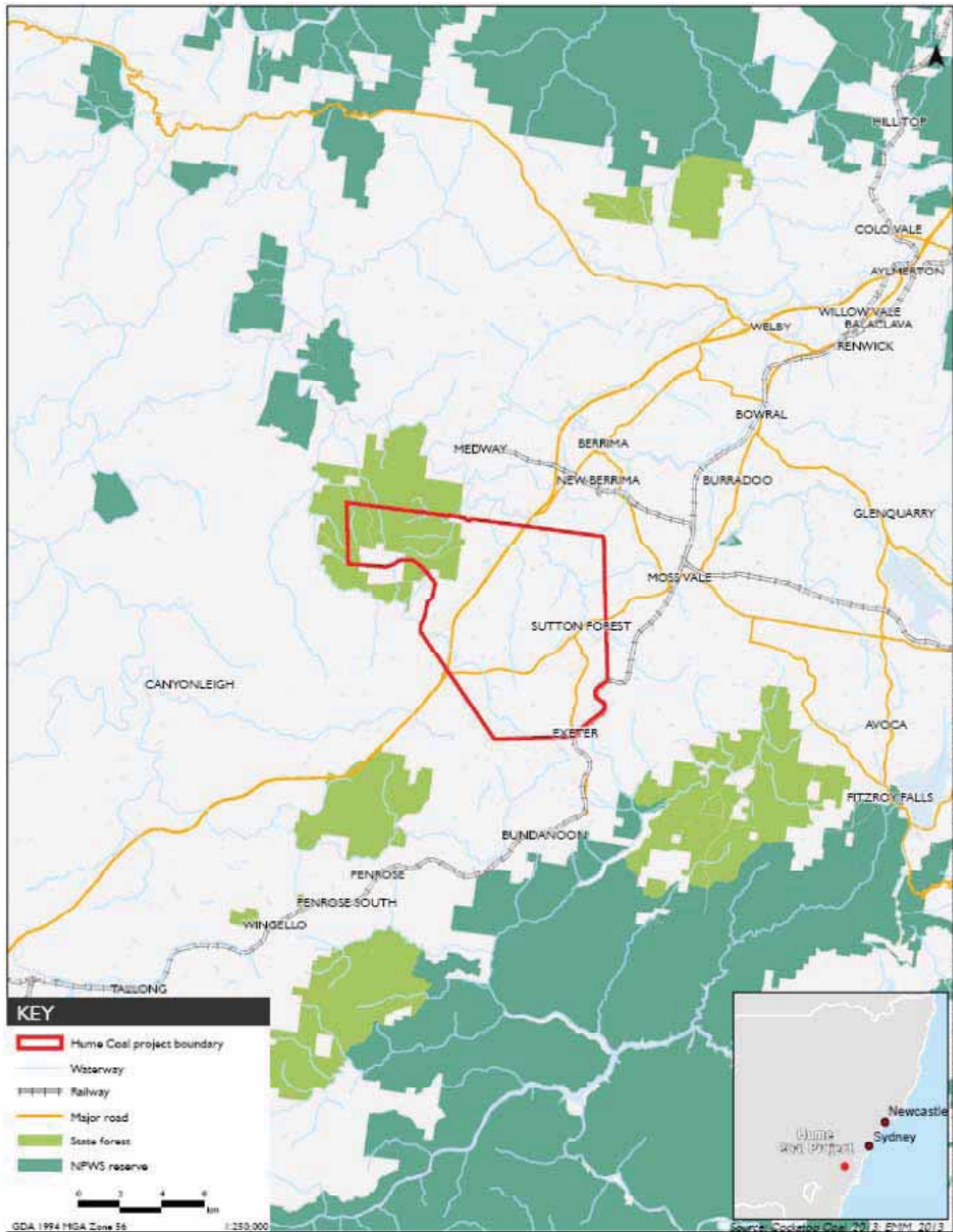
Hume Coal Project
Ryan Desic
EMGA Mitchell McLennan
PO Box 21
St Leonards NSW 1590
Fax: 02 9493 9519

Please note, your Registration of interest does not guarantee employment on fieldwork.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ryan Desic', written in a cursive style.

Ryan Desic
Archaeologist
rdesic@emgamm.com



Location plan
Hume Coal Project
Figure 1.1



26 July 2013

Ground Floor, Suite 01, 20 Chandos Street
St Leonards, NSW, 2065
PO Box 21
St Leonards, NSW, 1590

«First_Name»
«Last_Name»
«Organisation»
«Address_1»
«Address_2»
«Address_3»

T +61 2 9493 9500
F +61 2 9493 9599
E info@emgamm.com
www.emgamm.com

Re: Aboriginal Consultation for the Hume Project - identification of Aboriginal parties

Dear «First_Name»

EMGA Mitchell McLennan Pty Ltd (EMM), on behalf of Hume Coal Pty Limited is seeking to identify Aboriginal organisations or Aboriginal persons who hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or Aboriginal places in the area of the Hume Coal Project (the Project) located approximately 4 km west of Moss Vale (Wingecaribee Local Government Area) including Sutton Forest, Belanglo Forest in the north-west and Exeter in the south-east.

Your organisation has been identified as having potential interest in registering for consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. EMM previously initiated the Aboriginal consultation process for the Project in August 2012. However, as a result of changes to the Project timeframe, Aboriginal consultation with all registered Aboriginal parties (RAPs) has lapsed beyond six months. In accordance with best practice consultation procedures (*RMS procedure for Aboriginal cultural heritage consultation and investigations 2011 p.31*), EMM are seeking to readvertise for Aboriginal consultation.

Hume Coal Pty Limited proposes to construct an underground cut coal mine and related infrastructure within and in the vicinity of Authorisation 349 shown on the attached map. The Project involves development activities under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979*. Consultation will also encompass any future Aboriginal Heritage Impact Permit (AHIP) applications for the Project issued under s.90 of the NPW Act.

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include:

- your name/organisation; and
- current contact details (postal address, email, phone number/s).

EMM is seeking to engage all future correspondence with registered Aboriginal Parties (RAPs) via email. This method is considered the most reliable, cost-effective, and timely manner of consultation. As such, EMM requests your agreement to undertake the consultation via email as the official method of contact. A simple response in writing stating 'I agree to be contacted by email as the main source of consultation' is requested.

This information must be received by Ryan Desic (see contact details below) by close of business on August 16 2013.

As required by OEH guidelines, details of people registering as Aboriginal Parties will be forwarded to OEH and the relevant Local Aboriginal Land Council unless you specify otherwise.

Registration of interest does not guarantee employment on fieldwork.

Hume Coal Project
Ryan Desic
EMGA Mitchell McLennan
PO Box 21
St Leonards NSW 1590
Fax: 02 9493 9519

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ryan Desic', with a stylized flourish at the end.

Ryan Desic
Archaeologist
rdesic@emgamm.com



23 August 2013

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Re: Aboriginal Consultation for the Hume Project - identification of Aboriginal parties

Dear

EMGA Mitchell McLennan Pty Ltd (EMM), on behalf of Hume Coal Pty Limited is seeking to identify Aboriginal organisations or Aboriginal persons who hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or Aboriginal places in the area of the Hume Coal Project (the Project) located approximately 4 km west of Moss Vale (Wingecaribee Local Government Area) including Sutton Forest, Belanglo Forest in the north-west and Exeter in the south-east.

Your organisation has been identified as having potential interest in registering for consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. EMM previously initiated the Aboriginal consultation process for the Project in August 2012. However, as a result of changes to the Project timeframe, Aboriginal consultation with all registered Aboriginal parties (RAPs) has lapsed beyond six months. In accordance with best practice consultation procedures (*RMS procedure for Aboriginal cultural heritage consultation and investigations 2011 p.31*), EMM are seeking to readvertise for Aboriginal consultation.

Hume Coal Pty Limited proposes to construct an underground cut coal mine and related infrastructure within and in the vicinity of Authorisation 349 shown on the attached map. The Project involves development activities under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979*. Consultation will also encompass any future Aboriginal Heritage Impact Permit (AHIP) applications for the Project issued under s.90 of the NPW Act.

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include:

- your name/organisation; and
- current contact details (postal address, email, phone number/s).

EMM is seeking to engage all future correspondence with registered Aboriginal Parties (RAPs) via email. This method is considered the most reliable, cost-effective, and timely manner of consultation. As such, EMM requests your agreement to undertake the consultation via email as the official method of contact. A simple response in writing stating 'I agree to be contacted by email as the main source of consultation' is requested.

This information must be received by Ryan Desic (see contact details below) by close of business on 23 September 2013.

As required by OEH guidelines, details of people registering as Aboriginal Parties will be forwarded to OEH and the relevant Local Aboriginal Land Council unless you specify otherwise.

Registration of interest does not guarantee employment on fieldwork.

Hume Coal Project
Ryan Desic
EMGA Mitchell McLennan
PO Box 21
St Leonards NSW 1590
Fax: 02 9493 9519

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ryan Desic', written in a cursive style.

Ryan Desic
Archaeologist
rdesic@emgamm.com

11 July 2013

EM M Mitchell Mc Lennan

Ground floor ,Suit 01 ,20,Chandos Street

St Leonards ,N.S.W 2065

Re: Aboriginal Consultation for the Hume Project

Dear Ryan Desic

Yamanda would like to identify as a Aboriginal organisation who hold knowledge relevant to determining the cultural significance of Aboriginal objects and places in the area of Hume coal Project.

Please register Yamanda

Yamanda Aboriginal Association

You're sincerely

Tamara Strong

Koomurri Ngunawal



Aboriginal Corporation

Glen Freeman

20th August 2013

Hume Project
C/O Ryan Desic
EMGA Mitchell McLennan Pty Ltd
PO Box 21
St Leonards NSW 1590

Culture Language Knowledge Spirituality Identity Family

Aboriginal spiritual and cultural heritage through family, language, ceremony and education, as well as the ongoing custodianship of the ecology of the land, mother earth, is an essential and vital part of Aboriginal peoples spiritual and cultural identity, connection and sense of belonging to country. The ongoing effective protection and conservation of this cultural and spiritual heritage is of utmost importance in maintaining the identity, health, spiritual and cultural well being of Aboriginal people.

Hume Project – Proponent Hume Coal PTY LTD

I am contacting you to register Koomurri Ngunawal Aboriginal Corporation (KNAC) for the above project.

As required please find all relevant contact details contained within this letter.

We at KNAC look forward to hearing from you in the near future.

Kind Regards

A handwritten signature in black ink, appearing to read 'Glen Freeman', written over a horizontal line.

Glen Freeman
Director /Contact person



From: [Donna Hipwell](#)
To: [Ryan Desic](#);
Subject: Tharawal site work
Date: Monday, 29 July 2013 1:58:28 PM

Att: Ryan Desic

Registering Tharawal Local Aboriginal land Councils interest for the Hume Project.
Please contact CEO at Tharawal

When you have details of dates and how many workers you require please let me know

Thankyou

Donna Hipwell

Acting CEO TLALC

From: [Peter Falk](#)
To: [Ryan Desic;](#)
Subject: Hume Project
Date: Thursday, 1 August 2013 5:29:18 PM

Ryan,

The only addition to my contact details is my email address, which is:

As I have worked in the Southern Highlands on Aboriginal Cultural Heritage surveys for the past 8 years, I have knowledge of the Aboriginal Heritage in this project Area.

I still wish to be registered for this project.

Regards

Peter

Peter Falk Consultancy

N.I.A.C.

Northern Illawarra Aboriginal Collective Inc.
representing Wulungulu, Gundungara, and Wadi-Wadi traditional owner groups

Attention Ryan Desic
EMGA Mitchell McLennon Pty Ltd
PO Box 21
St Leonards NSW 1590
Via Fax 02 9493 9500

18 August 2013

Subject: Hume Project Sutton Forest,

Dear Mr Desic,

We would like to register an expression on interest in the project, Hume Project, at Sutton Forest, on behalf of our Gundungara and Wadi Wadi groups. They are accompanied by a volunteer technical assistant. We are aware of massacre sites and have done previous surveys in the vicinity.

Yours sincerely

Daniela Reverberi

Daniela Reverberi – NIAC technical officer



BURU NGUNAWAL ABORIGINAL CORPORATION



EMGA Mitchell McLennan Pty Ltd
PO Box 21
St Leonards, NSW, 1590

Attention: Ryan Desic

We wish to lodge an expression of interest for:

CULTURAL HERITAGE ASSESSMENT – HUME PROJECT

We offer the following information in support of our expression of interest in relation to Aboriginal Cultural Heritage:

Organisation: Buru Ngunawal Aboriginal Corporation (BNAC)
Name: Mr Walter R Bell

BNAC's members, the NGUNAWAL people, are the Traditional Carers for this area and all are of direct Ngunawal descent. BNAC is an incorporated organisation whose constitution and rules of governance state that we as an organisation will endeavour to protect our Aboriginal culture and heritage to the best of our collective abilities. Being part of the consultative/planning process will ensure that the proper protection and preservation of our culture and heritage continues. As the Traditional Carers we possess knowledge of local Ngunawal Aboriginal cultural heritage sites and customs. The qualifications and previous experience that we have in Aboriginal cultural heritage assessment work has come from over 35 years experience working on projects that take place within the Ngunawal Tribal boundary, which is arbitrary, in both urban and rural situations. As Traditional Custodians we have a cultural connection with the proposed project area and wish to participate in the program, we also hold cultural knowledge relevant to determining the cultural significance of objects and places in the project area.

The Ngunawal people, have had in place a Native Title claim that has been registered with the National Native Title Tribunal which requires stringent guidelines to be met in order to be registered as Native Title claimants. The most important of which is to prove connection to country as the Traditional Carers.

We are able to provide supporting/additional documentation if required.

Mr Wally Bell (Ngunawal Traditional Carer)
Director/Chair

On behalf of BNAC members
26 August 2013

Cubbitch Barta Native Title Claimants
Aboriginal Corporation

EMM
P.O. Box 21,
ST. LEONARDS. N.S.W. 1590

Dear Neville,

RE; HUME PROJECT

Thank you for the letter regarding the above project. I am not quite sure exactly where the location is, but will take this opportunity of registering an interest. I would need to have a bit more detail, as to ascertain our interest in the project. It may be outside of our interest, not sure.

Yours faithfully,



Glenda Chalker
Hon. Chairperson

Rebecca Moore

From: Neville Baker
Sent: Wednesday, 12 September 2012 9:32 AM
To: Sharyn Halls
Cc: Rebecca Moore
Subject: RE: Aboriginal Consultation Hume Project

Hi Sharyn,

Thank you for your registration of interest. We will list your name as the contact person for GAHAI and will be in touch regarding project information and an assessment methodology in due course.

regards,

Neville Baker
Associate Director - Archaeologist

Now in Sydney, Newcastle and Brisbane.



Ground Floor, Suite 01
20 Chandos Street
St Leonards NSW 2065

PO Box 21
St Leonards NSW 1590

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www.emgamm.com

From: Sharyn Halls [<mailto:ghal6522@bigpond.net.au>]
Sent: Friday, 7 September 2012 12:53 PM
To: Neville Baker
Subject: Aboriginal Consultation Hume Project

Dear Neville

thank you for your letter dated 4th September 2012.

Gundungurra Aboriginal Heritage Association Inc (GAHAI) would like to register our interest in the Hume Project as we have a Aboriginal Cultural values in the area.

Thank you
Sharyn Halls
Secretary



4 October 2013

Ground Floor, Suite 01, 20 Chandos Street
St Leonards, NSW, 2065
PO Box 21
St Leonards, NSW, 1590

Office of Environment and Heritage
Planning and Aboriginal Heritage
Section
PO Box 668
Parramatta NSW 2124

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Re: Registered Aboriginal Parties for the Hume Coal Project

Dear Sir/Madam

In accordance section 4.1.6 of the *Aboriginal cultural heritage consultation requirements for proponents* (the guidelines)(DECCW 2010) the Office of Environment and Heritage (OEH) is hereby notified that a total of nine parties responded to either an advertisement or an invitation sent in accordance with the guidelines for the Hume Coal Project (client Hume Coal Pty Limited). The forms of notification are attached.

The nine Aboriginal registered parties (RAPs) are listed below.

Table 1 List of RAPs for the Hume Coal Project

Organisation

Tharawal Local Aboriginal Land Council
Cubbitch Barta
Peter Falk Consultancy
Illawarra Local Aboriginal Land Council
Gundungurra Aboriginal Heritage Association Inc.
Yamanda Aboriginal Association
Northern Illawarra Aboriginal Collective Inc (NIAC)
Koomurri Ngunawal Aboriginal Corporation
Buru Ngunawal Aboriginal Corporation (BNAC)

Consultation in accordance with the requirements is currently underway relating to the proposed Hume Coal Project. The Aboriginal cultural heritage assessment for this project is being conducted in accordance with the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2005) in lieu of Director Generals Requirements.

Yours sincerely

Ryan Desic

Archaeologist
rdesic@emgamm.com

enclosed:

- Advertising proof of public notice published in the Highlands Post on 12/08/2013
- Letter of invitation/notice of recommencing consultation to previously registered RAPs from 2012
- Letter of invitation to register interest issued to potential Aboriginal parties as advised by agencies

A.3 Stages 2 and 3 – presentation of information and gathering cultural information

This section contains the following documents:

- notice of continued consultation (January 2014);
- project information and draft assessment method letter (April 2014);
- RAP feedback and EMM responses to the draft assessment method;
- first consultation meeting documentation (August 2015);
- archaeological test excavation method (August 2015);
- RAP feedback and EMM responses to the test excavation method (August–September 2015); and
- Additional meeting with Yamanda on 18 July 2016 to present the project and assessment methods.



23 January 2014

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Re: Hume Coal Project — Notice of continuous consultation

Dear CEO,

EMGA Mitchell McLennan Pty Limited (EMM) on behalf of Hume Coal Pty Limited (Hume Coal) would like to notify your party of our commitment to provide ongoing consultation with registered Aboriginal parties (RAPs) of the Hume Coal Project (the project). Preparation of the Environmental Impact Statement for the project has commenced and the Aboriginal cultural heritage assessment (ACHA) component is anticipated to further progress in the coming months.

The next step in the consultation process involves the presentation of a draft ACHA methodology in conjunction with further information regarding the project. RAPs will be given a letter with this information once the preliminary mine plan is finalised. Deferring distribution of the ACHA methodology until this time will ensure that each RAP has adequate information about the project to guide any comments or feedback they may wish to provide.

In the meantime, any queries about the project and proposed ACHA are welcome. For information specifically about the project, please call Matt Sewell on 02 4869 2800 or visit the project office at Unit 7-8 Clarence House, 9 Clarence Street, Moss Vale. Alternatively, if you would like to discuss matters concerning the ACHA, please call or email me, using my details given below.

We appreciate your patience and understanding in regard to the project and its timeframe, and look forward to progressing consultation in the near future.

Yours sincerely

Ryan Desic
Archaeologist
rdesic@emgamm.com



17 April 2014

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Re: Hume Coal Project: Aboriginal cultural heritage assessment, presentation of information, draft assessment methodology and request for cultural information.

Dear «First_Name»

1 Introduction

Thank you for registering your interest in being consulted on Aboriginal cultural heritage matters for the Hume Coal Project (the project). EMGA Mitchell McLennan Pty Limited (EMM), on behalf of Hume Coal Pty Limited (Hume), is preparing an Aboriginal cultural heritage assessment (ACHA) for the project.

This letter presents information on the project and describes a draft ACHA methodology for your review and comment. We welcome your written feedback at your earliest opportunity, and no later than **19 May 2014**. **Letters attached to email is the preferred mode of written communication as it will reduce postal waiting periods.** This document is provided in accordance with sections 4.2 and 4.3.1 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, which is the Aboriginal consultation framework for the project.

1.1 Overview of the project

Hume holds an coal exploration licence, Authorisation 349 (A349), near Sutton Forest and New Berrima in the Southern Highlands of New South Wales (NSW) (Figure 1). Hume proposes to construct and operate a coal mine in this area, including underground mining within parts of A349, as well as surface infrastructure facilities. EMM has been commissioned by Hume to prepare the environmental impact statement (EIS), which will accompany the development application for the project. EMM's heritage team is undertaking an ACHA as part of the EIS.

The project is still in its preliminary design phase and various options are currently being evaluated, including various mining methods and mine and surface infrastructure layouts. Once the preliminary mine and surface infrastructure plans are finalised they will be distributed to all Registered Aboriginal Parties (RAPs). Generally however, the project will involve underground mining and construction and operation of surface infrastructure typical of an underground coal mine.

The mining method is yet to be finalised. The selected mining method may result in levels of subsidence impacts ranging from low to negligible. The location and layout of the underground mining area within A349 and the specific impact areas will be confirmed at a later date. The location and layout of the surface infrastructure areas will also be confirmed at a later date.

At present, the approach to the fieldwork is to understand the landforms within A349 and prepare recommendations to manage potential impacts to Aboriginal sites and areas of archaeological potential. Due to the size of the project area and property access considerations, survey will be undertaken in stages. This notification is for the first stage of field survey.

Once the preliminary mine and surface infrastructure plans are finalised, this draft methodology will be reviewed. If any aspects affect the nature of ACHA, this draft methodology will be updated accordingly and all RAPs be consulted for comment.

1.2 The study area

The study area is within the Wingecarribee local government area. Figure 1 shows the general location of the study area. The settlements of Berrima and New Berrima lie to the north, Sutton Forest and Moss Vale to the east, Exeter to the south and Taralga to the west.

The study area includes A349 which is approximately 89 km² (Figure 1). Although A349 comprises the area in which underground mining will occur, not all of A349 will be affected. The study area also includes areas adjacent to A349. The final study area boundary will be provided to the RAPs once preliminary mine and surface infrastructure plans are finalised.

2 Archaeological background

2.1 AHIMS search

An extensive search of the Aboriginal Heritage Management System (AHIMS) database was conducted on 18 June 2013 for the study area and its surrounds (within MGA coordinates 242000–256000E and 6164000–6183000N, approximately 270 km²). An additional search covering the broader area to the east was conducted on 25 March 2014 for an area of 10 km by 13 km. A total of 84 Aboriginal sites were identified in the search area and 12 of these are in A349. A summary of the individual site types are provided in Table 1 and their locations are shown in Figure 1.

Table 1 AHIMS registered sites in the search area

Site type	Number of sites
Open artefact site (including isolated finds and open site with potential archaeological deposit)	63
Rock shelter with art and grinding grooves	1
Rock shelter with deposit	4
Open camp site with axe grinding groove	2
Axe grinding groove	9
Scarred tree	4
Burial with carved tree	1
Total	84

2.2 Archaeological reports in the local area

Since the 1980s the study area and its surrounds have been subject to few archaeological investigations. Nearby investigations have been conducted for Berrima Colliery and upgrades to the Hume Highway. The majority of investigations have involved archaeological surveys, with test and salvage excavation undertaken more recently (Navin Officer 2012). A number of Aboriginal site types have been identified

within the local landscape, including grinding grooves, modified trees (one including a burial), open camp sites and rock shelters, some containing archaeological deposits and art.

The AHIMS data and previous archaeological survey and assessment results highlight the following trends in Aboriginal site type and location:

- artefact scatters and isolated finds have most commonly been identified close to watercourses including:
 - creek and river banks and alluvial floodplains and terraces;
 - low elevated areas near the confluence of watercourses;
 - low ridge crests, saddles and spurs and to a lesser extent slopes;
 - clusters of campsites along both minor and major tributaries; and
 - selectively spaced campsites along major rivers;
- artefact scatters and isolated finds have been identified on geological formations including:
 - Hawkesbury Sandstone;
 - Wianamatta Group Shales (Ashfield and Bringelly); and
 - Volcanic basalt flows;
- rock shelters and grinding grooves have been recorded in areas of sandstone geology adjacent to watercourses;
- most identified sites contain low densities of artefacts, commonly less than 10 artefacts;
- quartz and silcrete were the most common raw materials used for artefact manufacture. Chert, quartzite and indurated mudstone have been commonly found but made up smaller proportions of assemblages;
- bipolar reduction was commonly used to reduce quartz and to a lesser extent silcrete and chert;
- backed blades were found in low densities;
- modified trees commonly occur adjacent to watercourses, however, there may be a bias in this sample because areas adjoining watercourses are often less likely to have been previously cleared of mature trees; and
- burial sites are rare but may occur in association with carved trees.

3 Draft assessment method

3.1 Archaeological assessment method

It is anticipated that Director General's Requirements (DGRs) for the project will stipulate the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (the guidelines — DEC 2005) as the ACHA framework. As stipulated in the 2005 guidelines, the *Aboriginal Cultural Heritage Standards and Guidelines Kit* (guidelines kit) (DEC 1997) provides the framework for the archaeological assessment component of the ACHA. The more recent *Code of Practice for Archaeological Investigation of*

Aboriginal Objects in New South Wales (DECCW 2010a) will also be used as a model because it encapsulates and expands on many features of the guidelines kit.

A draft method for the ACHA is suggested here for your review and comment. We welcome your feedback at your earliest opportunity.

Aboriginal heritage values will be identified by the following methods:

- consultation with the Aboriginal community to identify social values of the study area and places of special significance that should be considered;
- a search of the AHIMS database for records of previously registered Aboriginal sites (completed);
- a review of past Aboriginal heritage reports and ethno-historic sources covering the study area and its surrounds (partially completed);
- a review of environmental characteristics to develop a landscape map of possible archaeological site location; and
- an archaeological survey with Aboriginal stakeholders focusing on proposed surface infrastructure impact areas and areas above the proposed underground mining area.

3.2 Aboriginal consultation

It is anticipated that the DGRs will stipulate the DEC 2005 guidelines as the project consultation requirements.

The guidelines make reference to the *National Parks and Wildlife Act 1974: Part 6 Approvals Interim Community Consultation Requirements for Applicants* (ICCRs — DEC 2004) as providing ‘guidance’ on the process. The ICCRs and their successor, the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010b) were established for applications for approvals under Part 6 of the *National Parks and Wildlife Act 1974*. Part 6 approvals are not required for the Hume Coal Project as it is a State Significant Development.

The procedures in the 2010 consultation guidelines will however also be used in this assessment. Therefore, whilst the 2005 guidelines are the statutory requirement for Aboriginal consultation for the project, the 2010 guidelines are referred to as a model as they capture all the required steps.

In accordance with the 2010 guidelines, each private Aboriginal organisation or individual who responded with a written request to be registered for consultation is referred to as a RAP. Government agencies who registered interest will also be consulted in parallel with RAPs.

3.3 Field survey

3.3.1 Objectives

An Aboriginal heritage field survey strategy has been prepared to target all landforms with high to moderate potential for Aboriginal sites and capture a representative sample of other landform units. The aim of the archaeological survey is to identify Aboriginal sites and areas of potential archaeological deposit. Only those areas with Aboriginal objects will be recorded and reported as Aboriginal sites and areas of potential archaeological deposits (PAD) will be recorded as containing ‘archaeological sensitivity’. Other places or features of interest will be noted in the draft ACHA.

3.3.2 General fieldwork strategy

A pedestrian field survey is proposed, led by EMM's archaeologists and involving RAP representatives. The surveys will take place over approximately four weeks, though not consecutively; surveys will be staggered as land access becomes available. A series of survey tracks (transects) will be walked and form a sample of the key landform classes and important geological units divided broadly into sandstone, shale and volcanic areas.

Survey coverage will be directed towards areas of potential impact, but areas not intended for impacts will also be sampled to characterise the archaeological record. A large portion of A349 will remain undisturbed by the project and therefore only certain areas of A349 will be surveyed.

The survey will inspect all areas of ground within survey transects which will be covered by survey participants spread out across a c.50 m path where possible. All mature trees will be inspected for scars of Aboriginal origin, sandstone areas inspected for grooves and rock shelters and all rock shelters inspected for the presence of Aboriginal objects or potential deposits. It is expected that visibility in paddocks and heavily vegetated areas will be constrained. Transects will aim to target areas of exposures within these areas, but will be generally limited to exposures from vehicle or cattle tracks. All Aboriginal sites will be marked through flagging and then GPS waypoint recording by an archaeologist.

Survey transects will be undertaken with reference to a survey plan that will be created prior to fieldwork. The survey effort will generally follow predetermined transects comprised of discrete landform units that have been identified using topographic maps. However, there will be provision for changes to the survey plan once on site, to account for inaccessible areas or where landform units unfruitful for the survey effort are identified.

Reconnaissance and additional recording of some previously recorded Aboriginal sites within the study area will be incorporated into the survey, where there may be potential impacts to these sites.

For areas not covered by survey, a predictive assessment, or predictive model of site location, will be made based on the results for the surveyed areas. Reliability of the predictive model will be dependent on the outcomes of the fieldwork.

The initial stages of fieldwork are planned for late May 2014. As previously mentioned, fieldwork will be in stages as access becomes available. Accordingly, further fieldwork at other properties will be undertaken later in 2014. A letter will be distributed in the coming weeks setting out upcoming fieldwork dates, arrangements for representative involvement, essential safety requirements and payment details. Equivalent letters will be distributed for all future fieldwork.

It is noted that fieldwork will be strenuous, involving walking over rough country that includes steep hills, cliffs and ridges. Each fieldwork participant must be able to undertake the entire day's work on each day. Each participant will be expected to bring their lunch and enough personal drinking water to last the day.

3.3.3 Impact-specific survey strategy

i Overview

The survey will cover land that could be subject to surface disturbance from construction of surface facilities. It will also include land that will be under-mined, and depending on the mining method selected, could be subject to low to negligible levels of surface subsidence. The survey strategy has been prepared to best suit each type of potential impact.

ii Underground mining survey

Surveys above proposed underground mining areas will target landscapes where sandstone outcrops are present. Should subsidence occur, these landform units would be the most likely to be impacted. Therefore, survey will focus on areas of Hawkesbury sandstone geology in the north-west of the study area, which are considered to be archaeologically sensitive.

Survey transects will focus on obtrusive site types most likely to be susceptible to subsidence impacts (should subsidence occur) such as rock shelters with deposit and art, and grinding grooves. The following sandstone formations will be targeted as an example:

- isolated floaters/boulders;
- minor exposures of bedrock and sandstone strata;
- sandstone cliffs and overhangs; and
- exposed sandstone bedrock along survey area watercourses.

Other site types such as artefact scatters and scarred trees, will be targeted to a lesser degree. It is expected that impacts on these sites from any subsidence would be negligible.

iii Surface infrastructure survey

Survey of proposed surface infrastructure areas will cover archaeologically sensitive and non-sensitive landforms within, but not limited to, surface impact areas. Survey transects will aim to gather a representative sample of the impact areas. Areas of higher archaeological sensitivity will be targeted.

Areas that have been identified for linear infrastructure (eg railway lines), will be surveyed along the path of the proposed construction where feasible. Discrete landforms within each linear construction path will be recorded as individual survey transects.

3.3.4 Landform division for sampling

The survey will cover extensive areas as a continuous series of transects covering a representative sample of landform elements across the study area. The broad spread of landforms anticipated comprises:

- watercourses — generally second order (Strahler System) and above, including their near banks;
- open depressions — such as ephemeral drainage lines dissecting slopes or open depressions eroded by sheet wash;
- slopes — comprising simple, upper, mid and lower slopes;
- flat — such as alluvial floodplains, terraces and valley floors;
- spur crests;
- ridge tops — comprising ridge crests and saddles; and
- cliff/scarp — comprising the head and foot of the cliff/scarp and its slope if accessible.

Survey units will reference the landform units listed above in conjunction with the underlying geology of the area, comprising:

- Hawkesbury Sandstone;

- Wianamatta Group Shales (Ashfield and Bringelly);
- Robertson Basalt volcanic basalt flows; or
- Quaternary silts and clays.

It is expected that landform elements, when paired with the underlying geology, will provide greater understanding of Aboriginal site location and assist in predictive modelling.

The survey transects will aim to sample each of the landforms listed above in the study area. However, fieldwork access constraints may hinder effective fieldwork coverage.

3.4 Post-fieldwork

After fieldwork, a draft report will be prepared by EMM. Each RAP will be invited to submit relevant information on Aboriginal heritage values which will be addressed in the report. Each Aboriginal stakeholder group will be issued with a draft report for review and comment. EMM and Hume intend to hold a meeting with RAPs when all stages of the survey have been completed to review the results and consider the most appropriate mitigation measures from a cultural and archaeological perspective. All comments will be addressed in the final report.

3.5 Identifying non-archaeological Aboriginal heritage values

3.5.1 Background

Non-archaeological Aboriginal heritage values refer to places which have meaning in accordance with memory or tradition but not associated with cultural objects. Natural features of the landscape may figure in traditional stories. Places may be associated with historical resource use; areas may have been used as historical fringe camps; and an area may have figured within a known traditional pathway. All such values can only be identified through archival research or interview with Aboriginal people with Aboriginal cultural knowledge.

3.5.2 Request for cultural information

In accordance with Section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, EMM is seeking cultural information about the study area from RAPs.

Aboriginal heritage incorporates a wide range of values such as stories, traditions and cultural practices. EMM welcomes any advice from the Aboriginal community about any form of Aboriginal heritage values (which might include archaeological sites or other types of values) relevant to the study area.

EMM is relying on the Aboriginal community for advice on non-archaeological Aboriginal values for the study area. We are happy to meet to discuss any information which you may be willing to share, and will respect confidentiality where requested. Email is our preferred method of communication (see contact details at the end of this letter) but we will also accept letters and faxes, and information given in person during one of the project meetings planned over the coming months.

Knowledge of areas of cultural significance may include, but are not limited to:

- sites or places associated with ceremonies, spiritual/mythological beliefs and traditional knowledge, which date from pre-contact period and have persisted until the present time;
- sites or places associated with historical associations, which date from the post-contact period and are remembered today (eg plant and animal resource use areas and known camp sites); and

- sites or places of contemporary significance (apart from those areas for which Aboriginal remain), for which the significance has been acquired in recent times.

4 Potential impacts on Aboriginal sites and objects

4.1.1 Types of development impacts

The project may disturb or remove Aboriginal sites and objects through ground disturbance activities resulting from the construction of surface infrastructure and, depending on the mining system adopted, potentially low levels of subsidence from underground mining.

4.1.2 Underground mining and subsidence impacts

Generally, surface impacts from underground mining can range from negligible to major subsidence; the method of mining employed has a considerable influence on that range. For the Hume Coal Project, the mining method is yet to be finalised but options being considered would result in low to negligible subsidence impacts.

Should subsidence occur, the landforms most at risk of damage are also those that support the less frequently recorded sites, which include cliffs and cliff faces, rock overhangs and caves; these landforms may also contain rock shelters with evidence of habitation including archaeological deposit and rock art.

One of the outcomes of this assessment will be how to best advise Hume on managing Aboriginal sites, with the primary aim of conservation. Where conservation is unlikely, the aim would be to manage and mitigate potential impacts.

There are currently two registered Aboriginal sites (52-4-0097 and 52-4-0098) in the Belanglo State Forest. One is a rock shelter with art and the other is an axe grinding groove site. These sites will be addressed in the ACHA.

4.1.3 Surface facilities and infrastructure impacts

Surface facilities will be constructed and have the potential to impact Aboriginal objects. The assessment will aim to avoid or mitigate impacts. At present the location and layout of surface facilities has not been confirmed. As this information comes to hand, it will be used to plan survey areas and will be provided to RAPs in future letters detailing fieldwork.

5 Indicative timing

The following indicative timeframe is anticipated for the assessment:

Table 1 Indicative timeframe

Stage	Estimated dates ¹
RAP response to method (this letter)	Prior to 19 May 2014
Field survey	Commencing late May and continuing in stages into late 2014
Preparation of draft report and client review	Late 2014
Draft report for RAP review	Late 2014
Submission of draft report to consent authority	Early 2015

1. Dates are indicative and may change.

6 What's next?

We look forward to receiving any response your organisation wishes to make about the proposed methodology by **19 May 2014**. Your response will be documented and considered for the assessment. Any cultural information is also welcome within this timeframe but it can also be submitted up until the completion of the draft ACHA.

EMM will be contacting RAPs shortly with an additional letter to organise fieldwork participation from RAP representatives. As mentioned previously, fieldwork will be conducted in stages as land access is negotiated with relevant landholders. The areas highlighted in Figure 1 indicate the properties where the first stages of the survey will be undertaken.

RAP meetings with EMM and Hume are anticipated once the project details are further refined. At this stage it is anticipated that the aim for the first meeting will be to present project information and discuss the implications for Aboriginal cultural heritage values in the study area. Subsequent meetings are anticipated after fieldwork results have been compiled and then soon after a draft ACHA has been distributed to RAPs for comment.

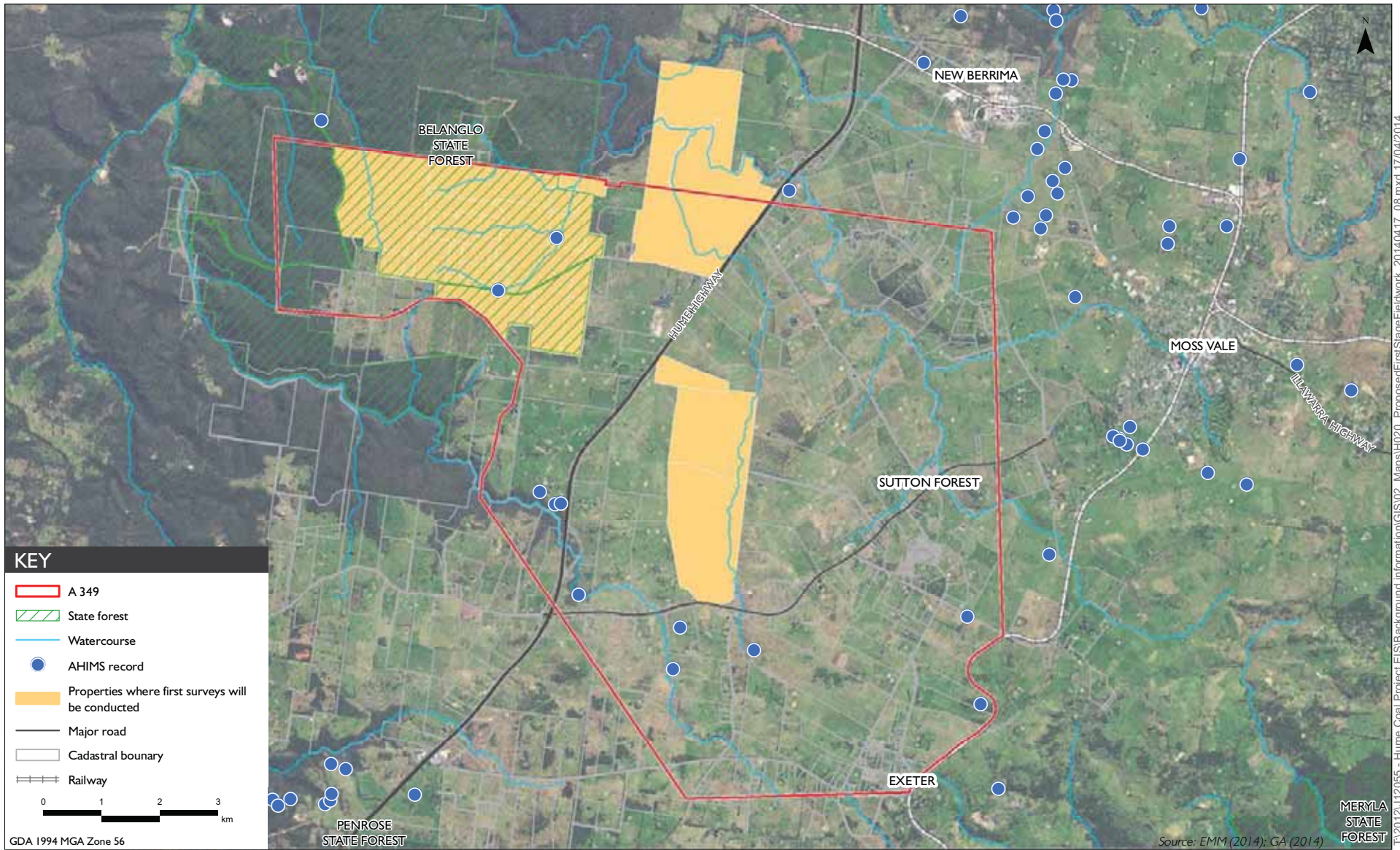
7 Any questions?

Please feel free to contact me with any questions or queries about the project via email (provided below) or telephone on 02 9493 9541.

Yours sincerely



Ryan Desic
Archaeologist
rdesic@emgamm.com



Study area and proposed area for first stage of field work

Hume Coal Project

Figure 1

Ryan Desic

From: Koomurri Ngunawal Aboriginal Corporation
Sent: Monday, 12 May 2014 8:44 PM
To: Ryan Desic
Subject: RE: Hume Consultation

Dear Ryan,

After reading the methodology for this project KNAC feels that due to the fact of there being several watercourses as per 3.3.4 of generally second order [Strahler System] it has always been apart of KNAC's process to explore possibilities of there being Womens Sites within these areas e.g. Birthing, Healing, Recreation and Ceremonial. This being so Womens involvement should be considered.

As such we formerly accept the methodology for this project.

Looking forward to consulting with you on this project.

Kind Regards

Glen Freeman
Contact/ Director
Koomurri Ngunawal Aboriginal Corporation ICN 7812

From: rdesic@emgamm.com
To:
Date: Fri, 9 May 2014 11:05:04 +1000
Subject: Hume Consultation

Hi Glen,

Please find a copy of the methodology attached.

Regards,
Ryan Desic
Archaeologist

Sydney, Newcastle and Brisbane.



Ground Floor, Suite 01
20 Chandos Street
St Leonards NSW 2065

PO Box 21

Ryan Desic

From: Ryan Desic
Sent: Tuesday, 13 May 2014 8:46 AM
To: 'Koomurri Ngunawal Aboriginal Corporation'
Subject: RE: Hume Consultation

Hi Glen,

Thank you for your response to the assessment methodology. We really do appreciate your knowledge about the area. We look forward to learning more about the criteria that makes such areas Womens Sites, and I hope you can direct us to any sources of information, be it oral or textual, that can assist us with recording this information.

Regards,
Ryan Desic
Archaeologist

Sydney, Newcastle and Brisbane.



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Please consider the environment before printing my email



From: NIAC
Sent: Monday, 12 May 2014 10:39 AM
To: Ryan Desic
Subject: Hume Coal ACHA draft methodology

From
Northern Illawarra Aboriginal Collective (NIAC)

Attention Ryan Desic

Dear Ryan,

We would like to point out that there is a burial ground in the survey area. This is of high Cultural and Historical importance. We need to find this exact burial ground. Thus the places surveyed need to be adaptable and flexible. Please find three relevant pages of a book by Chris Illert attached. In addition to "*Three Sisters Dreaming*", there is "*The Natural Art of Louisa Atkinson*", by Elizabeth Lawson, State Library of NSW Press, 1995, pages 44 to 47.

This place is of living value with ancestors being able to tell you family trees back to the skeletons buried there. Our Elders, some of whom know the area, are variously able to tell us things about the area, however they are old. We do not want them to walk over everything. They have able bodied people able to do the walk over. We can supply two people plus their volunteer assistant.

You may include the contents and attachment of this letter in your report.

Yours sincerely
Heather Ball - Wadi Wadi Elder
Keith Ball - Wadi Wadi Elder
Jenny Sajkovic - Wadi Wadi & Wulungulu Elder
Paul Cummins - Gundungara & Wulungulu Elder

Daniela Reverberi - NIAC volunteer technical Officer

SHOALHAVEN CHRONOGRAPH
(Quarterly Newsletter of the Shoalhaven Historical Society Inc.)
volume 23(9), February 2003

special supplement

Three Sisters Dreaming

- or did Katoomba get its legend
from Kangaroo Valley?

by **Chris ILLERT**,
School of Languages & Linguistics,
University of Western Sydney.

ISBN 0 949357 26 X



These artefacts were drawn by **Louisa Atkinson**, in about 1853, for an article that was never published. [Mitchell Library, Sydney]

- 1) "woman's [string net] bag" = "*gur:b.maru:k.d:*" deriving from *gur(a)-b(ulo):muru:(gon):i-d(ola:n-gara)* = *net-thing (= bag) [for] gently-dropping (= putting) [items] into*.
- 2) "bark vessel" = "*ba:ngal:ee*" deriving from *bu(lu):gul(u):i* = *curled/folded hailer*. It is a container made from a single piece of bark, folded in a U-shape, bound at both ends and sealed with "yellow gum" (= resin from the grass-tree *Xanthorrhoea*), in order to carry liquids such as water or honey. **David Collins** [1798] spelled it "*be:ngall:e*", whilst **Samuel Bennett** [1867] said that Botany Bay Aboriginal people referred to Captain **James Cook**'s cocked hat as a "*be:ngala:*". **Sir Joseph Banks** [1770] recorded "bag" as "*char:ngala:*" = *gur(a):gul(u):i* = *folded container (into [thing])*.
- 3) "*boo:mera:ng*" = *bu(lu)-mura:i:η(ara)* = *high spiraller* (1.3:36-37). Also **Joseph Mason** [1838] recorded the *darug* version of this word as "*bu:mr:kng*" ("wooden sword").
- 4) "head-band ... whitened for mourning"
- 5) "club" = "*foo:n.da:i*" deriving from *bu(lu)-n:du(la)-i* = *hitting/falling thing* (1.3:9).
- 6) "[a device] used in throwing spears" = "*wa:mmerrah*" deriving from *wu(rola):mura* = *lots of arm[ature] (= leverage)*.
- 7) "shield" = "*mela:::tho:n*" deriving from *malu-(i-dara:guru)-du(la):n* = *shielding; hopping/parrying-thing*



Aboriginal grave-mound with carved funerary trees, *Illustrated Sydney News*, 26th November 1853.

But perhaps the greatest challenge to traditional Aboriginal stewardship of the valley came in the form of the Robertson Land Acts of 1861 - producing an influx of free selectors and increasing the non-Aboriginal population from 200 to 1400 over the following two decades. These new arrivals brought with them hard attitudes, not unlike those of earlier settlers such as James Atkinson who had settled at Oldbury Estate at Sutton Forest, in the lee of Mount Gingenbullen, and died young from sheer obesity - but not before poisoning and disposing of an entire tribe of Aborigines. The mound of their mass-grave, on a natural rise just above his Oldbury Estate, reached 50 feet in height in the early 1820's. Atkinson also had a hut along Bugong Creek. To get there he passed through the valley, coming from Sutton Forest down Meryla Pass.

His daughter Louisa Atkinson published a sketch of this mass-grave (*Illustrated Sydney News*, 26th November 1853), noting that the interments dated back to the time of her father's arrival and that "... *the formerly large tribe in the district of Berrima is nearly, or quite, extinct: and so too it is throughout the settled districts ... said one sensible man to the writer ... 'lots of blackfellows die every year' ... strong sugar mixed with water; the washings of a sugar bag is sufficient*". She continued on to note a 10 foot slump in the mound, down to a height of only 40 feet over the decades to 1863, but failed to make obvious connections, apparently in a state of denial, opining that: "... *this has given rise to the supposition that the flat has been the scene of a battle, the dead being carried up the hill, and the mount erected by ... survivors ... But beyond supposition, nothing can be ascertained. The blacks themselves either cannot, or will not, give any information*" (*Sydney Mail*, 19th Sept. 1863).

From: [Ryan Desic](#)
To: "NIAC";
Subject: RE: Hume Coal ACHA draft methodology
Date: Monday, 12 May 2014 3:48:00 PM
Attachments: [image001.png](#)

To NIAC,

Thank you for your invaluable information. We appreciate you taking the time to provide some cultural information about the area. In response to your request for the survey to be adaptable and flexible – we agree. Survey has been limited to the predicted impact areas of the project, and if the burial ground falls within these areas, then by all means we would wish to find its location with you. I am aware that there is a burial site listed on AHIMS in the southern portion of the study area – do you know if this is the site you are referring to? Is the burial site you refer to listed on AHIMS?

Please note that the figure provided in the document shows the survey areas intended for stage one of the survey – is the burial site in the highlighted areas? If it is outside these areas to the south, it is unlikely that it would be impacted by the project. Nevertheless, we could of course look into the matter more if you believe that the burial site is generally in need of recording or additional management in general.

Please feel free to call me on my contact details provided below.

Regards,
Ryan Desic
Archaeologist

Sydney, Newcastle and Brisbane.



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Ryan Desic

From: NIAC
Sent: Wednesday, 14 May 2014 5:52 PM
To: Ryan Desic
Subject: RE: Hume Coal ACHA draft methodology
Attachments: Wongonbra & Gingenbullen.jpg; Wongonbra pages.pdf

Dear Ryan,

Thank you for your reply. The survey area (outlined in red) contains Gin Gen Bullen and the surrounding area.

Our studies of Wongonbra have revealed many artefacts (see attachment) and there is no doubt that round Gin Gen Bullen is the place we need to look at.

But before we can start we need detailed areal photographs of the survey area, including Mt Gin Gen Bullen. Satellite images of the survey area may also be useful provided the scale is close enough above the ground to provide useful information. Infrared may be useful but it needs to be already processed in false colour as we do not have the software to do this.

Kind regards

Daniela Reverberi - NIAC volunteer technical officer

From: Ryan Desic [<mailto:rdesic@emgamm.com>]
Sent: Monday, 12 May 2014 3:48 PM
To: NIAC
Subject: RE: Hume Coal ACHA draft methodology

To NIAC,

Thank you for your invaluable information. We appreciate you taking the time to provide some cultural information about the area. In response to your request for the survey to be adaptable and flexible – we agree. Survey has been limited to the predicted impact areas of the project, and if the burial ground falls within these areas, then by all means we would wish to find its location with you. I am aware that there is a burial site listed on AHIMS in the southern portion of the study area – do you know if this is the site you are referring to? Is the burial site you refer to listed on AHIMS?

Ryan Desic

From: NIAC
Sent: Wednesday, 21 May 2014 12:30 PM
To: Ryan Desic
Subject: From NIAC additional refernces
Attachments: Additional info re Gin Gen Bullen (reduced).PDF

From NIAC
Hi Ryan,

Please find attached 3 basic references which should be printed as an appendix in you report. One is a repeat but the 3 references are in the order that they should be looked at. Notice, regarding the location of the burial ground of 200 bodies, originally 50 ft high (reference 2,page 23), we should locate it as soon as possible and put it on a map.

Kind Regards
Daniela
NIAC volunteer technical officer

Origins of Linguistic Zonation in the Australian Alps. Part 1 – Huygens’ Principle

REFERENCE 1

CHRISTOPHER R. ILLERT

University of Western Sydney, New South Wales, Australia

ABSTRACT *The hitherto poorly recorded boundaries of extinct traditional south-east-Australian Aboriginal languages can now be redetermined with greatly improved precision using an entropy-maximizing phonetic-signature calculated from existing data sources, including old word-lists and census forms, that have, until now, largely been considered informationally worthless. Having thus determined traditional Aboriginal language zones to a previously unimaginable degree of geographical precision, it is argued that these boundaries should not be viewed merely as a static ‘snapshot’ but, instead, as the end-product of a knowable dynamic process (Gillieron wave propagation) governed by well-known physical rules (such as Huygens’ principle and Snell’s Law) and operating over ‘deep’ time-scales more familiar to the archaeologist than the linguist. Although this initial study is limited to south-eastern Australia, the new methodology provides the first real hope of obtaining a detailed understanding of language dispersal throughout the entire continent over the past 60,000 years.*

KEY WORDS: Lexical signature, deep linguistics, Gillieron wave propagation, Huygens’ Principle

Introduction

It is clear that there were different Aboriginal languages throughout south-eastern-Australia two centuries ago. Charles MacAlister (1907), for example, told how ‘... inland people found it hard to understand the Tablelanders or the coastal tribes’. But throughout this entire region indigenous language was extinguished so rapidly – before studies of appropriate scientific calibre were made – that today we have only fragmentary information about traditional linguistic boundaries. Accordingly, Terry Crowley (1997: 289–291) complained

... one serious problem that faces us in reconstructing the linguistic history of northern New South Wales is the nature of the data that we are forced to operate with ... the descriptive materials range from moderately good in some cases ... , fragmentary in others ... , appalling in other areas ... , to completely non-existent ... [there are] areas for which we have names but no information ... languages that have disappeared without trace. ... Even the best described languages ... may well represent very poor shadows of their former selves ... much of the lexical richness has disappeared without trace. In Bundjalang, I was unable to

Correspondence Address: Christopher R. Illert, 2/3 Birch Crescent, East Corrimal, NSW 2518, Australia.

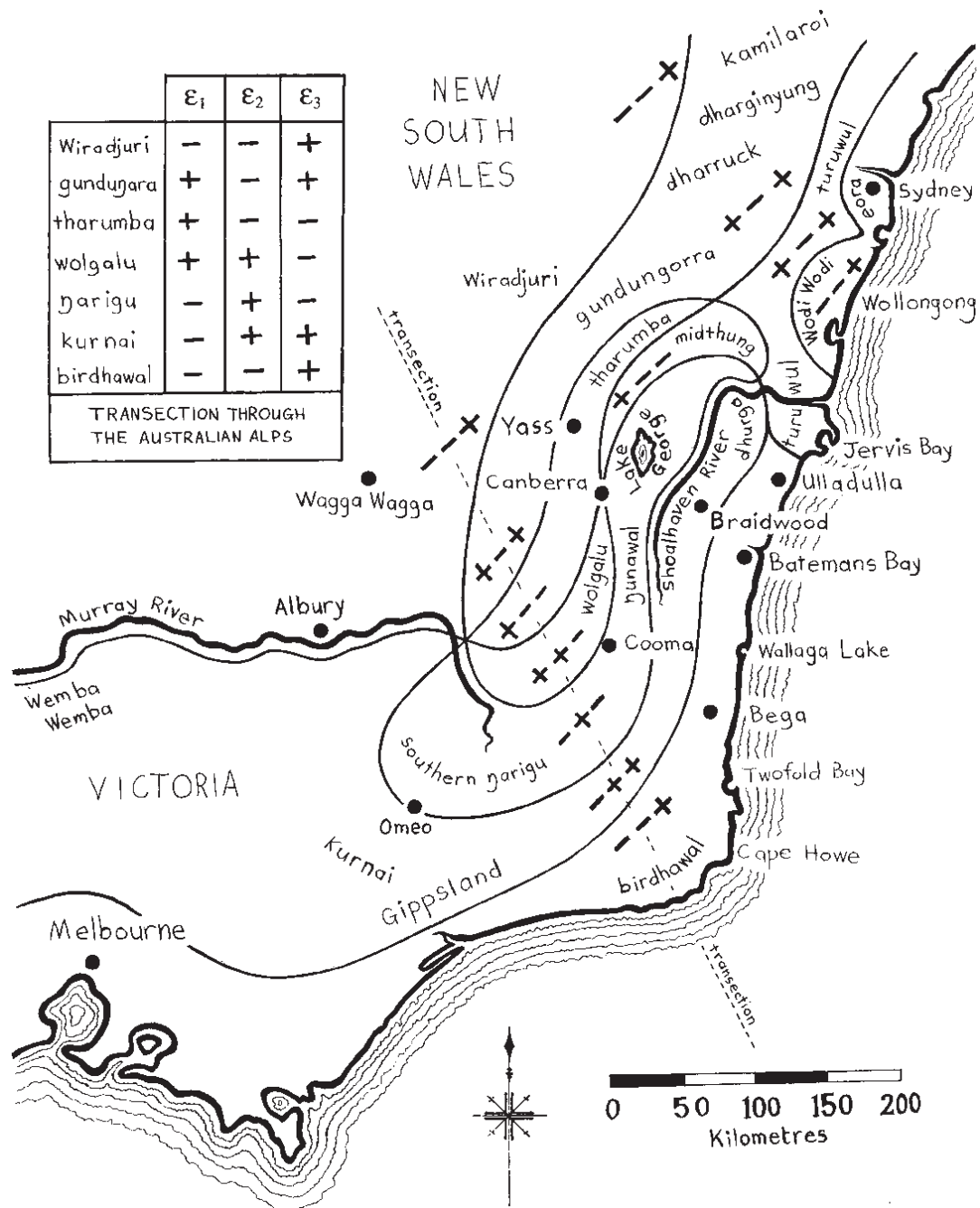


Figure 1. These south-east Australian language zones arise as an empirical ‘brute fact’ from the respective signatures of the 46 historic word/name lists assembled in Appendix 1. Interpolation of the above boundaries was accomplished manually to an accuracy of approximately ± 25 km

Native Tribes’ supplied in the preface of his 1892 compilation of Rev. L.E. Threlkeld’s works. Fraser’s map is so wrong, in places, that many scholars still avoid citing it – though it is clear that they have actually studied this 1892 map, often faithfully parroting its errors.

Fraser’s map shows the Blue Mountains ‘Original-A’ language, in Zone VIII (‘Kurigai’), correctly linking up with Zone I (‘Kamalarai’). And William Albert Cuneo (1860–1942), writing in the *Picton Post and Advocate* newspaper in 1893, even referred

SHOALHAVEN CHRONOGRAPH
(Quarterly Newsletter of the Shoalhaven Historical Society Inc.)
volume 23(9), February 2003
special supplement

Three Sisters Dreaming

- or did Katoomba get its legend
from Kangaroo Valley?

by **Chris ILLERT**,
School of Languages & Linguistics,
University of Western Sydney.

ISBN 0 949357 26 X



These artefacts were drawn by **Louisa Atkinson**, in about 1853, for an article that was never published. [Mitchell Library, Sydney]

- 1) "woman's [string net] bag" = "*gur:b.maru:i:d:*" deriving from *gur(a)-b(ulo):muru:(gon):i-d(ula:n-ŋara)* = *net-thing (= bag) [for] gently-dropping (= putting) [items] into*.
- 2) "bark vessel" = "*ba:ngak:ee*" deriving from *bu(lu):ŋul(u):i* = *curled/folded bailer*. It is a container made from a single piece of bark, folded in a U-shape, bound at both ends and sealed with "yellow gum" (= resin from the grass-tree *Xanthorrhoea*), in order to carry liquids such as water or honey. **David Collins** [1798] spelled it "*be:ngall:e*", whilst **Samuel Bennett** [1867] said that Botany Bay Aboriginal people referred to Captain **James Cook**'s cocked hat as a "*be:ngala:*". Sir **Joseph Banks** [1770] recorded "bag" as "*char:ngala:*" = *gur(a):ŋulu:(i)* = *folded container (into [thing])*.
- 3) "*boo:mera::ng*" = *bu(lu)-mora:i:ŋ(ara)* = *high spiraller* (1.3.36-37). Also **Joseph Mason** [1838] recorded the *darug* version of this word as "*bu:mr:i:ng*" ("wooden sword").
- 4) "head-band ... whitened for mourning".
- 5) "club" = "*foo:n:da:i*" deriving from *bu(lo)-n:do(la)-i* = *hitting/falling thing* (1.3.9).
- 6) "[a device] used in throwing spears" = "*wa:mmerrah*" deriving from *wu(rula):mora* = *lots of arm(ature) (= leverage)*.
- 7) "shield" = "*mela:::tho:n*" deriving from *malu-(i-dara:ŋuru)-do(la):n* = *shielding-hopping /parrying-thing*.



Aboriginal grave-mound with carved funerary trees, *Illustrated Sydney News*, 26th November 1853.

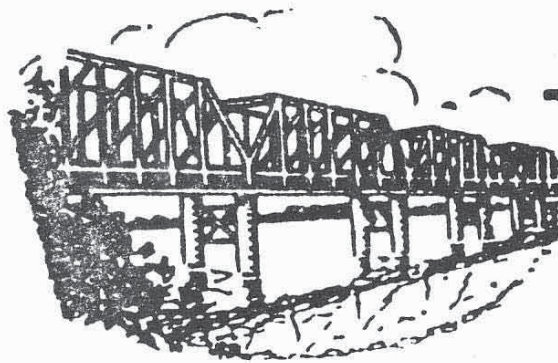
But perhaps the greatest challenge to traditional Aboriginal stewardship of the valley came in the form of the Robertson Land Acts of 1861 - producing an influx of free selectors and increasing the non-Aboriginal population from 200 to 1400 over the following two decades. These new arrivals brought with them hard attitudes, not unlike those of earlier settlers such as James Atkinson who had settled at Oldbury Estate at Sutton Forest, in the lee of Mount Gingenbullen, and died young from sheer obesity - but not before poisoning and disposing of an entire tribe of Aborigines. The mound of their mass-grave, on a natural rise just above his Oldbury Estate, reached 50 feet in height in the early 1820's. Atkinson also had a hut along Bugong Creek. To get there he passed through the valley, coming from Sutton Forest down Meryla Pass.

His daughter Louisa Atkinson published a sketch of this mass-grave (*Illustrated Sydney News*, 26th November 1853), noting that the interments dated back to the time of her father's arrival and that "*... the formerly large tribe in the district of Berrima is nearly, or quite, extinct: and so too it is throughout the settled districts ... said one sensible man to the writer ... 'lots of blackfellows die every year' ... strong sugar mixed with water; the washings of a sugar bag is sufficient*". She continued on to note a 10 foot slump in the mound, down to a height of only 40 feet over the decades to 1863, but failed to make obvious connections, apparently in a state of denial, opining that: "*... this has given rise to the supposition that the flat has been the scene of a battle, the dead being carried up the hill, and the mound erected by ... survivors ... But beyond supposition, nothing can be ascertained. The blacks themselves either cannot, or will not, give any information*" (*Sydney Mail*, 19th Sept. 1863).

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e-mail: harnwell@shoalhaven.net.au

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orthography, phoneticisation, translation, typography, layout & design

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REFERENCE 3

The Natural Art of
**LOUISA
ATKINSON**

Elizabeth Lawson





The Natural Art of Louisa Atkinson
State Library of New South Wales
Press, 1995 ©
Macquarie Street Sydney 2000,
Australia. (02) 230 1514
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Cover and text design by John Witzig
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Illustrations

Cover: [*Euastacus armatus*,
Murray River Crayfish]
PXA 4499
[Shells] attributed to members of
the Atkinson family
PXA 579
Half title: [Fungi]
PXA 4500

National Library of Australia
Cataloguing-in-Publication data:

Lawson, Elizabeth.
The natural art of Louisa Atkinson

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Includes index
ISBN 0 7305 8927 7
ISBN 0 7305 8934 X (pbk)

1. Atkinson, Louisa, 1834-1872.
2. Natural history illustration -
Australia. I. Atkinson, Louisa,
1834-1872. II. State Library of
New South Wales. III. Title.

759.994

Frontispiece: [*Platycerium alaicorne*,
[*Platycerium* probably *bifurcatum*,
Elkhorn]
PXA4498

Title page: (miniature of Louisa
Atkinson)

Imprint: [*Petauroides volans*,
Greater Glider]
PXA 4500

FERNHURST

Nor but in merriment begin a chase...

William Butler Yeats

By the time Louisa Atkinson began publishing in the *Illustrated Sydney News* in 1853 at nineteen years of age, she had lived half her lifetime. There must have been happy celebration at Oldbury in October that year when Louisa's second sister, Emily, married just three days before Louisa's first publication, titled "Notes of the Months: October"; with drawing of magpies".³⁶

The *Illustrated Sydney News* also published two articles by Louisa called 'The Native Arts' at about this time.³⁷ The first of these is illustrated by her historically important drawing of the Aboriginal grave-mound with carved funeral trees on Gingenbullen mountain above Oldbury. Here it is clear that the Aborigine reclining on the right is an embellishment worked by the engraver, since the point of Louisa's article is the desolation of a site lost in all senses to its people. The second 'Native Arts' essay describes the making and ochred carving of possum skin cloaks and the headband, cloak and long necklace worn by an Aboriginal girl. The unattributed drawing of Aboriginal artifacts in the Charlotte Barton folio in the



Above
Aboriginal grave-mound
with carved funeral trees
Illustrated Sydney News



Left
Ring-tailed possums
Illustrated Sydney News

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ay
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m
of
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6 ~~Wamunorah~~, used in throwing spears
7 ~~melathon~~ shield
Kale 29.



1 ~~gastmarid~~ - women's bag
2 ~~kapalae~~ - bark vessel
3 ~~...~~
4 ~~...~~ whitened for mourning
5 ~~foondai~~ ... club

Mitchell Library, reproduced here, is certainly a sketch by Louisa, probably intended to illustrate a third article on Aboriginal weapons. The drawing has notes written and scored out in Louisa's hand both above and below. Moreover, the final sentence of the second article gives notice of the author's intention to provide 'future' sketches of the artifacts she has just described. As it happened, neither this 'artifacts' sketch nor the third proposed article ever appeared, as the 'Native Arts' series was abruptly abandoned.

Louisa's youthful illustrations to her 'Notes of the Months' in the *Illustrated Sydney News* included, along with her merry summer possums for January 1854 engraved by Walter Mason, magpies, a sparrow-hawk, plover, flying 'squirrel', ring-tailed possum and koala. Her 'Note' to this plate highlights the active play of the possums which:

on warm nights...skip from branch to branch
with a truly tropical celerity...whisking their
long and bushy tails, fan like, through the
air...

Her experience at home with several pet possums, as much as her cool eye for the lower possum in her sketch, produces her comment on their easy progress to 'an unfashionable obesity'.³⁸ Louisa, with dark and ringletted hair, was a generous, happy person famous for taking her merry heart about with her. More than anywhere else in her work, she infused this merriness and affectionate amusement into her many drawings of possums and parrots.

With a new world of work just beginning, set with 'treasures at every step', and where 'pleasure' is 'the search', a merry heart might, after all, go all the way. But, after just ten months of marriage, Emily, Louisa's closest and favourite sister, died in childbirth. She was twenty-four years old.

Begun with such enthusiasm, all the promising early work for the *Illustrated Sydney News* seems to have faltered with this family tragedy in 1854 — and was then closed off with the demise of the *Illustrated Sydney News* in 1855. Devastated by the death of Emily, Louisa and Charlotte must have suffered further distress throughout

Ryan Desic

From: NIAC
Sent: Monday, 30 May 2016 4:01 PM
To: Ryan Desic
Subject: RE: Aboriginal burial mound Gingen Bullen
Attachments: To R Desic page 1.pdf; To R Desic page 2.pdf; To R Desic page 3.pdf

Hi Ryan,

You need to view things in context. I have attached (pages 1, 2 & 3) some information for your reference. It would have been nice if people's comments had been included before the final version.

The documents are instructions to Sgt Broadfoot, which was not public at the time but rather a private letter to a soldier from Government House itself, 8th May 1816.

Then on 11th May 1816 is a public letter.

Then on the 8th June 1816, a formal letter to England explaining the attempts to "apprehend or destroy", Aboriginal people, and to the massacre of 14 of them taking 5 as prisoners. But that wasn't all.

On the 20 July 1816 a copy of the Sydney Gazette with 20 Aboriginals still needing capture each for ten pounds.

You note that as recently as 3rd August 1816 the native Dewal, captured at Appin, was shipped to Tasmania as part of an ongoing relevant response. He was living at the Tharumba tribe which extended all the way to River Murray, and had nothing to do with Sydney's problems, but nevertheless this tribe was brought to account in the matter as well. The Governor simply didn't know who belonged to which tribe and saw all "darkies" as the same.

Then five years later the bulk of the tribe at gin.gen.bulla.n is poisoned and buried on mass (after many thousands of years of previous successful occupancy). Behind the show and newsworthiness of material is the military action that is behind it. This is what is supplied here, as opposed to half known truths in the public media. There is much that could be said about this, but this is sufficient.

Yours sincerely

Daniela Reverberi (NIAC volunteer technical assistant)

Phoebe Sajkovic - Elder

Jenny Sajkovic - Elder

From: Ryan Desic [<mailto:rdesic@emmconsulting.com.au>]

Sent: Thursday, 26 May 2016 3:06 PM

Governor Macquarie's Report to England

8 June 1816: Governor Macquarie to Earl Bathurst re measures to address Native unrest (*HRA*, Sydney, 1917, series I, volume IX, pp.139-140):

....I have the honor to inform Your Lordship that, in consequence of the hostile and sanguinary disposition manifested for a considerable time past by the Aborigines of this country, I had determined to send out some Military Detachments into the interior, either to apprehend or destroy them.

Pursuant to this determinations and in consequence of various subsequent acts of atrocity being committed by the natives in the remote parts of the Settlement, I found it necessary on the 10th of April to order three detachments of the 46th Regiment under the several commands of Captains Schaw and Wallis, and Lieutenant Dawes of that Corps, to proceed to those districts most infested and annoyed by them on the Banks and in the neighbourhood of the rivers Nepean, Hawkesbury and Grose, giving them instructions to make as many Prisoners as possible; this Service occupied a period of 23 days, during which time the Military Parties very rarely met with any hostile tribes; the occurrence of most importance which took place was under Captain Wallis's direction, who, having surprized one of the native encampments and meeting with some resistance, killed 14 of them and made 5 prisoners; amongst the killed there is every reason to believe that Two of the most ferocious and sanguinary of the Natives were included, same few other prisoners were taken in the course of this route and have been lodged in Gaol. This necessary but painful duty was conducted by the Officers in Command of the Detachments perfectly in conformity to the instructions I had furnished them.

Previous to the return of the Military Party, I issued a Proclamation dated the 4th ulto. a copy of which I do Myself the honor to transmit herewith for Your Lordship's information, stating in the first

instance the causes which had led to the necessity of resorting to Military Force, and holding out to the Natives various encouragements with a view to invite and induce them to relinquish their wandering predatory habits and to avail themselves of the indulgences offered to them as **Settlers** in degrees suitable to their circumstances and situations. It is scarcely possible to calculate with any degree of precision on the result that this Proclamation may eventually have on so rude and unenlightened a race; but it has already produced the good effect of bringing in some of the most troublesome of the Natives, who have promised to cease from their hostility and to avail themselves of the protection of this Government by becoming Settlers, or engaging themselves as Servants, as circumstances may suit; and upon the whole there is reason to hope that the examples, which have been made on the one hand, and the encouragements held out on the other, will preserve the Colony from the further recurrence of such Cruelties....

Rewards Offered for Outlawed Aborigines

20 July 1816: (*Sydney Gazette*) Governor Macquarie issues a Proclamation naming ten specific Aborigines as outlaws and offering rewards of £10 each for their capture. The ten outlawed Aborigines included:

- 1 Murreh
- 2 Myles
- 3 Walah, alias Warren
- 4 Carbone Jack, alias Kurringy
- 5 Narrang Jack
- 6 Bunduck
- 7 Kongate
- 8 Wooltan
- 9 Rachel
- 10 Yallaman

Dewal Banished to Tasmania



3 August 1816: (*Sydney Gazette*) General Order issued by Governor Macquarie re the banishment of the native Dewal (Duel), captured near Appin, to Van Dieman's Land, in remittance of the death sentence imposed upon him.

To: NIAC;
Subject: Aboriginal burial mound Gingen Bullen

Hi Daniella,

I am just chasing up some information after our recent chat regarding the burial mound that NIAC believes is on the Oldbury Farm. The two articles quoted by Chris Illert do not appear to give a specific reference to Oldbury Farm as the burial mound location. The closest reference is "On a high hill, a few miles from Berrima, is situated a tumuli, forty-four years since an old man was buried there" (Atkinson 1863, p.2).

Is there any further information that you could give EMM that places the burial mound at the location (eg cultural knowledge) that may not be in historic text?

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

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Please note that EMGA Mitchell McLennan Pty Limited has changed its name to EMM Consulting Pty Limited (simply refer to us as EMM). Email and website addresses have been changed to reflect this. All other details including ABN, bank details etc remain unchanged.



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Public Report on Punitive Expeditions

11 May 1816: (*Sydney Gazette*) Report on retaliatory military expeditions against the Aborigines in areas west and south-west of Sydney:

The three military detachments, dispatched on the 10th ult. under Captains Schaw and Wallis, and Lieut. Dawe, of the 46th Regt. in pursuit of the hostile natives, returned to Head Quarters on the 4th inst. In the performance of this service the military encountered many difficulties, and underwent considerable fatigue and privations, having to traverse a widely extended range of Country on both sides of the River Nepean, from the Banks of the Grose, and the second Ridge of the Blue Mountains on the North, to that tract of Country on the Eastern Coast, called "The Five Islands."

Captain Schaw, with his party, scoured the Country on the Banks of the Hawkesbury, making digression East and West, but observing a general course to the Southward; whilst Captain Wallis, proceeding by Liverpool to the Districts of Airs and Appin, and thence into the Cow Pastures; made his digressions East and West of the Nepean, taking his course generally Northwards, with a view either to fall in with the Natives, or by forcing them to flight, to drive them within the reach of the central party under Lieut. Dawe, stationed at Mrs. McArthur's farm in the Cow Pastures, or if they should elude his vigilance, that they might fall in with Captain Schaw, who was advancing from the second Ridge of the Blue Mountains, and the Banks of the Grose.

It appears that the party under Capt. Wallis fell in with a number of the natives on the 17th ult, near Mr. Broughton's farm, in the Airs District, and killed fourteen of them, taking two women and three children prisoners. Amongst the killed were found the bodies of two of the most hostile of the natives, called Durelle and Conibigal.

We are also informed that Lieut. Dawe has, on the 12th ultimo, nearly surprised a small encampment, but having been discovered, the natives suddenly took to flight, leaving only a boy about 14 years old, whom he took prisoner; and there is every reason to believe that two of them had been mortally wounded.

Without being enabled to trace more particularly the progress of the military parties on this expedition, we learn generally that several of the natives were taken prisoners and have since been brought to Sydney and lodged in the gaol.

The humanity with which this necessary but unpleasant duty has been conducted throughout, by the Officers appointed to this command, claims our warmest commendations and although the result has not been altogether so successful as might have been wished, yet there is little doubt but it will ultimately tend to restrain similar outrages, and a recurrence of those barbarities which the natives have of late so frequently committed on the unprotected Settlers and their Families.

Instructions for Sergeant Broadfoot

8 May 1816: Governor Macquarie issues instructions to Serjeant Broadfoot of the 46th Regiment, to proceed to Bringelly to reinforce the military stationed in the area (AONSW, Reel 6045, 4/1735, pp.44-49):

Instructions for Sergt. Broadfoot of the 46th Regt. comd. a Detachment of said
Corps ordered on a particular service.

1. The Hostile Black Natives having within these few days renewed their barbarous acts of cruelty, murder, and Robbery on the Peaceable White Inhabitants in the remote parts of the Colony, and particularly along the Banks of the Nepean River, the Bringelly and Cook Districts, I have deemed it necessary for the Punishment of the said Hostile Natives and for the protection of the said White Inhabitants and their Property to detach the Party under your command, consisting of 1 Corpl. & 15 Privates; and you are therefore hereby required to be guided generally by the following Instructions during the period of your being employed on the intended Service, namely:

1st You are to march early tomorrow morning from Sydney for Parramatta, and from thence by easy stages to the Farm of Mr John Blaxland in the District of Bringelly on the East Bank of the River Nepean with your Detachment and the Guides whose names are specified in the margin

Jno. Jackson & Wm. Parson
Creek Jemmy, Colbee & Tindal

who are to remain with your Detachment till the Service it is sent for is executed.

2nd On your arrival at Mr Blaxland's Farm, you will inquire from his overseer Alexr. Everitt, and receive from him such information relative to the Hostile Natives as he can give you; and in case it should appear that they are in that neighbourhood, on either side of the River, you are instantly to proceed to attack them, and to compell them by Force of Arms to surrender themselves as Prisoners of War, sparing the lives of all the Women & Children if possible, when you have occasion to fire upon the Natives.

3rd Such Prisoners as you may be able to take, you are to secure the best way you can, and send them in to the Jail at Parramatta, Hand-cuffed or tied with Ropes, under a small Escort of 3 or 4 Soldiers of your Party.

4th You are to scour the whole of the Country along the Banks of the Nepean on the western side. Thereof, from opposite to Mr Blaxland's Farm, till you arrive at the Govt. Stock yard nearly

opposite to Mr Hassall's Farm called Macquarie Grove, in pursuit of the Natives, and from thence return by a further distance from the Bank of the Warragombie, if you can penetrate so far, killing or taking Prisoners all the Natives whom you may see or be able to come up with in your route to the southward as far as the Govt. Stock-yard already named, and as far to the northward as the River Warragombie.

5. Failing of coming up with or meeting with the Hostile Natives on the western side of the River Nepean, you will recross it to the east side, and scour the Country on that side of it lying between Mulgoa on the north to Mr Oxley's Farm on the south, so as to clear the whole of the intermediate Country of the Hostile Natives.

6. Having performed the whole of this Service, you are to return with your Party again to Mr John Blaxland's Farm, and there remain till you receive further orders from me, but affording all the Protection in your power to that and the neighbouring Farms.

After returning to Mr Blaxland's Farm you may discharge your Guides, and send them back to Sydney with a written Report of your Proceedings to me.

L.M.

Govt. House Sydney 8th May 1816

Hume Coal Project

Registered Aboriginal party consultation meeting 1 – Aboriginal cultural heritage assessment: 27 August 2015



Acknowledgment

Before we begin the proceedings I would like to acknowledge and pay respect to the traditional owners of the land on which we meet.

I invite a community-nominated person to offer a welcome to country...

Agenda

- Introductions (All)
- Purpose of this meeting
- Roles, functions and responsibilities (All)
- Hume Coal Project description (AP)
- Aboriginal heritage assessment method (RD)
- Summary of results to date (RD)
- Proposed further investigations (survey and test excavation) (RD)
- Request for cultural information (RD)
- Assessment timeline (RD)
- Topics to be discussed at a later date (RD)
- Questions (All)

Introductions

Roles, functions and responsibilities

- **EMM on behalf of Hume Coal**
 - Undertake the Aboriginal cultural heritage assessment
 - Facilitate the Aboriginal consultation process
 - Consider the cultural perspectives, views, knowledge and advice of the registered Aboriginal parties (RAPs) in assessing cultural significance and developing management measures

Roles, functions and responsibilities

- **Registered Aboriginal Parties (RAPs)**
 - Provide cultural perspectives, views knowledge and advice to EMM
 - Indicate areas of cultural significance (if known)
 - Provide Aboriginal site officers for archaeological fieldwork
 - Have an awareness and understanding of the commercial environment and constraints in which Hume Coal operate
 - Demonstrate awareness and understanding of the opportunities to input into the ACHA and management recommendations
- **All stakeholders**
 - Communicate with professional code of conduct
 - Mutual respect (each member has the right to have a say and be heard)

Project description

- HUME TO INSERT SLIDES

Project description

- HUME TO INSERT MAPS & SLIDES

Aboriginal heritage assessment method

- Assessment guidelines
 - The project will be assessed as a State Significant Development (SSD)
 - Secretary's Environmental Assessments Requirements (SEARs) must be followed
 - The assessment is in accordance with:
 - *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2005)
 - *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) where relevant
 - *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010)
 - *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW 2011)

Aboriginal consultation

- Completed
 - Identification and registration of stakeholders (first round completed in September 2012 and second round in July 2013)
 - Presentation of preliminary project information, the proposed assessment method and request for cultural information (May 2014)
 - Notifying RAPs of archaeological surveys in May 2014, October 2014 and February 2015

Aboriginal consultation

- Ongoing
 - Request for cultural information
 - Request feedback on new investigation methods including test excavation
 - Ongoing meetings and correspondence to discuss cultural information and management recommendations
 - Review of draft Aboriginal cultural heritage assessment (ACHA)

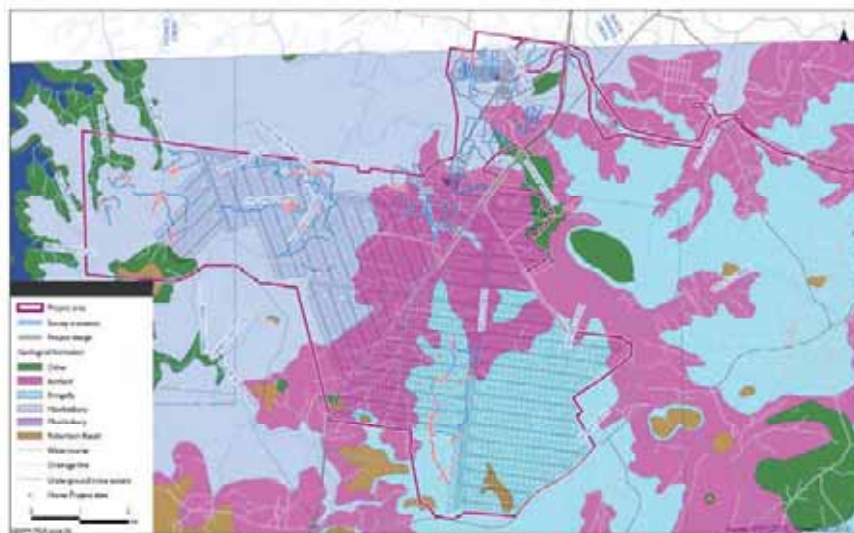
Archaeological background

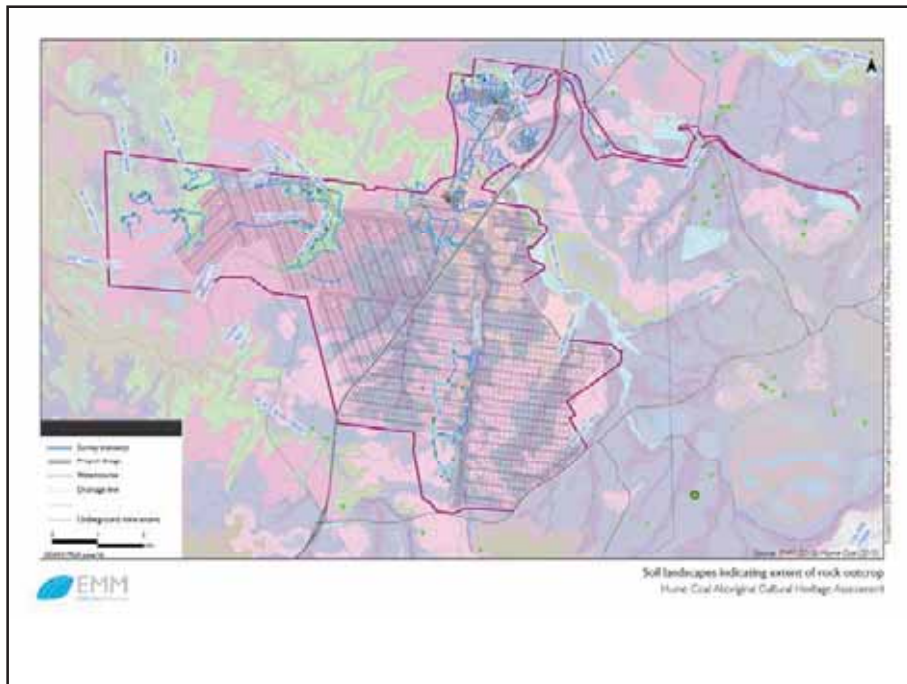
- Pre-survey findings
 - Site types of the surrounding landscape include grinding grooves, modified trees (one including a burial), open artefact sites and rock shelters (some containing art and artefact deposit)
 - AHIMS register identified only two sites in the project area: one grinding groove site and one rock shelter with art
 - Predictive model of site location (key points):
 - Rock shelters and art sites are likely to be present in areas of cliffs and scarp on sandstone geology
 - art sites and grinding grooves are likely to be present along large expanses of sandstone
 - stone artefact sites are most likely to occur close to watercourses on well-drained, elevated landforms
 - scarred or carved trees are rare, but may be present where mature native trees remain
 - burial sites are rare but may occur in conjunction with carved trees

Archaeological survey

- Survey strategy

- Survey effort divided into *the surface investigation area* and *the underground investigation area*
- *Surface investigation area*: Focus on identifying all site types within the ground disturbance boundary
- Areas targeted: landforms adjacent to watercourses, vegetated areas and rock outcrops
- *Underground investigation area*: Focus on identifying site types potentially susceptible to subsidence impacts: eg rock shelters and grinding groove sites
- Areas targeted: All areas of outcropping sandstone
- Areas not likely to have outcropping sandstone also inspected to test reliability of our predictions (portions of Wongonbra and Evandale)



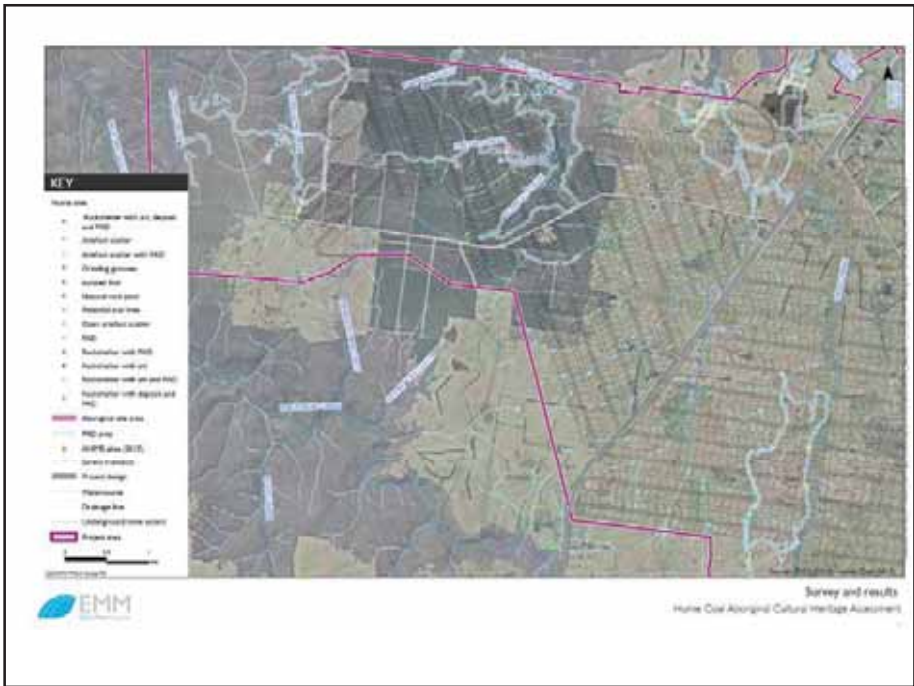
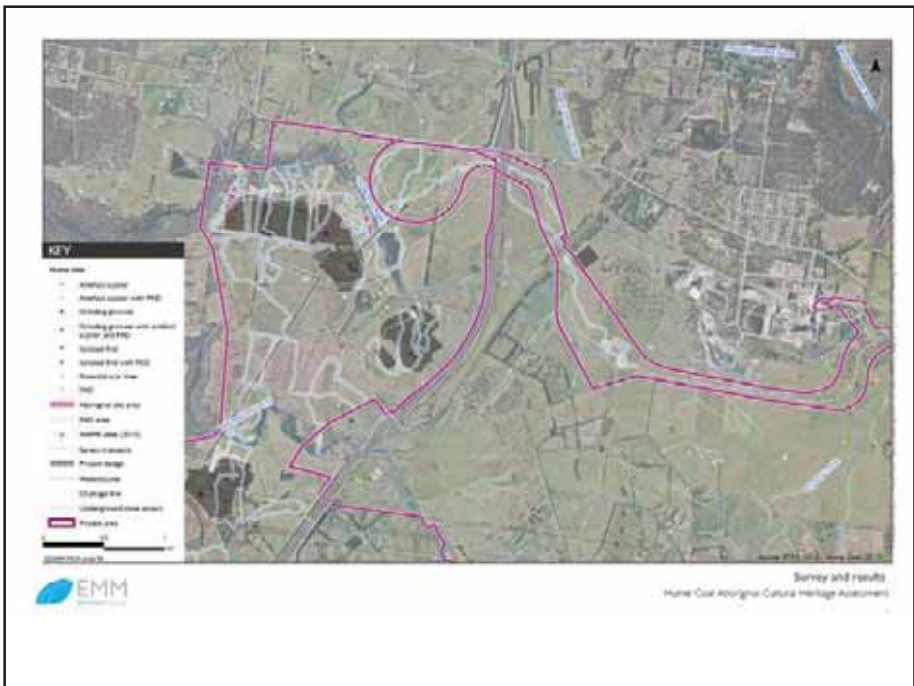


Planning + Environment + Acoustics

EMM
ENSA Heritage Assessment

Survey results to date

Site type	Count
Rockshelter with PAD	55
Artefact scatter	33
Isolated find	16
Artefact scatter with PAD	16
PAD	10
Rockshelter with deposit and PAD	10
Potential scar tree	8
Isolated find with PAD	2
Grinding grooves	3
Rockshelter with art and PAD	1
Isolated find (axe head)	1
Rockshelter with art, deposit and PAD	1
Grinding grooves with artefact scatter and PAD	1
Rockshelter with art	1
Open artefact scatter	1
Total	159



Rockshelters in Belanglo State Forest



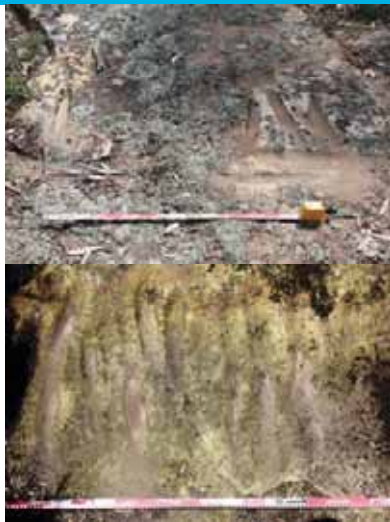
Rockshelters in Belanglo State Forest



Rock art

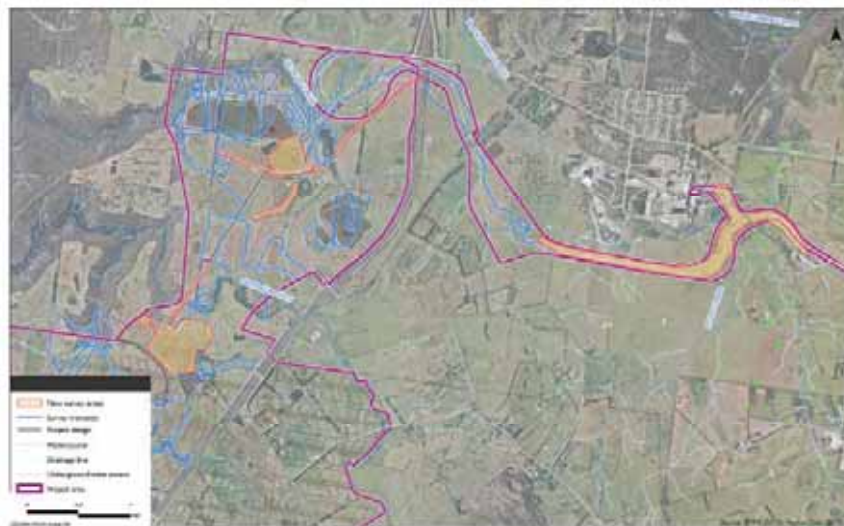


Grinding groove sites



Further investigation: Survey

- Areas suggested for survey:
 - Mining infrastructure area
 - Portions of the coal conveyor
 - RDM stockpile, mine water dam and main mine substation
 - Portions of proposed access roads
 - Remaining portion of rail corridor

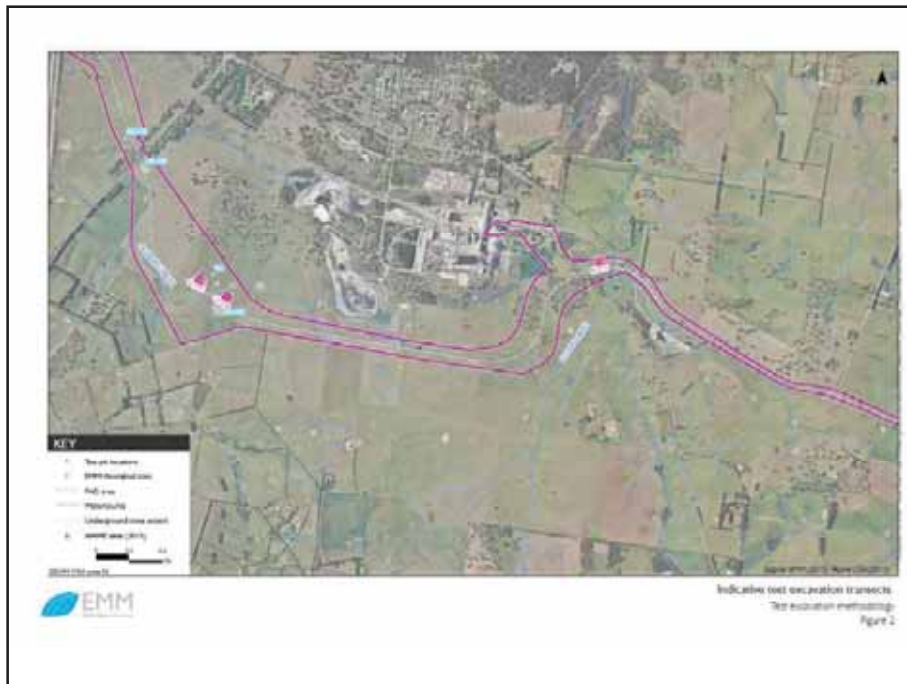


Further investigation: Test excavation

- Test excavation proposed in surface infrastructure area
 - the mining infrastructure area
 - rail corridor
 - mine access drift
 - ventilation shafts in alignment with mine access drifts
- Proposed method includes:
 - Two and a half weeks of manual excavation in 14 locations
 - Testing landforms predicted to contain subsurface deposit
 - Digging 1 m x 1 m pits spaced at 20 m intervals
 - Recording and analysing recovered artefacts
 - Incorporating results into the assessment
 - Please refer to the proposed test excavation method letter for detailed information
 - We welcome your review and comments for this method



Indicative test excavation transects
Test excavation methodology
Figure 1



Request for cultural information

- Knowledge of areas of cultural significance may include, but are not limited to:
 - sites or places associated with ceremonies, spiritual/mythological beliefs and traditional knowledge, which date from pre-contact period and have persisted until the present time;
 - sites or places associated with historical associations, which date from the post-contact period and are remembered today (eg plant and animal resource use areas and known camp sites); and
 - sites or places of contemporary significance (apart from those areas for which Aboriginal objects remain), for which the significance has been acquired in recent times.

Indicative assessment timeline

Task	Time frame
RAP review of test excavation method	26 August to 25 September
Additional survey fieldwork	Week of 28 September
Test excavation fieldwork	5 to 21 October
Draft report preparation	22 October to end of December 2015
RAP review of report & RAP Meeting 2	Mid-January to end of February 2016
Finalisation of report	March 2016

What's next?

- Please review the test excavation method by 25 September
- We will contact you shortly regarding the upcoming fieldwork
- We will hold another meeting after during the review period of the draft report early next year

Questions or advice?

Contacts

- Ryan Desic
 - 02 9493 9541
 - rdesic@emgamm.com
- EMGA Mitchell McLennan office:
 - 02 9493 9500 (general office number)
 - 02 9493 9599 (fax)
 - PO Box 21, St Leonards, NSW 1590
 - Suite 1, 20 Chandos St, St Leonards, NSW

Thank you for your time today

Memorandum



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3 September 2015

To Registered Aboriginal Party
From Ryan Desic

Subject Hume Coal Aboriginal Consultation Meeting 1: 26 August 2015

Dear Registered Party

1 Introduction

The following presents the meeting minutes of the first Aboriginal Consultation Meeting for the Hume Coal Project (the project) on 26 August 2015. Table 3 presents the topics raised by registered Aboriginal parties (RAPs) and the discussion outcomes. Please refer to the attached presentation slides for further information on the agenda topics listed in Section 2.

2 Attendees

Table 1: Members present

Registered Aboriginal Parties (RAPs)	Hume Coal	EMM
Glen Chalker (GC) (Cubbitch Barta)	Alex Pauza (AP)	Ryan Desic (RD)
Wally Bell (WB) (Buru Ngunawal Aboriginal Corporation)	Luke Edminson (LE)	Pamela Kottaras (PBK)
Glen Freeman (GF) (Koomurri Ngunawal Aboriginal Corporation)	Marco Behischek (MB)	
Daniela Reverberi (DR) (Northern Illawarra Aboriginal Collective)	Joshua Reid (JR)	
	Greig Duncan (GD)	
	Claudia Farrer (CF)	
	Nicole Scally (NS)	
	Emma Humann (EH) - Haystac	

Table 2: Registered Aboriginal Parties not present

Party	Comment
Peter Falk Consultancy	Apologies received
Illawarra Local Aboriginal Land Council	Apologies received
Gundungurra Aboriginal Heritage Association Inc.	Apologies received
Yamanda Aboriginal Association	No apologies received

3 Agenda discussed at meeting

- Welcome to country (GF)
- Introductions (All)
- Roles, functions and responsibilities (All)
- Hume Coal Project description (AP)
- Aboriginal heritage assessment method (RD)
- Summary of results to date (RD)
- Proposed further investigations (survey and test excavation) (RD)
- Request for cultural information (RD)
- Assessment timeline (RD)
- Topics to be discussed at a later date (RD)
- Questions (All)

4 Proceedings

- Meeting start time: 10:20 am
- Meeting finish time: 1:10 pm
- Aboriginal cultural heritage matters presented by Ryan Desic (senior archaeologist)
- Hume Coal Project information presented by Alex Pauza (manager, mine planning)
- Minutes taken by Pamela Kottaras (heritage services manager)
- Welcome to country presented by Glen Freeman in Ngunawal

Table 3: Discussion Topics

Topic	Description	Outcome
Indigenous employment	WB asked if there would be employment opportunities specifically allocated for Indigenous people	Further discussion required (AP)
Coal seam gas	DR asked if coal seam gas would be extracted from the project area.	AP explained that coal seam gas extraction is a misconception about the project and that it will not be extracted.
Waste Deposition	GC noted that underground coal reject emplacement was a good environmental practice	Noted
Subsidence	GC asked about the predicted levels of subsidence (relating to potential impacts of Aboriginal sites)	AP explained that mining method is expected to result in negligible subsidence. RD explained that impacts to Aboriginal sites will be assessed once the subsidence report is available.
Land rehabilitation	WB and GF asked what type of vegetation would be used in the rehabilitation of the surface infrastructure area. Suggested to use native endemic species.	LE explained that surface infrastructure will be designated to cleared paddocks where very few remnant native trees remain. As per regulations, the paddocks will be revegetated with endemic grasses.
Protection for grinding grooves	WB stated that protective fencing needs to be adequate and permanent. Concerns for conveying spiritual significance to contractors.	Further discussion about specific methods is required (RD).
Protection of unknown sites identified during project construction	RAPs raised the concern of Aboriginal sites not being identified by contractors and appropriately managed. GC suggested cultural heritage workshops to be held periodically. GF suggested taking inductees out to Aboriginal sites in the landscape as an educational exercise.	Further discussion needed on what to be included in the management recommendations. RD asked for RAPs to contact EMM with details of their suggestions.
Surface infrastructure impacts	GC asked what the likelihood of additional surface infrastructure would be on the underground mining area, and if so, would this be surveyed.	AP explained that there is the possibility of one or two shafts but unlikely at this stage. RD explained that they would be surveyed if assessed to be in archaeologically sensitive areas.
Test excavation of rock shelters	GF asked if it would be more scientifically rigorous to test inside rock shelters with potential archaeological deposit (PAD)	RD explained that the impacts of excavation would not be justified given that project impacts are not likely to occur on these sites. PBK also said regulator is unlikely to approve testing in areas that are proposed.
Management of existing rock shelters	Rock shelters with art and deposit are potentially being used by rock climbers – RAPs suggest that the area is protected and closed off to climbers.	LE and RD stated that the rock shelter in question is within the state forest and cannot be managed by Hume Coal. RD said that the responsible people could be notified that it is an Aboriginal site. PBK suggested that rock climbers can be consulted for management, but RAPs opposed this suggestion.
Proposed Test excavation	GC noted that clear maps of the proposed test excavation are necessary.	RD explained that we have attached maps in the handout sheet and that we can provide more zoomed in maps on

Table 3: Discussion Topics

Topic	Description	Outcome
	GC requested that soil should be sieved using the wet-sieving technique as opposed to dry-sieving	request. The proposed method indicates that the dry sieving technique will be used for the excavation. Dry sieving is appropriate in dry to damp weather, however this method becomes ineffective during prolonged rain. In this instance, a water truck may be requested to wet-sieve the excavated soil.
Project timeline	GC asked to be issued with timeline	RD advised that copies of the presentation slides have been provided at the meeting
Payment for consultation meetings and cultural information	GF raised the concern that RAPs must take time off regular work for consultation meetings and should be paid for their attendance and contribution. GF also stated that RAPs should be acknowledged for their contribution of cultural information and paid for such advice.	Concern acknowledged. RD explained that payment was not offered in the meeting notification letter, but mileage was. RD explained that payment could be discussed for reports providing cultural information that is relevant to the project area.
Concluding comments	GF was impressed with the effort made to reduce the environmental footprint including avoidance of Aboriginal sites.	Acknowledged

Attached: Presentation Slides

27 August 2015

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Re: Hume Coal Project Aboriginal cultural heritage assessment: test excavation method

Dear Registered party

1 Introduction

This letter contains information regarding the proposed method for archaeological test excavations as part of the Hume Coal Project and invites your feedback on the proposed method in accordance with our consultation approach. A separate letter will be sent providing further information about fieldwork arrangements. Your comment on the draft method is invited by 25 September 2015. Please note that the scope of the test excavation may need to be revised based on consultation with the Department of Planning and Environment (DP&E) and the Office of Environment and Heritage (OEH). If so, we will update you on the changes before test excavation commences.

2 Scope

The test excavation will contribute to the Aboriginal cultural heritage assessment (ACHA) by characterising the archaeological landscape that will be impacted by the Project. The test excavation will be undertaken in the following areas where ground disturbance is proposed in the surface infrastructure area:

- the mining infrastructure area;
- rail corridor;
- mine access drift; and
- ventilation shafts in alignment with mine access drifts.

No ground disturbance areas in the underground mining domain have been indicated and therefore this area does not require test excavation. The scope of text excavation may need to be revised if the additional areas of ground disturbance are planned in archaeologically sensitive areas.

3 Test excavation method

3.1 Strategy

The purpose of the archaeological test excavation will be to characterise the integrity, extent, distribution, nature and overall significance of the archaeological record in areas planned for ground disturbance, and by

extension, the wider project area. A greater understanding of the archaeological resource in the project area will assist in formulating appropriate management recommendations.

The strategy has been guided by the survey results, environmental context and previous subsurface investigations in the region. The aims of the test excavation will be to:

- Characterise the subsurface archaeological deposit in areas of known surface sites with potential archaeological deposit (PAD);
- Verify the presence of subsurface Aboriginal objects in areas of PAD where surface sites have not been identified, (possibly because of low ground surface exposure and visibility conditions; and
- Identify areas of low archaeological potential, indicated by drop-off of artefact densities along transects.

The test excavation locations and test pit transect layouts have been designed to best sample the extensive landscapes that the surface infrastructure covers. The primary aim of the test excavation will be to verify the presence of sub-surface Aboriginal objects in the disturbance areas and relate it to the predictive model, which indicates that these areas are likely to contain Aboriginal objects. Considering the extensive project area, the excavation will aim to recover an artefact sample that will contribute to a baseline description of the local archaeology.

The test excavation will be centred on Medway Rivulet and Oldbury Creek which are the two main watercourses dividing the disturbance areas. Stony Creek will be tested to a lesser extent as only a small section of the railway corridor will fall within its proximity. The excavation will target areas identified during survey as being archaeologically sensitive but also extend beyond these areas to characterise the limits of identified archaeological deposits. The test excavation will sample a number of landform elements within the archaeologically sensitive areas, comprising:

- hillcrests/spurs;
- hill slopes;
- flats; and
- low rises/footslopes.

3.2 Excavation method

The proposed test excavation method conforms to standard investigation models and will be as follows:

- Linear transects made up of approximately five 1 m x 1 m test pits will be excavated in 14 locations of the disturbance area (a total of 70 test pits).
- The test pits will be spaced at 20 m intervals to sample a distance of 80 m across landforms from the watercourse in each location. This method will identify the variation in artefact numbers to test the working hypothesis that artefacts occur in higher numbers closer to reliable water sources. The results will inform the extent of the archaeological distribution in areas not tested.
- The first test pit in each tested area will be dug manually with hand tools in 10 cm levels termed 'spits' to identify the nature of the soils and to identify any stratigraphic sequence. All subsequent test pits will be excavated in 20 cm spits or in stratigraphic sequence. Previous excavations in the local area indicate that mixed duplex soils will be encountered and no stratigraphic sequence will be identified, but if such is found, the test pits will be dug stratigraphically.

- Each pit will be excavated until basal clay is reached, or at least one 20 cm spit below the artefact bearing level identified at each transect. Test pits are not anticipated to reach 80 cm, but will not exceed this level if encountered (as per advice from Hume Coal).
- All excavated soil will be dry-sieved on site during the excavation program using 5 mm aperture mesh.
- All pits will be backfilled by Hume Coal after recording, and may be done so with light machinery that will not disturb the adjacent ground surface.

The excavation supervisor will determine the specific number and location of test pits depending on results gathered during excavation (eg encountering high levels of subsurface disturbance that would make further excavation pointless). Test pits marked along transects may be terminated if conditions warrant such change. Additional test pits may be dug to clarify the local artefact distribution (but not to exceed the length of the excavation program). These decisions will be made by the supervising archaeologist in the field based on the archaeological results as they come to hand; however such deviations from the intended work-plan will only be adopted in compelling circumstances.

The decision to reduce test pit numbers in certain transects will be informed by which landform unit it covers and its representativeness of similar landforms in the project footprint. For example, the results from one comprehensively tested landform in one area are likely to represent subsequent test areas with the same landform type. Therefore less test pitting may be required in the subsequent areas to adequately characterise the Aboriginal objects in the area.

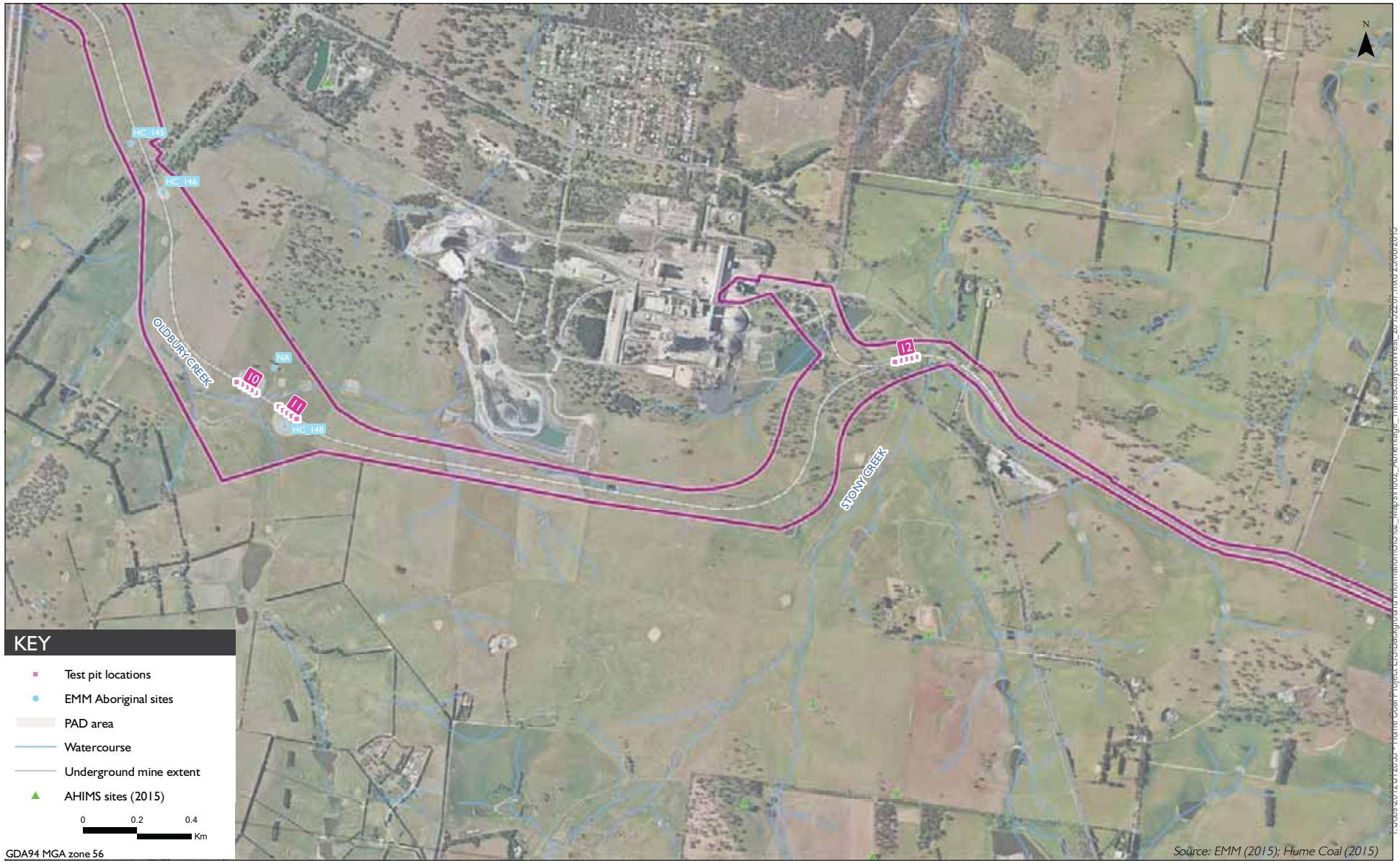
Artefacts will be retained temporarily by EMM, at our offices for the required analysis of technological attributes and eventually stored with the salvaged site material in the agreed keeping place or returned to country as agreed by all Aboriginal groups. All excavated artefacts will be transferred back to the general area at the earliest reasonable opportunity.

Test pit details are provided in Table 1 and their locations and layout are present in Figures 1 and 2.



Indicative test excavation transects
 Test excavation methodology
 Figure 1





Indicative test excavation transects

Test excavation methodology

Figure 2



Table 1 Test pit transect descriptions

Transect No.	Property Location	Impact Type	Landform tested	Soil landscape	Underlying geology	Disturbance noted during survey	Comment
1	Evandale	MIA	Low hill rise	Soapy Flat	Hawkesbury sandstone	Cleared paddock	Near site HC_156 which included a PAD on an east-west axis
2	Evandale	Conveyor and infrastructure corridor	Hill crest/spur	Soapy Flat	Hawkesbury sandstone	Cleared paddock	Near site HC_154 and close to Medway Rivulet
3	Evandale	Conveyor and infrastructure corridor	River flat	Lower Mittagong	Hawkesbury sandstone	Cleared paddock	Near site HC_154 and close to Medway Rivulet
4	Mereworth	Dam wall	Hill crest/spur	Moss Vale and Kangaloon	Hawkesbury sandstone	Cleared paddock/ploughing visible	On PAD HC_134
5	Mereworth	Conveyor and infrastructure corridor	Drainage depression	Nattai Tablelands	Hawkesbury sandstone	Cleared paddock with vehicle track exposures	Crosses through artefact scatter with PAD HC_135
6	Mereworth	Conveyor and infrastructure corridor	Hill slope	Kangaloon and Moss Vale	Hawkesbury sandstone	Cleared paddock with vehicle track exposures	Near HC 135, HC_150 and HC_151
7	Mereworth	Rail Loop	Flat	Kangaloon and Moss Vale	Hawkesbury sandstone	Cleared paddock	Near PAD HC_137
8	Mereworth	Rail Loop	Hill slope	Moss Vale	Hawkesbury sandstone	Cleared paddock	Near HC_139
9	Mereworth	Rail Loop	Rise crest	Kangaloon	Hawkesbury sandstone	Cleared paddock	Near PAD HC_140
10	Stonington	Rail corridor	Lower hill slope	Moss Vale	Hawkesbury sandstone	Cleared paddock	Cuts through PAD HC_147
11	Stonington	Rail corridor	Lower hill slope	Moss Vale	Ashfield shale	Cleared paddock	Cuts through PAD HC_148
12	Boral Property	Rail corridor	Hill slope	Kangaloon	Hawkesbury sandstone	Cleared paddock	Adjacent to Stony Creek
13	Evandale	Water dam/dam wall	Flat hill crest	Soapy Flat	Hawkesbury sandstone	Cleared paddock/ploughing visible	Adjacent Oldbury creek and tributary and HC_124
14	Evandale	Water dam/dam wall	Flat hill crest	Soapy Flat	Hawkesbury sandstone	Cleared paddock/ploughing visible	Near Oldbury creek and HC_127

3.3 Post-fieldwork analysis

3.3.1 Artefact analysis

Basic recording and analysis will be undertaken for the artefact assemblage recovered from the test excavation with the aim to form a baseline characterisation of the local archaeological record. Analysis of excavated stone artefacts includes:

- initial sorting and cleaning of excavated material;
- establishment of a computer database using Microsoft Access to record all provenance locations;

- measuring and recording the attributes of stone artefacts; and
- statistical analysis of the data to explore the frequency, distribution, raw material type, implement type and size of the of the artefacts in the assemblage.

3.3.2 Provenance analysis

Landscape and soils information is important in understanding the integrity, nature, and distribution of the archaeology. Provenance analysis includes the recording, drawing and analysis of soil profiles to inform the integrity and potentially the date of the archaeological record.

3.3.3 Research questions

The test excavation program aims to address the broad research questions set out in Table 2 which will contribute to a baseline characterisation of the local archaeological record.

Table 2 Research questions and methods

Question	Analysis method
What is the makeup of Aboriginal sites in key landform contexts?	<ul style="list-style-type: none"> • Size and technological tabulation • Descriptive statistics of artefacts by attribute and landform
Can connections with other areas be identified?	<ul style="list-style-type: none"> • Review of regional raw material sources and artefact characteristics for each raw material
What is the extent of archaeological evidence in each key landform and in relation to watercourses?	<ul style="list-style-type: none"> • Tabulation of artefact densities over area
How old is the archaeological evidence?	<ul style="list-style-type: none"> • Radiocarbon dating of suitable charcoal samples (if hearths are encountered)
What plant resources existed in the prehistoric landscape?	<ul style="list-style-type: none"> • Pollen analysis of suitable soil samples
How does the assemblage vary across the project area?	<ul style="list-style-type: none"> • Analysis of frequency and variability of artefact attributes (eg core size, implement forms)
Is there any indication of different site activities being undertaken at different locations?	<ul style="list-style-type: none"> • Functional analysis of artefact and implement forms to determine eg knapping floors, hunting areas, ceremonial areas, camping areas.

4 Closing

Thank you for your time. Once again, your comment on the proposed method is invited by 25 September 2015. We will be contacting you shortly regarding the upcoming fieldwork. Furthermore, we will keep you updated if any changes to the test excavation scope or method are proposed.

If you have any queries in regard to don't hesitate to contact me on my details below.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Desic', with a stylized flourish at the end.

Ryan Desic
Senior Archaeologist
rdesic@emgamm.com

Cubbitch Barta Native Title Claimants
Aboriginal Corporation

10th September, 2015.

EMM,
P.O. Box 21,
ST. LEONARDS. N.S.W. 1590.

Dear Ryan,

HUME COAL.

Thank you for the opportunity of commenting on the proposed methodology for the proposed Hume Coal project test excavations.

I do not have many problems with the proposed methodology except for two issues, one of which I raised in the consultation meeting, that is:

1. **THE EXCAVATED MATERIAL SHOULD BE WET SIEVED ONLY..**
2. The sieve size should be 3mm not 5mm.
3. The reasoning for dry sieving is inappropriate. The property is well serviced by good tracks, many are covered in road base material.
4. There is always an alternative way to get water to sieves, and one being take the dirt to sieves that are placed where water is readily accessible.
5. The other can be to pump water from dams, or run long pipes from a water source.
6. Dry sieving is time consuming, taking up to four or five times longer to sieve, and much harder to work with.
7. All smaller artefacts are lost in the dry sieving process.
8. The answers to your research questions will be lost through the dry sieving process, with only larger artefacts visible in the sieves.
9. Why do 1 metre x 1 metre every 20 metres, when you could get a more complete outcome with 50 x 50 every 10 metres?

The locations of the test pits look to be okay on the map, however is there scope to change the locations out on site if stakeholders agree.

Yours faithfully,



Glenda Chalker

Ryan Desic

From: Ryan Desic
Sent: Friday, 2 October 2015 12:51 PM
To: Peter Falk
Subject: Re: Hume Coal Excavations

Hi Peter,

Yes we are changing the excavation to suit your previous comments and the new survey results.

Sent from my iPhone

On 2 Oct 2015, at 12:24 pm, Peter Falk wrote:

Ryan,
With all the NEW finds for Hume are these sites included in the excavation or are they to be done seperately??

Note: any road works and service installations with soil removal will require Aboriginal representation to MONITOR for Aboriginal Artefacts Salvage.

Also any Aboriginal sites outside of the company footprint to be FENCED and POSTED copy of signs will be sent to you.

The above will be in my report of your DRAFT report

Regards

Peter

Peter Falk Consultancy



13 October 2015

Cubbitch Barta Native Title Claimants
Aboriginal Corporation
Glenda Chalker
Via email

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Re: Hume Coal Project: Response to draft test excavation method feedback

Dear Glenda,

Thank you for taking the time to review and respond to the draft test excavation method for the Hume Coal Project presented to registered Aboriginal parties (RAPs) on 27 August 2015. I would like to take the opportunity to respond to your comments directly before the test excavation proceeds.

1. *Request for wet sieving only.*

We have looked into a number of options to accommodate wet sieving and we understand that some areas would definitely benefit from this method (especially in some of the recently added test pit areas identified during the Stage 4 survey).

Hume Coal is currently organising to have wet sieving for the duration of the test excavation. At present, we can make the commitment that all soil will be sieved on site using wet sieving or dry sieving where required. Hume is arranging wet sieving facilities to accommodate compact or clayey soils. The soil will be sieved through a mix of 3 mm and 5 mm aperture mesh. It will be documented which sieve was used when sieving each pit. The effectiveness of each sieve size will be reviewed post-excavation by comparing average artefact size retrieved from each sieve size. Ideally, all material will be sieved using the wet sieving method, however if logistical or work health safety issues arise in the field, there is capacity for sieving to continue using the dry sieving method if it is clear that the results of the excavation will not be compromised.

2. *Request for revision of test pit size and layout.*

We have also incorporated your request to have the test pits as 50 cm by 50 cm squares spaced at 10 m intervals instead of 1 m by 1 m pits at every 20 metres. The revised test pit layout will be provided shortly in the revised test excavation method letter.

3. *Request for scope to change test locations in the field.*

There is scope to change test pit locations as stated in Section 4.3 of the revised test excavation method. This will be decided by the excavation director who will take RAP suggestions into consideration.

I hope that this information assists you. If you have any further queries please do not hesitate to contact me on the details provided below.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Desic', with a stylized flourish at the end.

Ryan Desic
Senior Archaeologist
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15 October 2015

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Re: Hume Coal Project Aboriginal cultural heritage assessment: revised test excavation method

Dear Registered party

1 Introduction

The review period for the draft test excavation method for the Hume Coal Project has now ended. We would like to thank all registered Aboriginal parties (RAPs) that took the time to respond to the method. We also provided the draft test excavation method to the Office of Environment and Heritage (OEH) Wollongong Office and received their review and comments.

Section 2 of this letter provides a summary of the changes made to the test excavation method and the reasoning behind these changes. As explained in the first RAP meeting on 26 August 2015 and the draft test excavation method letter dated 27 August 2015, changes to the draft test excavation method would potentially be made based on:

- the results of Stage 4 of the archaeological survey;
- review and comments provided by RAPs; and
- review and comments provided by OEH.

More detailed correspondence between stakeholders will be issued in the draft Aboriginal cultural heritage assessment report.

The remainder of this letter (Section 3 onwards) presents the revised test excavation method in detail which will be undertaken from 19 October to 4 November 2015.

2 Summary of changes to the test excavation method

The test excavation method has been revised as a result of the following:

1. The Stage 4 archaeological survey (completed from 28 to 30 September 2015) identified fifteen Aboriginal stone artefact sites and one area of potential archaeological deposit (PAD). Subsequently, the test excavation layout was revised to incorporate more suitable areas than originally marked in the draft test excavation method; either because of newly identified Aboriginal sites and PAD that warranted testing, or certain areas being identified as better examples of the landforms targeted for

excavation. For example, some test pit locations along transects were identified to encroach on damp drainage depressions or low-lying swampy areas which are not suitable for test excavation.

2. There was concern by one RAP that the length of the test pit transects and number of test pits along each transect were inadequate and that there should be a minimum of 20 pits per transect. There was also specific reference that the Rail Loop area of the proposed surface infrastructure area would benefit from more testing. It was also recommended that the first test pit should be excavated in 5 cm spits and subsequently 10 cm spits.

To respond to these requests while still addressing the original scope and aims of the draft test excavation method, the following changes were made:

- a) The test pit size and layout was changed from placing 1 m x 1 m test pits spaced at 20 m intervals along transects up to 80 m in length (up to five test pits) to instead placing 50 cm x 50 cm test pits spaced at 10 m intervals along transects up to 190 m in length (up to 20 test pits).

Note that no changes to the excavation units (known as 'spits') have been incorporated into the test excavation. Our experience in the region indicates that, because of the duplex nature of the soils and previous land use disturbance any reduction in the size of the excavation units will not affect the results.

3. There was concern by one RAP that the excavated material should be wet sieved only. The main reasoning was that the proposed dry sieving method was considered inappropriate and that smaller artefacts are potentially not identified from dry sieving. There was also a request that the sieve aperture should be 3 mm not 5 mm.

To respond to these requests while still addressing the original scope and aims of the draft test excavation method, the following changes were made:

- a) All excavated soil will be sieved on site using wet sieving or dry sieving where required. Hume is arranging wet sieving facilities to accommodate compact or clayey soils. The soil will be sieved through a mix of 3 mm and 5 mm aperture mesh. It will be documented which sieve was used when sieving each pit. The effectiveness of each sieve size will be reviewed post-excavation by comparing average artefact size retrieved from each sieve size. Ideally, all material will be sieved using the wet sieving method, however if logistical or work health safety issues arise in the field, there is capacity for sieving to continue using the dry sieving method if it is clear that the results of the excavation will not be compromised.

We would like to remind RAPs that, as per Section 4.3 of the test excavation method letter, there is flexibility to terminate and/or add test pits and to decide the depth of particular test pits at the discretion of the excavation director.

These changes will be applied depending on the results observed in the field and the time available. This level of flexibility is necessary to gather the information required efficiently and allocate available resources where needed.

3 Scope

The test excavation will contribute to the Aboriginal cultural heritage assessment (ACHA) by characterising the archaeological landscape that will be impacted by the Project. The test excavation will be undertaken in the following areas where ground disturbance is proposed in the surface infrastructure area:

- the mining infrastructure area;

- rail corridor;
- mine access drift; and
- ventilation shafts in alignment with mine access drifts.

No ground disturbance areas in the underground mining domain have been indicated and therefore this area does not require test excavation. The scope of test excavation may need to be revised if the additional areas of ground disturbance are planned in archaeologically sensitive areas.

4 Test excavation method

4.1 Strategy

The purpose of the archaeological test excavation will be to characterise the integrity, extent, distribution, nature and overall significance of the archaeological record in areas planned for ground disturbance, and by extension, the wider project area. A greater understanding of the archaeological resource in the project area will assist in formulating appropriate management recommendations.

The strategy has been guided by the survey results, environmental context and previous subsurface investigations in the region. The aims of the test excavation will be to:

- Characterise the subsurface archaeological deposit in areas of known surface sites with potential archaeological deposit (PAD);
- Verify the presence of subsurface Aboriginal objects in areas of PAD where surface sites have not been identified, (possibly because of low ground surface exposure and visibility conditions; and
- Identify areas of low archaeological potential, indicated by drop-off of artefact densities along transects and testing landforms and areas not necessarily attributed as having PAD until verified through test excavation.

The test excavation locations and test pit transect layouts have been designed to best sample the extensive landscapes that the surface infrastructure covers. The primary aim of the test excavation will be to verify the presence of sub-surface Aboriginal objects in the proposed disturbance areas and relate it to the predictive model. Considering the extensive project area, the excavation will aim to recover an artefact sample that will contribute to a baseline description of the local archaeology.

The test excavation will be centred on Medway Rivulet and Oldbury Creek which are the two main watercourses dividing the disturbance areas. Land near Stony Creek will be tested to a lesser extent as only a small section of the railway corridor will fall within its proximity. The excavation will target areas identified during survey as being archaeologically sensitive but also extend beyond these areas to characterise the limits of identified archaeological deposits. The test excavation will sample a number of landform elements within the archaeologically sensitive areas, comprising:

- hillcrests/spurs;
- hill slopes;
- flats; and
- low rises/footslopes.

4.2 Excavation method

The proposed test excavation method conforms to standard investigation models and will be as follows:

- Linear transects made of up to twenty 50 cm by 50 cm test pits will be excavated in up to 17 locations of the disturbance area.
- The test pits will be spaced at 10 m intervals across landforms within the disturbance boundary. This method will identify the variation in artefact numbers to test the working hypothesis that artefacts occur in higher numbers closer to reliable water sources. The results will inform the extent of the archaeological distribution in areas not tested.
- The first test pit in each tested area will be dug manually with hand tools in 10 cm levels termed 'spits' to identify the nature of the soils and to identify any stratigraphic sequence. All subsequent test pits will be excavated in 20 cm spits or in stratigraphic sequence. Previous excavations in the local area indicate that mixed duplex soils will be encountered and no stratigraphic sequence will be identified, but if such is found, the test pits will be dug stratigraphically.
- Each pit will be excavated until basal clay is reached, or to 10 cm below the artefact bearing level identified at each transect. Test pits are not anticipated to reach 80 cm, but will not exceed this level if encountered (as per advice from Hume Coal).
- All excavated soil will be sieved on site using wet sieving or dry sieving where required. Hume is arranging wet sieving facilities to accommodate compact or clayey soils. The soil will be sieved through a mix of 3 mm and 5 mm aperture mesh. It will be documented which sieve was used when sieving each pit. The effectiveness of each sieve size will be reviewed post-excavation by comparing average artefact size retrieved from each sieve size.
- All pits will be backfilled by Hume Coal after recording, and may be done so with light machinery that will not disturb the adjacent ground surface.

4.3 Changes to the method during fieldwork

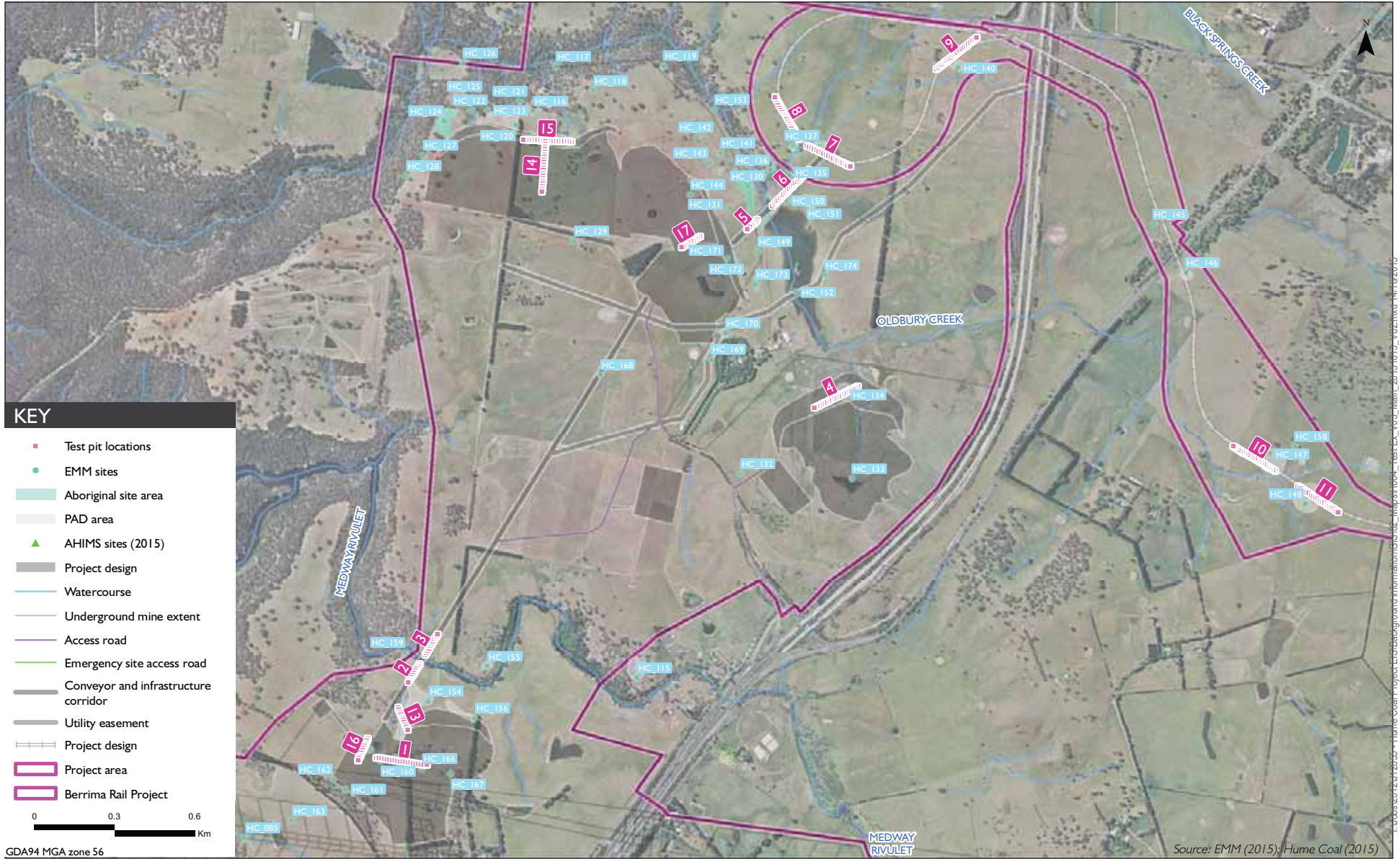
- The excavation supervisor will determine the specific number and location of test pits depending on results gathered during excavation (eg encountering high levels of subsurface disturbance that would make further excavation unwarranted).
- Test pits marked along transects may be terminated if conditions warrant such change. Additional test pits may be dug to clarify the local artefact distribution (but not to exceed the length of the excavation program).
- The final depth of each test pit may be changed if there is sufficient evidence that the artefact bearing deposit only continues to a certain depth and that further excavation would be time consuming and unwarranted.

These decisions will be made by the supervising archaeologist based on the archaeological results as they come to hand; however such deviations from the intended work-plan will only be adopted in compelling circumstances.

4.4 Storing recovered material

Artefacts will be retained temporarily by EMM, at our offices for the required analysis of technological attributes and eventually stored with the salvaged site material in the agreed keeping place or returned to country as agreed by all Aboriginal groups. All excavated artefacts will be transferred back to the general area at the earliest reasonable opportunity.

Test pit details are provided in Table 1 and their locations and layout are present in Figures 1 and 2.



Indicative test excavation transects
 Revised test excavation layout: Hume Coal Project
 Figure 1



Indicative test excavation transects

Revised test excavation layout: Hume Coal Project

Figure 2



Table 1 Test pit transect descriptions

Transect No.	Property Location	Impact Type	Landform tested	Soil landscape	Underlying geology	Disturbance noted during survey	Comment
1	Evandale	MIA	Flat area on hill crest	Soapy Flat	Hawkesbury sandstone	Cleared paddock	Adjacent to ephemeral watercourse and sites HC_160, HC_165 and HC_166.
2	Evandale	Conveyor and infrastructure corridor	Hill crest/spur	Soapy Flat	Hawkesbury sandstone	Cleared paddock	Near site HC_154 and close to Medway Rivulet
3	Evandale	Conveyor and infrastructure corridor	River flat	Lower Mittagong	Hawkesbury sandstone	Cleared paddock	Near site HC_154 and close to Medway Rivulet
4	Mereworth	Dam wall	Hill crest/spur	Moss Vale and Kangaloon	Hawkesbury sandstone	Cleared paddock/ploughing visible	On PAD HC_134
5	Mereworth	Conveyor and infrastructure corridor	Drainage depression	Nattai Tablelands	Hawkesbury sandstone	Cleared paddock with vehicle track exposures	Crosses through artefact scatter with PAD HC_130
6	Mereworth	Conveyor and infrastructure corridor	Hill slope	Kangaloon and Moss Vale	Hawkesbury sandstone	Cleared paddock with vehicle track exposures	Near HC 135, HC_150 and HC_151
7	Mereworth	Rail Loop	Flat	Kangaloon and Moss Vale	Hawkesbury sandstone	Cleared paddock	Near PAD HC_ 139
8	Mereworth	Rail Loop	Hill slope	Moss Vale	Hawkesbury sandstone	Cleared paddock	Near HC_137
9	Mereworth	Rail Loop	Rise crest	Kangaloon	Hawkesbury sandstone	Cleared paddock	Near PAD HC_140
10	Stonington	Rail corridor	Lower hill slope	Moss Vale	Hawkesbury sandstone	Cleared paddock	Cuts through PAD HC_147
11	Stonington	Rail corridor	Lower hill slope	Moss Vale	Ashfield shale	Cleared paddock	Cuts through PAD HC_148
12	Boral Property	Rail corridor	Hill crest	Kangaloon	Hawkesbury sandstone	Cleared paddock	On hill crest
13	Evandale	MIA and road	Hill crest/spur	Nattai Tablelands	Hawkesbury sandstone	Cleared paddock	Passes through HC_154
14	Mereworth	Water dam/dam wall	Flat hill crest	Soapy Flat	Hawkesbury sandstone	Cleared paddock/ploughing visible	Adjacent to a tributary of HC_120
15	Mereworth	Water dam/dam wall	Flat hill crest	Soapy Flat	Hawkesbury sandstone	Cleared paddock/ploughing visible	Near Oldbury creek, its tributary and HC_120
16	Evandale	MIA	Flat area on hill crest	Soapy Flat	Hawkesbury sandstone	Cleared paddock	Tests PAD HC_164
17	Mereworth	Water dam/dam wall	Hill crest/spur crest	Moss Vale/ Kangaloon	Hawkesbury sandstone	Cleared paddock/ploughing visible	Tests HC_171

4.5 Post-fieldwork analysis

4.5.1 Artefact analysis

Basic recording and analysis will be undertaken for the artefact assemblage recovered from the test excavation with the aim to form a baseline characterisation of the local archaeological record. Analysis of excavated stone artefacts includes:

- initial sorting and cleaning of excavated material;
- establishment of a computer database using Microsoft Access to record all provenance locations;
- measuring and recording the attributes of stone artefacts; and
- statistical analysis of the data to explore the frequency, distribution, raw material type, implement type and size of the of the artefacts in the assemblage.

4.5.2 Provenance analysis

Landscape and soils information is important in understanding the integrity, nature, and distribution of the archaeology. Provenance analysis includes the recording, drawing and analysis of soil profiles to inform the integrity and potentially the date of the archaeological record.

4.5.3 Research questions

The test excavation program aims to address the broad research questions set out in Table 2 which will contribute to a baseline characterisation of the local archaeological record.

Table 2 Research questions and methods

Question	Analysis method
What is the makeup of Aboriginal sites in key landform contexts?	<ul style="list-style-type: none">• Size and technological tabulation• Descriptive statistics of artefacts by attribute and landform
Can connections with other areas be identified?	<ul style="list-style-type: none">• Review of regional raw material sources and artefact characteristics for each raw material
What is the extent of archaeological evidence in each key landform and in relation to watercourses?	<ul style="list-style-type: none">• Tabulation of artefact densities over area
How old is the archaeological evidence?	<ul style="list-style-type: none">• Radiocarbon dating of suitable charcoal samples (if hearths are encountered)
What plant resources existed in the prehistoric landscape?	<ul style="list-style-type: none">• Pollen analysis of suitable soil samples
How does the assemblage vary across the project area?	<ul style="list-style-type: none">• Analysis of frequency and variability of artefact attributes (eg core size, implement forms)
Is there any indication of different site activities being undertaken at different locations?	<ul style="list-style-type: none">• Functional analysis of artefact and implement forms to determine eg knapping floors, hunting areas, ceremonial areas, camping areas.

5 Closing

Thank you for your time. We appreciate the opportunity to consult with Aboriginal parties to decide on the most appropriate assessment methods. If you have any queries in regard to don't hesitate to contact me on my details below.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Desic', with a stylized flourish at the end.

Ryan Desic
Senior Archaeologist
rdesic@emgamm.com
0411 319 712

Ryan Desic

From: Ryan Desic
Sent: Monday, 29 August 2016 1:49 PM
To:

Subject: Hume Coal Project: cultural information near the project area.
Attachments: NIAC Attachment.pdf

Dear registered party,

EMM has been asked by NIAC to provide you with information related to a possible burial site at the base of Mount Gingenbullen outside the project area. The excerpt from the Hume Coal ACHA is below and I have attached the relevant excerpt of Chris Illtert's publication, *Three Sisters Dreaming* (2003) which has been requested by NIAC to be provided for your information. This information was intended to be issued earlier with the draft Hume Coal ACHA, but because of some slight delays with the ACHA we have decided to provide this information now.

NIAC have suggested that Aboriginal burial mound exists on a natural rise above Oldbury Farm at the base of Mount Gingenbullen. NIAC provided EMM with an excerpt of Chris Illtert's publication, *Three Sisters Dreaming* (2003), which places the burial ground at this location. Illtert references Louisa Atkinson's accounts of a burial mound in her newspaper publications in 1853 and 1863 (Atkinson 1853; 1863). Atkinson describes the mound as 100 feet long and 40–50 feet high and conical in shape. She also noted a number of carved trees in proximity to the mound. Atkinson also made the supposition that a 'occurred near the mound on a flat area below (Atkinson 1863, p.2). However, NIAC indicated that there are Aboriginal knowledge holders who know of this location.

EMM was aware of Atkinson's writings and had included them in the Aboriginal and historical heritage reports, but no specific location of the burial mound was given. Louisa Atkinson's texts as well as those of her father, John, were reviewed for this report and the historical assessment but the location of any burial is not indicated in these texts. The closest reference is "On a high hill, a few miles from Berrima, is situated a tumuli, forty-four years since an old man was buried there" (Atkinson 1863, p.2). The general area identified for the location of the burial mound is approximately 200 m east of the project area's eastern boundary. This area is on private property outside the project area and was not accessible for inspection as it does not form part of the project. This area has not been demarcated on any figures as the location is unverified, although Atkinson describes it as "rising abruptly from the hanging level on the mountain side" (Atkinson in Lawson 1989, p. 60; *Sydney Mail*, 26 September 1863, p.2).

This information is also in the ACHA for your review.

On a further note, we intend to issue the draft Hume Coal ACHA within the following weeks. This will include a 28 days period for your review and meeting during that period to discuss the project in person. I hope you will be able to spare the time to review the draft report and attend the meeting. Could you please indicate if you will require a hard copy of the draft report so that we can incorporate it into our plans.

Yours sincerely,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | D 02 9493 9541 | M 0411 329 712 | F 02 9493 9599

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Please note that EMGA Mitchell McLennan Pty Limited has changed its name to EMM Consulting Pty Limited (simply refer to us as EMM). Email and website addresses have been changed to reflect this. All other details including ABN, bank details etc remain unchanged.

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Memorandum



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20 July 2016

To
From

Subject Additional meeting with Yamanda 18 July 2016

1 Introduction

The following presents the meeting minutes of an Aboriginal consultation meeting for the Hume Coal and Berrima Rail projects. The meeting was held at the Wingecarribee Aboriginal Community Cultural Centre on Monday 18 July. The topics discussed and areas of further discussion are presented in Table 3.

2 Attendees

Table 1 Meeting attendees

Name	Organisation	Position on projects
Aunty Val Mulcahy (VM)	Yamanda	Registered Aboriginal party
Aunty Annie Warren (AW)		Registered Aboriginal party
Ray Stevenson (RS)		Registered Aboriginal party
Kate Stevenson (KS)		Registered Aboriginal party
Jo Albany (JA)	Moyengully	Registered Aboriginal party
Cinnamon Johnson		Registered Aboriginal party
Larry Whipper (LW)	Mayor	Council representative
Melissa Wiya (MW)		Council representative
Pamela Kottaras (PK)	EMM Consulting	Heritage services manager

3 Agenda

1. Consulting with Yamanda and Moyengully representatives;
2. Consulting with Registered stakeholders;
3. Location of Hume Coal mining areas; and
4. Aboriginal protocols, beliefs and lore

4 Meeting minutes

Table 3 Meeting minutes

Topic	Discussion	Response/outcome
Consultation with Yamanda and Moyengully representatives	<p>PK informed that Hume Coal has an Exploration lease and that underground mining will take place as part of the proposed works.</p> <p>PS asked whether Hume plan to consult with the community.</p> <p>PK informed that consultation has taken place with registered stakeholders, which includes Yamanda. Furthermore, project information has been supplied through newspaper advertisements and through OEH guidelines.</p> <p>JA stated that a site officer that is trained in ILUA needs to be present to explain to Hume Coal the methods necessary to protect the land.</p> <p>JA and PS expressed concerns with advertising methods and stated that advertising to the Aboriginal community needs to be more culturally appropriate (i.e. longer timeframes).</p>	<p>Yamanda to follow up with OEH to discuss their concerns about the consultation requirements as stipulated by the guidelines.</p>
Consultation with registered stakeholders	<p>PK informed that EMM has consulted with other groups that registered for the project, as per the stakeholder list provided by OEH.</p> <p>VM expressed concern that consultation had been undertaken with the wrong people.</p> <p>PK reiterated that the meeting was called in order to consult as widely as possible.</p> <p>PK stated that project information was emailed and phone calls made to Aunty Merle Williams and Aunty Sharon yet never received responses. Furthermore, Kieran McNally is a RP and has been involved in the fieldwork.</p> <p>VM asked whether the groups will be paid for consultation.</p> <p>PK informed VM that payment would not be made for consultation. Payment is made if RAPs engage in fieldwork or labour such as survey and excavation. To date groups have been paid for excavations, supervised by archaeologist, registered Aboriginal RAPs.</p>	<p>Site meeting to be organised for Aunties to visit Mereworth.</p> <p>Attempts were made but the availabilities of the Aunties meant the site visit was eventually cancelled.</p>
Location of Hume Coal mining areas	<p>MV informed of the registration of the Aboriginal Place known as Jubilee as of February 2015. Stressed that this place is not to be damaged.</p> <p>PK stated that Hume Coal is definitively not entering Bundanoon.</p> <p>JA requested that PK define the areas in Sutton Forest and parts of Belanglo to MV.</p> <p>PK informed that no surface impacts will be happening on Evandale, there will only be underground mining. Furthermore, no subsidence impacts are identified for the Evandale property.</p>	

Table 3 Meeting minutes

Topic	Discussion	Response/outcome
	<p>PS expressed concerns for cultural connections such as water attachments of the Wingecarribee, rivers, 'under bed land' and swamps. Peter requested to know the specific areas for underground mining and affects on underground water flow.</p> <p>PK provided data pertaining to Aboriginal archaeological sites identified during the archaeological investigation of the project areas. The group was requested to comment and identify any areas not identified</p> <p>MV requested a map, PK was unable to leave maps with groups or individuals, and if there are any changes Hume Coal/EMM will update the stakeholders. PK supplied maps for all present to view. Also, maps of the project area have previously been given during the presentation of the project during the first consultation meeting. And in meeting minutes issued to all RAPs and late registrants.</p> <p>PK expresses that the reason she is at the meeting is for the attendees to tell her where there are possible sites and burials, understanding that some sites are confidential, in order to best protect them.</p> <p>The importance of local connection to land and country was stressed by the RAPs present.</p>	
<p>Aboriginal protocols, beliefs and lore</p>	<p>MV stated that on Aboriginal land there is lore and that the Wingecarribee Shire is a location where Aboriginal people lived and were massacred. She stressed the importance of the dreamtime (Gurangatch and Mirragan).</p> <p>PS stated that there are aspects of country that are applicable to every mob as everyone's song line came through the Gundungurra country.</p>	

A.4 Stage 4 – issue of draft ACHA and responses

This section contains the following documents:

- letter detailing draft ACHA review process;
- letter inviting RAPs to a consultation meeting regarding the draft ACHA;
- letter inviting RAPs to provide a statement of significance;
- provision of meeting minutes and presentation slides from 26 October 2016; and
- RAP feedback from draft report (including statements of cultural significance where relevant) and EMM responses.

Ryan Desic

From: Ryan Desic
Sent: Friday, 30 September 2016 5:54 PM
To:

Subject: Draft Hume Coal Project and Berrima Rail Project Reports
Attachments: ACHA036_LocalSetting_20160930_03.pdf

Dear Registered Party,

Overview

Thank you for your continued consultation for the Hume Coal Project. Hume Coal and EMM really do appreciate the time each party has given for your help with fieldwork, cultural knowledge, attendance at meetings and day to day contact.

We are now up to Stage 4 of the Aboriginal consultation project which is review of the draft cultural heritage assessment report. However, before you read the attached draft reports please note that the Berrima Rail line will be assessed as a separate project (see attached figure). This area was previously presented as part of the Hume Coal Project but it is now separate because other parties along with Hume Coal will be using the rail line. The attached figure shows how the separation of the Hume Coal Project and Berrima Rail Project boundaries, and where there is overlap.

This means that two reports are provided for your review and comment: the Hume Coal Project ACHA and the Berrima Rail Project Aboriginal heritage chapter. The Hume Coal Project ACHA should be seen as the overarching document from which the Berrima Rail Project chapter is based upon. Importantly, the impact assessment and management recommendations for the sites within each of the project boundaries are addressed in their respective documents. However, each document also has a cumulative impact assessment section which identifies the total impacts from both projects combined.

Downloading the documents

The Hume Coal Project ACHA is available to download using the following link:

[_____](#)
The Berrima Rail Project chapter is available to download using the following link:

[_____](#)

Notes for your review and comment

If you have specific comments for either document, please identify which **one** (the Berrima Rail Project or the Hume Coal Project), the section heading and page number so that we know specifically which part of the document to address. Our preference is for you to provide your comments in writing via email or letter.

We have provided the drafts via email and sent hard copies only when requested. The appendices (excluding site cards) have been added to the digital copy but have not been added to the hard copies to reduce excessive printing. If you need specific appendices in hard copy please let me know.

Notes on confidentiality

Please note that the attached documents are intended for registered Aboriginal parties (RAPs) only. These documents should not be distributed to external (third) parties.

When to respond by

Please provide all comments by **28 October 2016**. If you are having trouble responding within this timeframe please let us know early so that we can consider alternative options.

What's next?

In addition to the draft documents, we will be holding a consultation meeting to present the ACHA and cover any matters you wish to raise. We will be in touch shortly with a time and a date.

Close

Please do not hesitate to contact me on my details below for any matters regarding the projects or if you have any difficulties in downloading or reading the documents.

I hope you have a great weekend.

Regards,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

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PO Box 21, St Leonards NSW 1590



Ryan Desic

From: Ryan Desic
Sent: Tuesday, 18 October 2016 1:10 PM
To: Ryan Desic
Subject: RE: Hume Coal Project: Aboriginal consultation meeting: draft ACHA review and comment period

Dear Registered Party,

This is just a friendly reminder for your party to RSVP to the invite below for next Tuesday 25 October.

Please respond to this email by informing me if you are able to attend the meeting. Please indicate how many people from your party will be attending and their names if possible.

Regards,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

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From: Ryan Desic
Sent: Friday, 14 October 2016 11:45 AM

Cc: 'Marco Benischek'; 'Luke Edminson'

Subject: RE: Hume Coal Project: Aboriginal consultation meeting: draft ACHA review and comment period

Dear Registered Party,

Overview

Thank you for your continued consultation for the Hume Coal Project and Berrima Rail Project. Hopefully by this stage you have had a chance to start your review of the draft Hume Coal Project Aboriginal cultural heritage assessment (ACHA) and draft Berrima Rail Project ACHA which was issued on 30 September 2016. Thank you for those who have already responded.

As noted in the email dated 30 September 2016, EMM and Hume Coal plan to host an Aboriginal consultation meeting to discuss the draft report and its implications. The meeting is intended to supplement the draft report and to present and discuss the projects in plain English.

The key aims of the meeting will be for RAPs to actively contribute to the development of management options for the Aboriginal sites within the project area. This will involve seeking the views of RAPs on the potential management options presented in the draft ACHAs. During your review, you should consider how Aboriginal people can continue their association with the identified Aboriginal heritage values and how best to address this.

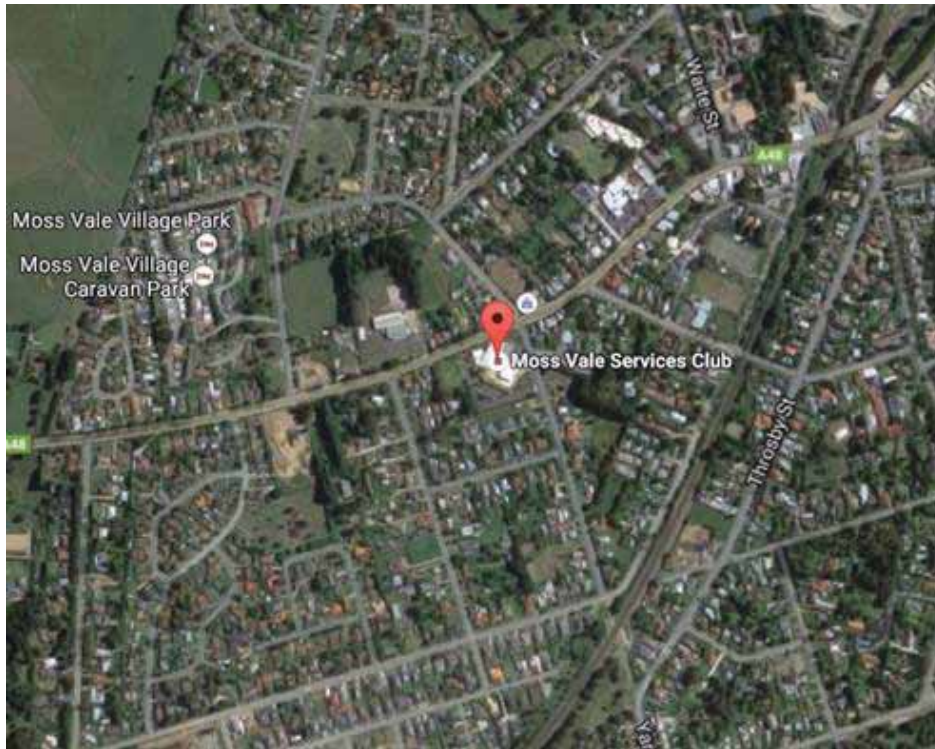
Although we have set out the roles, functions and responsibilities of RAPs and all stakeholders during the first consultation meeting, I have attached the consultation requirements we are following for the projects. This should remind RAPs of how their input falls into the regulatory process to contribute to decision making by Hume Coal and government authorities.

Meeting details

Date: 25 October 2016

Time: 11 am to 2 pm (duration of meeting is dependent on the length of discussions)

Location: Moss Vale RSL Argyle St, Moss Vale NSW 2577 (see map)



RSVP

Please RSVP at your earliest convenience. However, we will need to confirm numbers by 21 October 2016 to allow for catering and venue requirements.

Travel expenses

Hume Coal appreciate that you may have to take time out of your day to attend the meeting. Hume Coal offer to reimburse travel expenses (ie travel kilometres) at the current ATO standard rates.

Closing

Thank you for your time and consideration. Please do not hesitate to contact me on my details below if you have any questions about the meeting or reviewing the draft ACHA.

Regards,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

Ground Floor, Suite 01, 20 Chandos Street, St Leonards NSW 2065

PO Box 21, St Leonards NSW 1590



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-----Safe Stamp-----

Your Anti-virus Service scanned this email. It is safe from known viruses.

For more information regarding this service, please contact your service provider.

From: Ryan Desic
To: [Ryan Desic](#)
Bcc: _____

Subject: RE: Hume Coal Project: Aboriginal consultation meeting: draft ACHA review and comment period
Date: Tuesday, 18 October 2016 1:10:00 PM
Attachments: [image002.png](#)

Dear Registered Party,

This is just a friendly reminder for your party to RSVP to the invite below for next Tuesday 25 October.

Please respond to this email by informing me if you are able to attend the meeting. Please indicate how many people from your party will be attending and their names if possible.

Regards,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

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From: Ryan Desic
Sent: Friday, 14 October 2016 11:45 AM
Cc: 'Marco Benischek'; 'Luke Edminson'
Subject: RE: Hume Coal Project: Aboriginal consultation meeting: draft ACHA review and comment period

Dear Registered Party,

Overview

Thank you for your continued consultation for the Hume Coal Project and Berrima Rail Project. Hopefully by this stage you have had a chance to start your review of the draft Hume Coal Project Aboriginal cultural heritage assessment (ACHA) and draft Berrima Rail Project ACHA

Ryan Desic

From: Ryan Desic
Sent: Wednesday, 26 October 2016 4:20 PM
To:

Cc: Ryan Desic
Subject: Outcomes from Aboriginal consultation meeting
Attachments: RAPmeeting2slides_PDF.pdf

Dear registered party,

Thank you for those who could attend yesterday's consultation meeting, I hope it was informative. We appreciate your comments and point of view on the issues that were raised. For those who did not attend, attached are the meeting slides used during the meeting. Additionally, The meeting minutes and actions relating to those issues raised will be issued to all RAPs shortly.

One of the main points that was raised at the meeting is that the Aboriginal community wishes to have the intangible aspects of Aboriginal cultural heritage conveyed more explicitly in the report.

Registered parties expressed that Aboriginal cultural values extend beyond what is defined as an Aboriginal object or place under Part 6 of the *National Parks and Wildlife Act 1974*, and identified the need for intangible values about the overarching landscape to be conveyed (which is not limited to the boundary of the Hume Coal and Berrima Rail project boundaries), even though we have not received Aboriginal socio-cultural or historic information about specific sites, objects or places in the project areas. For example, registered parties expressed an attachment to the broader environment which encompasses not only Aboriginal sites and/or places but other elements such as water systems and ecology.

The meeting attendees proposed that the report would benefit from an opening statement, or statements, of the intangible connections Aboriginal people have to the land. As such, the Aboriginal community meeting attendees have offered to provide a general statement of significance on this matter. We acknowledge that some RAPs have already provided information along these lines and this will also be incorporated into the report. We will issue this information as soon as possible once received.

Furthermore, an important reminder: please note that we request your feedback from the draft report by November 1 2016. Please call me if you are having trouble with this timeframe.

Regards,

Ryan Desic

From: Ryan Desic
Sent: Wednesday, 26 October 2016 4:26 PM
To:
Subject: Emails to RAPs regarding meeting outcomes

Dear Registered Party,

As mentioned in yesterday's meeting and the email just issued, we invite you to provide an opening statement, or statements, of the intangible connections Aboriginal people have to the land.

Depending on the extent of the statement, it may be included in full or summarised in the main body of the report and included in full in an Appendix. We request that the statements be as concise as possible to convey the meaning your party intends. EMM will then combine and edit the final version for inclusion of the document.

Furthermore, we understand that this may be difficult considering the extent of knowledge held by parties (which we only touched the surface of at the meeting), but feel free to discuss with me if needed.

I hope that you can respond to this as soon as possible given that there are technically six more days in the review period. However, I am willing to discuss if a bit more time is needed.

Regards,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

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From: Ryan Desic
To:

Subject: Hume Coal and Berrima Rail Project : Meeting slides and minutes from second consultation meeting.
Date: Friday, 28 October 2016 4:55:00 PM
Attachments: [Hume Coal RAP meeting 2_20161026_RD.pdf](#)
[RAPmeeting2slides_PDF.pdf](#)
[image001.png](#)

Dear registered party,

For your consideration, attached are the meeting minutes and slides from the second consultation meeting held this week.

Notably, you may find that the slides reflect a minor change to the draft assessment. The management measure for fencing sites outside the project footprint has changed from 100 m to 25 m. This was primarily because many of the sites originally marked for fencing within 100 m of the footprint were in fact in native vegetation that are at no risk of being inadvertently impacted. Hume Coal have informed that they are committed to make sure that this change will not result in any additional impacts to Aboriginal sites.

Thank you and have a good weekend,

Ryan Desic | Senior Archaeologist

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Memorandum



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28 October 2016

To Registered Aboriginal Parties
From Ryan Desic
Subject Hume Coal RAP meeting 2: 26 October 2016

1 Introduction

The following presents the meeting minutes of the second Aboriginal consultation meeting for the Hume Coal and Berrima Rail projects. The meeting was held at the Moss Vale RSL on Tuesday 25 October 2016. The topics discussed are presented in the attached meeting slides and areas of further discussion are presented in Table 3.

2 Attendees

Table 1 Meeting attendees

Name	Organisation	Position on projects
Wally Bell (WB)	Buru Ngunawal Aboriginal Corporation	Registered Aboriginal party
Glen Freeman (GF)	Koomurri Ngunawal Aboriginal Corporation	Registered Aboriginal party
Virginia Falk (VF)		
Duncan Falk (DF)	Peter Falk Consultancy	Registered Aboriginal party
Luke Edminson (LE)	Hume Coal	Environmental Manager
Greig Duncan (GD)	Hume Coal	Project Director
Alex Pauza (AP)	Hume Coal	Mine Planning Manager
Marco Benischek (MB)	Hume Coal	
Claudia Farrar (CF)	Hume Coal	
Ryan Desic (RD)	EMM Consulting	Lead archaeologist
Pamela Kottaras (PK)	EMM Consulting	Heritage services manager

Table 2 Apologies

Name	Organisation
Jo Albany	Moyengully
Auntie Val	Yamanda
Glenda Chalker	Cubbitch Barta Native Title Claimants
Sharyn Halls	Gundungurra Aboriginal Heritage Association

3 Agenda

1. Introduction and aims
2. Project update
3. Summary of results from archaeological investigation
4. Summary of cultural information
5. Summary of significance
6. Impact assessment
7. Proposed management measures
8. Questions

4 General proceedings

- Meeting start time 11.12 am.
- Welcome to Country.
- Introductions.
- Alex Pauza and Luke Edminson explained why the Hume Coal Project and Berrima Rail Project are two separate development applications.
- Ryan Desic explained that the meeting would present the assessments for Hume Coal Project and Berrima Rail Project conjointly to emphasise that both projects are considered holistically and the impacts and management measures considered cumulatively.
- Approval process explained by Luke Edminson.
- Issues related to the management of Aboriginal cultural values in NSW raised by all registered Aboriginal parties (RAPs).
- Hume Coal Project information presented by Alex Pauza.
- Ryan Desic presented Aboriginal cultural heritage matters and management recommendations.
- Minutes taken by Pamela Kottaras (heritage services manager).
- Break 12.40 pm – 1.20 pm.
- Meeting finish time: 2.30 pm.

5 Meeting minutes

Table 3 Meeting minutes

Topic	Discussion	Response/outcome
Welcome to Country	<p>Presented by VF. The meeting attendees were welcomed to Gundungurra Country.</p> <p>GF also provided welcome in Ngunawal language.</p>	LE thanked the RAPs for the welcome and their attendance.
Intangible values & Cultural information	<p>WB stated that often too much of a focus of Aboriginal cultural heritage assessments is on the scientific aspects; the intangible is not given enough emphasis.</p> <p>GF agreed with WB. GF stated that the Southern Highlands is on a massive crossover area with gendered and communal ceremonial areas.</p> <p>GF stated that often the intangible elements of assessments go unrecognised. GF used examples such as spiritual pathways guiding animals and people and the use Aboriginal constellations for guidance.</p> <p>EMM acknowledged that RAPs believe that there needs to be more emphasis of the intangible significance of Aboriginal cultural heritage. It was acknowledged that the Aboriginal community have broader connections to the land that may not necessarily relate to specific socio-cultural or historic information about an Aboriginal site or place.</p> <p>GF and VF suggested that an opening statement of cultural significance is prepared in response to the issue identified above.</p>	All attendees agreed that an opening statement of cultural significance be provided by RAPs for the inclusion in the report. All RAP members present agreed that this would be an appropriate way to convey the broader intangible significance that the Aboriginal community have with the land.
Intangible values & Cultural information	WB explained that Aboriginal laws and customs mean that often the Aboriginal community does not divulge cultural information. This is to protect sites and places of cultural significance.	<p>RD acknowledged that the Aboriginal community has the right to withhold information. RD reiterated that the request for cultural information has been made throughout the assessment phase.</p> <p>RD acknowledged that hypothetically there may be culturally significant areas in the project area that RAPs have not informed EMM/Hume Coal about if they are not going to be impacted.</p> <p>RD expressed that he hoped that RAPs would identify areas of cultural significance to EMM/Hume Coal if they were to be impacted so that it could be managed or avoided.</p>
Test excavation program	GF raised that he felt RAP field officers were not given the opportunity to test areas they felt were of high potential onsite during the test excavation program.	<p>RD clarified that the areas suggested were outside the project disturbance footprint and therefore further testing was not warranted.</p> <p>GF acknowledged this but maintained that it</p>

Table 3 Meeting minutes

Topic	Discussion	Response/outcome
RAP involvement beyond the ACHA process	<p>GF stated that Aboriginal people do not have enough of an involvement in developments beyond the EIS and pre-construction phase of a project. GF noted that Aboriginal people are well-placed to provide land care especially because of their extensive implementation of effective land care for tens of thousands of years.</p> <p>VF stated that biodiversity offsets need to be thought out and that Aboriginal people should be involved. There are many people in the RAPs who can do Land care and who can contribute to the biodiversity offset and rehabilitation exercises.</p> <p>GF pointed out that WB works for Land care in the ACT.</p> <p>(All) Discussion ensued on cultural plantings and the correct pre-European landscape and utilising Aboriginal knowledge.</p>	<p>could have contributed to the overall knowledge of the area.</p> <p>Hume Coal will explore avenues for Aboriginal community involvement in future land management, specifically relating to areas that may be available for cultural plantings.</p>
Cultural information/suggested burial site	<p>RD discussed the suggested burial site at the base of Mount Gingenbullen outside the project area. This area was identified by NIAC.</p> <p>GF confirmed that NIAC wished for the meeting attendees to be notified about the suggested burial site.</p> <p>VF wanted to know why the topic of the suggested burial was included in the assessment if it was outside the project area.</p> <p>RD explained that NIAC had specifically asked RAPs to be informed about this area.</p> <p>VF and GF stated that there are likely to be a number of massacre sites in the Southern Highlands.</p>	<p>RD reiterated that the suggested location is outside the project area and not at risk of project impacts. The site has not been verified.</p> <p>It was acknowledge that the suggested burial site is accepted by some of the Aboriginal community but not by all.</p> <p>No information has been provided about Aboriginal burial sites or massacre sites existing in the project area.</p>
Environmental issues (general)	<p>Paraphrase of RAP discussion:</p> <p>The RAP meeting attendees expressed that the Aboriginal community believe that they should have more of a role in commenting on the overall environmental impacts of the project and not just what falls into the category of Aboriginal cultural heritage within the current heritage legislation.</p> <p>This relates to the Aboriginal community’s connection to the entire environment and their desire to input into other environmental issues (such as ecology and hydrology), regardless of if no specific socio-cultural or historic information about these aspects has been disclosed about the project area.</p> <p>RAP attendees went on to ask specific environmental issues.</p>	<p>It was acknowledged that RAPs have expressed connections to broader environmental aspects that may not necessarily relate to specific socio-cultural or historic information about an Aboriginal site or area.</p> <p>It was acknowledged that broader environmental impacts are of concern to the Aboriginal community. It has been a primary aim for the project to minimise environmental impacts.</p> <p>RD informed RAPs that they will have the opportunity to review and make submissions about various technical studies as Aboriginal party members or as individuals (eg ecology and hydrology) during public exhibition of the EIS.</p>

Table 3 Meeting minutes

Topic	Discussion	Response/outcome
Environmental issues (specific)	<p>VF and GF asked how biodiversity would be impacted. Also how the groundwater impacts would affect above-ground ecology.</p> <p>VF asked how ground water and aquifers would be impacted. VF stated that ground water is a concern for many in the community and asked how is this going to be managed so that it doesn't affect the water table and the above-ground ecology.</p> <p>VF asked if the ground water will be impacted and asked for a rating on a scale of one to ten.</p>	<p>LE explained that biodiversity, including groundwater dependant ecosystems is being considered in a separate technical report. Furthermore, groundwater is being considered in a separate technical report.</p> <p>LE stated that he biodiversity report will address the ecological concerns raised by GF. Hume Coal has designed its mine and infrastructure to minimise its impacts on the flora, fauna and water ways by largely avoiding these areas.</p> <p>. When the project goes on public exhibition, all will have the opportunity to review all the technical reports.</p> <p>LE explained that ground water dependent ecosystems are being assessed and a referral has been sent to the Federal government.</p> <p>GD stated that the upper aquifers will not be impacted; but lower aquifers will be impacted. Farming bores may need to be moved and this will be done proactively by identifying which bores are most likely to be impacted. Once identified, Hume Coal will move those bores to a suitable location.</p> <p>AP stated that the mine has been designed to minimise impact on the environment including groundwater. Each panel will be sealed off with water-retaining bulkheads. Bulkheads will allow water to collect and reinjection will be used to ensure that groundwater is replenished. AP named other aspects, such as ground water and ecological issues that required assessment and how that influenced the design. Preliminary environmental studies were completed and then the project was designed by engineers.</p> <p>AP continued to describe the project design. Stormwater retention basins to avoid surface waters don't get released.</p> <p>LE stated that the monitoring has demonstrated the variability of the water table across the sandstone. Some areas hold a high volume of water, while others do not. This information will inform the re-location of farm bores.</p> <p>AP stated that ground water will be impacted but the aim is to minimise it as much as possible.</p>

Table 3 Meeting minutes

Topic	Discussion	Response/outcome
	<p>VF asked where will water be sourced and if it will be ground water or recycled?</p>	<p>AP explained that both will occur. Groundwater in the mine will be used and recycled.</p>
	<p>VF asked if contaminated water can be taken off site</p>	<p>AP explained that the water treatment plant is for contaminated water, which will need to be used only in the event that high rainfall creates the need.</p>
	<p>VF asked what the process for washing the coal was.</p>	<p>AP explained that lots of effort has been put into addressing this. At the beginning a small emplacement will be outside until room is made underground by extraction. As soon as room underground is available, the rejects will be placed underground</p>
Land ownership	<p>VF asked who the land belonged to.</p> <p>GF expressed discomfort that the land is foreign-owned. Discussion of ownership of the land in foreign hands and the driver for this. There is dissatisfaction with foreign ownership.</p>	<p>GD explained that the land is owned by Hume Coal, which is owned by Posco, which is a Korean company. Foreign ownership is not an unusual arrangement especially in the Southern Highlands.</p> <p>The discussion regarding foreign ownership of land is separate to the cultural heritage meeting. This was agreed by all.</p>
Review period	<p>GF and VF discussed the possibility interim final draft report being provided to the RAPs after the current review period. This would aim to address any outstanding issues.</p>	<p>RD expressed that an aim of the meeting was to serve the function of an interim report, ie RAPs have had time to review the report followed by the opportunity to raise comments during the meeting.</p> <p>EMM and Hume Coal aim to resolve any outstanding issues before the report is finalised. This will include discussing, clarifying and addressing any significant outstanding issues that RAPs have with the report before it is finalised.</p> <p>Unfortunately the timeframe for the project application cannot accommodate an additional review period.</p>
Rehabilitation	<p>VF asked what considerations were made for rehabilitation and whether it considered rehabilitating the land with culturally appropriate plantings.</p>	<p>GD explained that it is a government requirement to return the land to as close to its current use as possible.</p> <p>At the completion of the project, infrastructure will be removed and the landscape will be returned to farmland.</p>
Discussion of the project	<p>AP Described the two projects; underground mining; infrastructure; non-caving method; removing about 35% of coal and leaving 65% to comply with the non-caving technique. Explained how a void will be avoided. No form of coal mining results in zero subsidence but the method that the HCP will employ has a predicted level of less than 20 mm which is categorised as negligible.</p>	

Table 3 Meeting minutes

Topic	Discussion	Response/outcome
<p>Discussion of the ACHA</p>	<p>RD described the assessment process and the stages of survey and excavation and results.</p> <p>In response to RD's explanation of 'potential scar trees' GF said that one is definitely a scar tree and is associated with an ant nest.</p> <p>RD presented management recommendations.</p> <p>RAP attendees raised that sites outside the project disturbance footprint need to be protected and fencing needs to be appropriate to prevent impacts.</p>	<p>RD stated that Any scar or potential scar trees within the project area will not be impacted. Further investigation would be warranted if impacts were proposed.</p> <p>RD explained that the sites closest to the project footprint within 25 m will be fenced and avoided. The details of this measure would be devised in an Aboriginal cultural heritage management plan (ACHMP).</p> <p>No further comments were made about the proposed management recommendations.</p> <p>RD asked whether RAPs would prefer collected artefacts to be stored in a keeping place or subject to reburial.</p> <p>RAPs said that this should be decided at a later time, and agreed that the ACHMP would be appropriate. RD noted that the ACHA will allow for both options.</p>
<p>Closing comments</p>		<p>LE stated that the minutes will be provided to all attendees by the end of the week</p> <p>LE reiterated that a cultural statement can be added to the report.</p>

Acknowledgment

Before we begin the proceedings we would like to acknowledge and pay respect to the traditional owners of the land on which we meet.

I invite a community-nominated person to offer a welcome to Country...



Hume Coal Project and Berrima Rail Project

Registered Aboriginal party consultation meeting 2 – draft Aboriginal cultural heritage assessment (ACHA) report review and feedback information session
25 October 2016



Agenda

- Introduction and aims
- Project update
- Summary of results from archaeological investigation
- Summary of cultural information
- Summary of significance
- Impact assessment
- Proposed management measures
- Questions



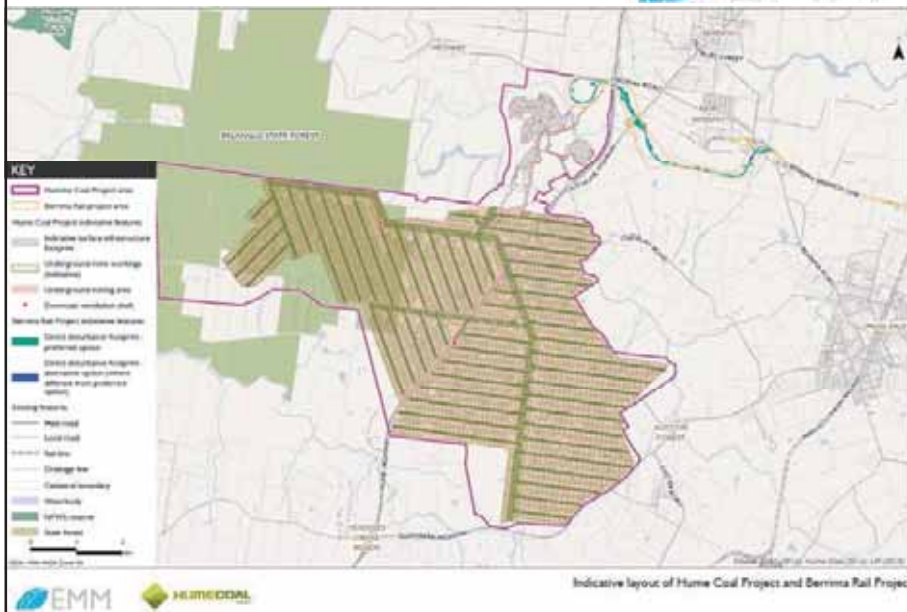
Introductions

- **Hume Coal**
 - Greig Duncan (Project Director)
 - Alex Pauza (Mine Manager)
 - Luke Edminson (Environmental Manager)
 - Claudia Farrar (External Affairs Coordinator)
- **EMM**
 - Ryan Desic (Senior Archaeologist) is preparing the Aboriginal cultural heritage assessment
 - Pamela Kottaras (Associate Archaeologist)

Aims

- To provide an update on the projects since the last meeting
- We are looking for your feedback on the draft report and to answer any questions you may have
- We will acknowledge all feedback given today, however we may not be able to confirm all responses to the feedback today
- All feedback and comments will be addressed in the final report

Project overview



Project overview



Indicative surface infrastructure layout of the Hume Coal Project and Berrima Rail Project

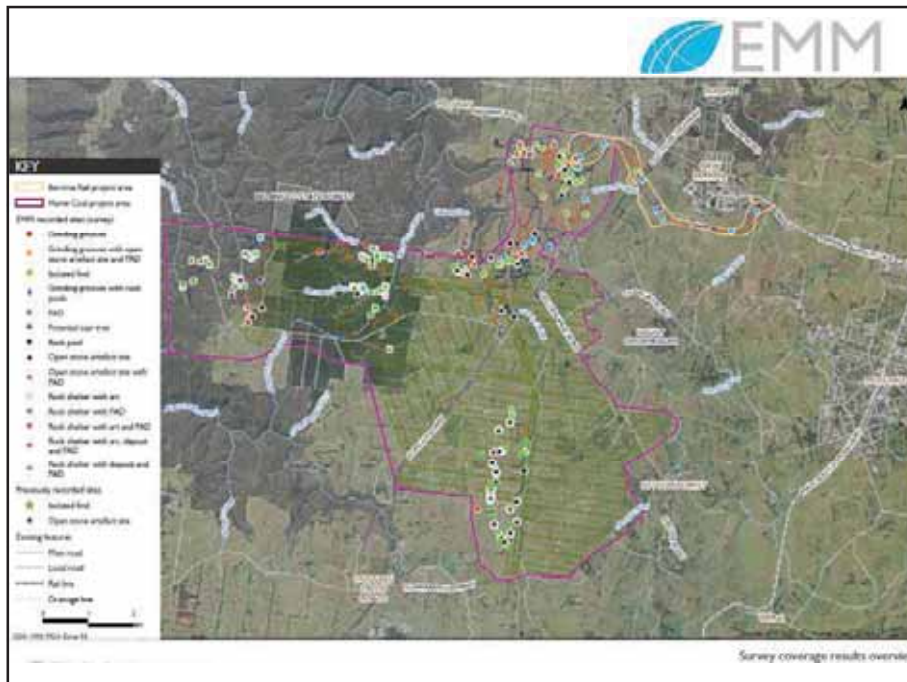
Project overview



Indicative surface infrastructure layout of the Hume Coal Project and Berrima Rail Project

Results - archaeological survey

- 16 days between May 2014 and September 2015
- Stages 1 and 2 sampled the underground mine
- Stages 3 and 4 sampled the surface infrastructure area and the Berrima Rail project area
- 142 walking transects adding up to 124 km.



Survey results

- 181 sites recorded during survey:
 - 177 newly recorded sites across both project areas
 - Two newly recorded sites outside both project areas
 - Two sites on already on AHIMS
- 37 sites were previously recorded on Wongonbra by Therin in 2007



Site: HC_154



Site: HC_157

Aboriginal site type	Count of sites
Grinding grooves	3
Grinding grooves with open stone artefact site and PAD	1
Grinding grooves with rock pools	1
Isolated find	39
Open stone artefact site	30
Open stone artefact site with PAD	16
PAD	14
Potential scar tree	8
Rock pool	1
Rock shelter with art	1
Rock shelter with art and PAD	1
Rock shelter with art, deposit and PAD	1
Rock shelter with deposit and PAD	10
Rock shelter with PAD	55
Total	181

Rock shelter and art (site HC_002)



Rock art (site Compartment 157)



Grinding grooves (sites HC_034, HC_136 and HC_138)



Test excavation – summary of results

- 281 artefacts recovered from the 160 test pits
- Most artefacts next to reliable streams (Oldbury Creek, Medway Rivulet and Stony Creek)
- 11 'tools', including scrapers and backed artefacts
- No stratigraphic deposits identified



Scientific significance

- 10 sites of high significance (rock shelter and grinding grooves only)
- 39 sites of moderate significance
- 170 sites of low significance



Cultural significance

- We acknowledge that the Aboriginal community considers Aboriginal objects and sites as culturally significant items
- We have requested cultural, social or historic information specific to project area
- Potential burial site outside the project area:
 - At the base of Mount Gingenbullen on the Oldbury Farm Estate
 - Access was not possible but it will be avoided

Impact assessment

Measures to minimise impacts

- Two phases of constraints assessments to avoid the most archaeologically sensitive areas
- The surface infrastructure footprint set back beyond 200 m of the main water systems
- The use of a no subsidence mining method. No subsidence impacts are predicted to occur to sites.

Potential types of impacts

Direct impacts:

- Surface ground disturbance activities resulting from the construction of the surface infrastructure area and Berrima Rail

Indirect impacts:

- Assessment of possible impacts to the ground surface through underground mining
- There are no predicted subsidence impacts to any sites
- Maximum predicted subsidence above mining panels is 20mm. But near the rock shelters is closer to 5-10mm subsidence.
- Subsidence impacts considered to be imperceptible for ground features such as rock shelters and grinding groove sites

Impact assessment: Hume Coal Project and Berrima Rail Project combined

Impact assessment:

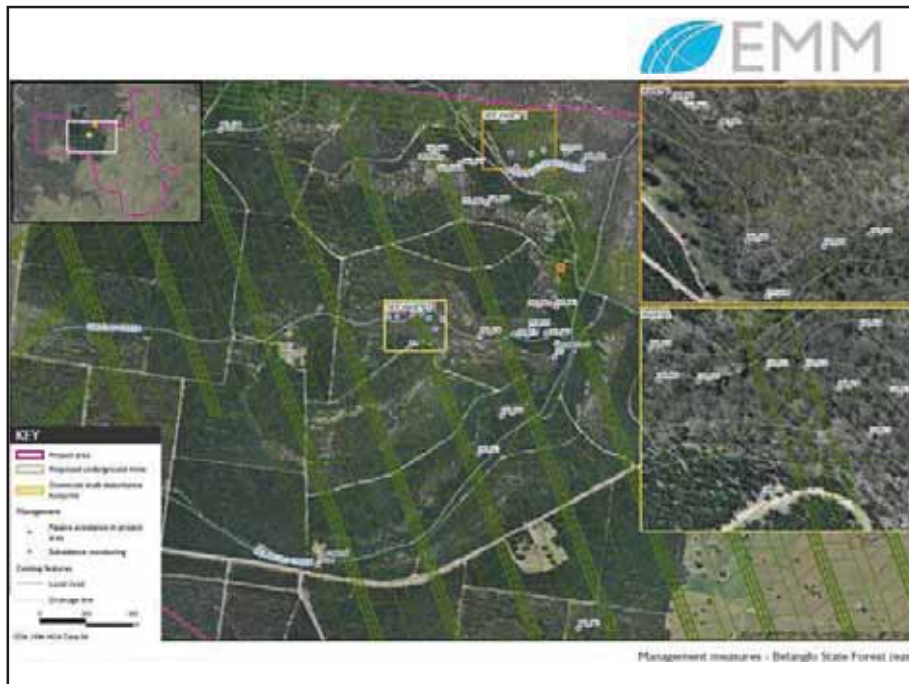
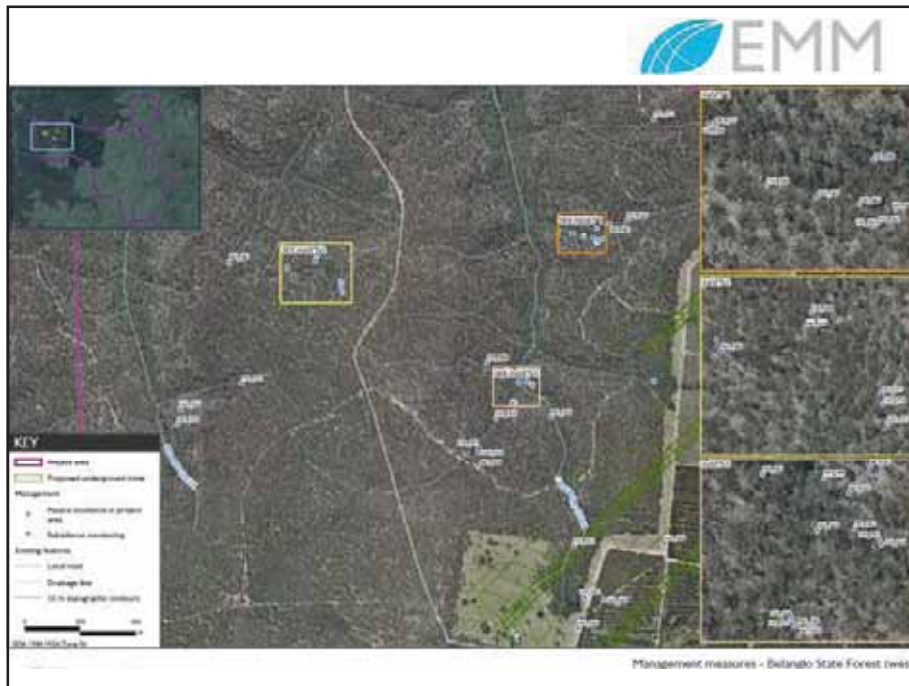
- 20 sites will be directly impacted by the Hume Coal Project surface infrastructure area. This comprises:
 - no sites of high significance;
 - six sites of moderate significance, two of which are of higher moderate significance (HC_135 and HC_151); and
 - 14 sites of low significance.
- 8 sites will be directly impacted by the Berrima Rail Project. This comprises:
 - no sites of high significance;
 - two sites of moderate significance (HC_176 and HC_177); and
 - six sites of low significance.
- 89 sites are above the Hume Coal Project underground mine area. There are no predicted subsidence impacts to these sites. 36 of these sites are made of sandstone (rock shelters and two grinding groove sites).
- 102 sites are outside both the surface infrastructure and underground mining footprint
- 191 of the 219 sites (87%) assessed as part of this ACHA will not be impacted.

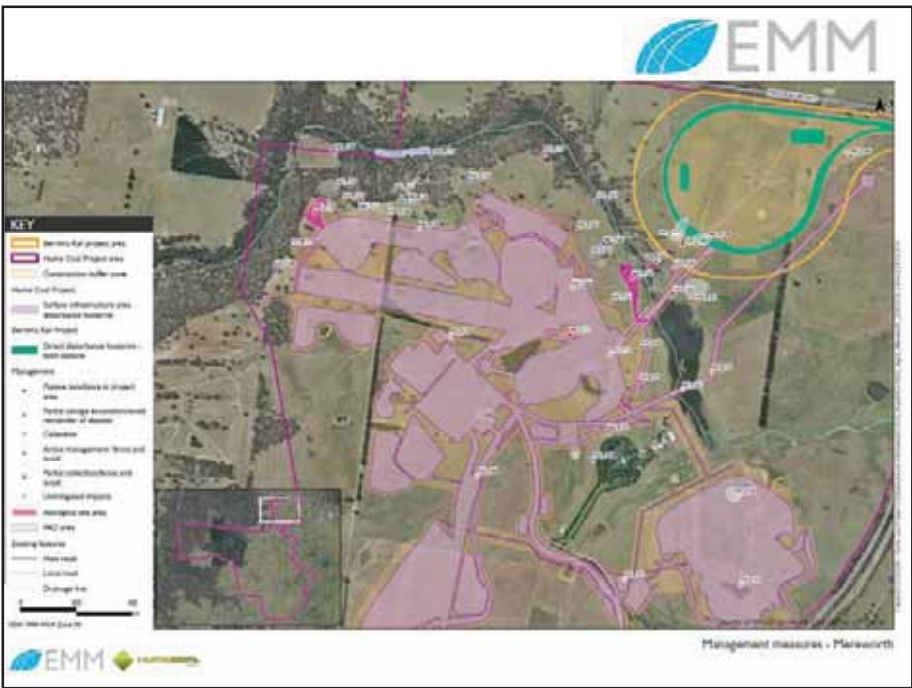


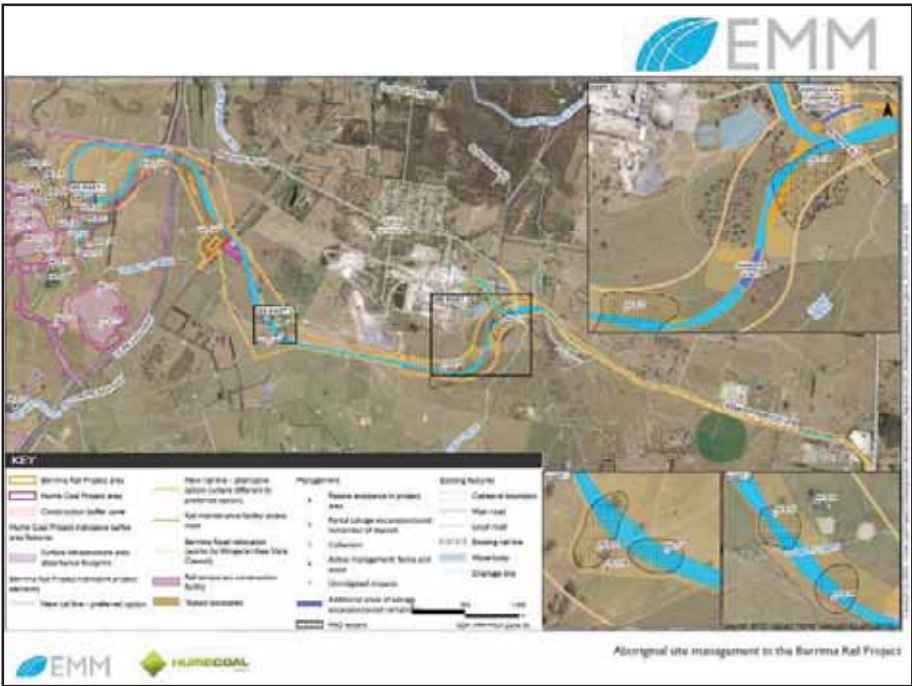
Potential impacts - Belanglo State Forest (west)
Hume Coal Project



Potential impacts - Belanglo State Forest (east)
Hume Coal Project
Aboriginal Cultural Heritage Assessment







Example of where to salvage



Post-fieldwork management of sites

- A 'keeping place' is a secure area with the purpose of storing Aboriginal cultural materials and their associated documentation.
- With agreement of RAPs, a dedicated storage facility will be established within the on-site offices of the project as a keeping place
- Interpretation and access to materials can be set out during the development of the ACHMP

Main aims of feedback

- Review of management options
- Any cultural protocols that should be implemented
- Cultural/historic information about the project areas and how this should affect the proposed management of the sites.
- Feedback is requested by 1 November.



Questions?



Contacts

- Ryan Desic

- EMM Consulting Office:
 - 02 9493 9500 (general office number)
 - 02 9493 9599 (fax)
 - PO Box 21, St Leonards, NSW 1590
 - Suite 1, 20 Chandos St, St Leonards, NSW

Thank you for your time today



Ryan Desic

From: Koomurri Ngunawal Aboriginal Corporation]
Sent: Wednesday, 12 October 2016 6:15 PM
To: Ryan Desic
Subject: Re: Draft Hume Coal Project and Berrima Rail Project Reports

Dear Ryan,

Having read this comprehensive report for the Hume Coal Project and Berrima Rail Project KNAC have no issues in regards to either.

However as to the map of country, it should be noted that Tumut is Wyradjuri country and not Ngunawal country as stated a minor issue I know, also as to the information on language groups, as you may not be aware by now the Ngunawal language is recognized as it's own distinct dialect (2016) although it has relationships with the Gandangurra, Narigo and possibly the Dharawal (Wodi Wodi), and Yuin peoples owing to the fact that we engaged in regular Ceremony with each of them in our past.

I just thought it might be good to have a more modern context in regards to language added in the future.

Kind Regards,

Glen Freeman,
Director/ Contact
KNAC.

Ryan Desic

From: Ryan Desic
Sent: Wednesday, 12 October 2016 9:28 PM
To: Koomurri Ngunawal Aboriginal Corporation
Subject: Re: Draft Hume Coal Project and Berrima Rail Project Reports

Hi Glen,

Thanks for your email. I understand that you are on the forefront of linguistics with your recent projects, so thank you, I will aim to rectify this information in the final report.

Is there any publication that I can reference to support your findings for inclusion in the report?

I hope you're feeling better,

Cheers,

Ryan

Sent from my iPhone

On 12 Oct 2016, at 6:15 PM, Koomurri Ngunawal Aboriginal Corporation _____

Dear Ryan,

Having read this comprehensive report for the Hume Coal Project and Berrima Rail Project KNAC have no issues in regards to either.

However as to the map of country, it should be noted that Tumut is Wyradjuri country and not Ngunawal country as stated a minor issue I know, also as to the information on language groups, as you may not be aware by now the Ngunawal language is recognized as

From: [Wally Bell](#)
To: [Ryan Desic](#)
Subject: Draft Hume Coal Project and Berrima Rail Project Reports - Comment
Date: Monday, 31 October 2016 10:15:15 PM
Attachments: [Hume Coal Project and Berrima Rail Project Reports - Comments - Oct"16.docx](#)

Hi Ryan,

Following on from the discussions at the Moss Vale meeting regarding the Draft Hume Coal Project and Berrima Rail Project Reports, I have made a statement regarding intangible cultural heritage and what it is to BNAC.

The reports are quite comprehensive and sets out adequate protection measures for the impacts that will occur across the project footprint.

Cheers,

Wally Bell



Traditional Custodian Group
www.buru-ngunawal.com



31 October 2016

EMGA Mitchell McLennan
PO Box 21
St Leonards NSW 1590

Attention: Ryan Desic

Draft Hume Coal Project and Berrima Rail Project Reports - Review/Comments

Thank you for providing a copy of the above reports for which a request was made for comment from Buru Ngunawal Aboriginal Corporation (BNAC) as the Traditional Custodian group.

Accordingly, BNAC wish to state that we consider all Aboriginal sites to be of significance to us as the Traditional Carers for this area. BNAC also consider all sites to be of value to us socially, culturally and spiritually.

It is a concern BNAC have with any Aboriginal Cultural Heritage Assessments that too much emphasis is placed on the scientific archaeological values. This in turn diminishes the cultural significance that we as Aboriginal people hold for both tangible and intangible objects/places within the natural cultural landscape.

The Australia ICOMOS Burra Charter 2013, defines cultural significance as follows:

"Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups." (ICOMOS 2013).

This definition should motivate all archaeologists to develop a better understanding of the Aboriginal culture they are assessing. A more sensitive and understanding approach may encourage more dialogue between archaeologists and the Aboriginal peoples whose culture is being scrutinised.

Archaeology is a way of revealing human history by studying the artefacts and other remains left behind by people in the past. Archaeology is a part of a development assessment process because it is a method used to identify Aboriginal objects that may not be known to living Aboriginal people. For example, archaeologists investigate old campsites which may have buried objects such as stone tools, animal bone remains and the remains of cooking fires. This method of archaeology can be used to date an old campsite or describe the activities (e.g. hunting) that took place there in the past. Archaeology has a role in telling the story of the Aboriginal history.

Place, memory, meaning: preserving intangible values in landscapes and sites is also of utmost importance.

Aboriginal intangible cultural heritage that is not generally legally protected includes Aboriginal cultural knowledge and practices (such as language and knowledge of food plants), cultural landscapes or broad areas with important cultural values (for example, story lines, travel routes, and areas connecting sites).

The intangible cultural heritage is transmitted from generation to generation, and is constantly recreated by communities and groups, in response to the environment, the interaction with nature, and our history. It provides people with a sense of identity and continuity, and promotes respect for cultural diversity and human creativity.

Intangible Cultural Heritage can be defined as the practices, representations, expressions, as well as the knowledge and skills (including instruments, objects, artefacts, cultural spaces), that communities, groups and, in some cases, individuals recognise as part of their cultural heritage. It is sometimes called living cultural heritage, and can be in the following domains:

- Oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- Performing arts;
- Social practices, rituals and festive events;
- Knowledge and practices concerning nature and the universe; and
- Traditional craftsmanship.

Knowledge and practices concerning nature and the universe include knowledge, knowhow, skills, practices and representations developed by communities by interacting with the natural environment. These ways of thinking about the universe are expressed through language, oral traditions, feelings of attachment towards a place, memories, spirituality and worldview. They also strongly influence values and beliefs and underlie many social practices and cultural traditions. They, in turn, are shaped by the natural environment and the community's wider world.

This domain includes numerous areas such as traditional ecological wisdom, indigenous knowledge, knowledge about local fauna and flora, traditional healing systems, rituals, beliefs, initiatory rites, cosmologies, social organisations, festivals, languages and visual arts.

Traditional knowledge and practices lie at the heart of a community's culture and identity but are not fully understood. Even though some aspects of traditional knowledge, such as medicinal uses of local plant species, may be of interest to scientists and corporations, many traditional practices are nevertheless disappearing resulting in the decline of traditional craftsmanship and herbal medicine as raw materials and plant species disappear.

Protecting the natural environment is often closely linked to a community's cosmology, as well as other examples which includes the instruments, objects, artefacts and cultural spaces associated with intangible cultural heritage.

BNAC has highlighted in previous correspondence that there appears to be an apparent lack of sensitivity for the Aboriginal person providing evidence of a spiritual place through a developed cultural connection that is on a level that makes it hard to explain to non-Aboriginal persons. Compassion and a willingness to understand a viewpoint that differs from the scientific being displayed may lead to an inclination to divulge relevant information. It must also be understood that under Aboriginal lore the imparting of some information is strictly forbidden and must be respected.

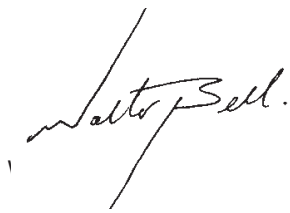
BNAC has reviewed both reports and have agreed with the proposed Management Recommendations made from a scientific archaeological viewpoint for the Aboriginal Cultural Heritage Assessment and the Management Measures to be utilised to protect and preserve sites and minimise impacts.

BNAC would suggest that if there are to be any changes made to the recommendations as proposed that may impact on any of the sites detailed as non or partial impact that we be consulted immediately.

Thank you for the opportunity to provide comment and we look forward to working with you collaboratively on this project.

If you have any queries, please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read "Lester Sell". The signature is written in a cursive style with a large initial 'L' and 'S'.

Director/Chair



Ryan Desic

From: Ryan Desic
Sent: Tuesday, 1 November 2016 8:57 AM
To: 'Wally Bell'
Subject: RE: Draft Hume Coal Project and Berrima Rail Project Reports - Comment

Hi Wally,

Thank you so much for taking the time to write the letter. It is very insightful and reiterates for me that at the core of intangible significance is respect for the environment in general. That is why I understand the Aboriginal community's sphere of interest also extends into other environmental issues. Therefore, with the help of Hume, we will try to demonstrate that avoiding environmental impacts (eg ecology, water etc) is also a key aim for the project.

I note that you mentioned previous correspondence the 'apparent lack of sensitivity for the Aboriginal person providing evidence of a spiritual place'. I can only assume that this relates to another project (correct me if I am wrong). Notwithstanding, it is a valid point for moving forward with similar circumstances in the future. I believe it is important to set up cultural protocols before this process is undertaken so that culturally-based misunderstandings are avoided and people's views are respected.

We are currently trying to figure out the best way for your information to be incorporated into the report. I will try my best to capture the spirit of your letter and not misrepresent your intentions in the main report, which may mean quoting certain sections of your letter, but of course it will be included in full in the consultation documentation.

Thank you again,

If you have any further questions please give me a call.

Yours sincerely,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

Ground Floor, Suite 01, 20 Chandos Street, St Leonards NSW 2065

PO Box 21, St Leonards NSW 1590



EMM
Ground Floor Suite 01,
20 Chandos Street,
ST. LEONARDS. N.S.W. 2065.



Dear Ryan,

RE; HUME COAL PROJECT.

Thank you for the opportunity of commenting on the above project. I would like to make several comments as follows;

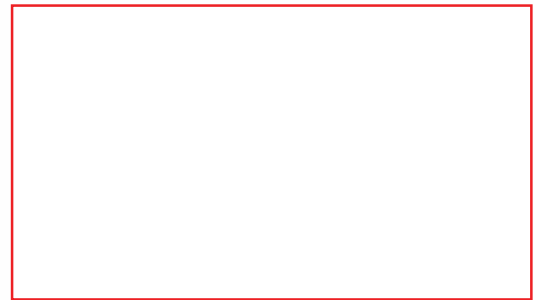
1. The 37 sites previously recorded by Therin, were they recorded because of this project or an other project? If they were all given a low scientific significance, because of the "disturbance", there must have been other sites recorded. Were RAP's given the opportunity to comment on their cultural significance?
2. Why do artefact scatters not get the same high significance as an art site? Is it because of the visual affect in some cases? An artefact scatter can contain beautiful artefacts and should be able to afford the same level of significance, based on visual affect.
3. Artefact scatters that have been "disturbed" hold just as high a cultural significance as an "undisturbed" artefact scatter.
4. I do not believe that the phrase "common type" should be used anymore. That is because those "common" sites are becoming less and less "common" with the massive developments that are taking place in the Sydney Basin, and fast moving outwards towards the Southern Highlands.
5. Rock shelters should not be excavated for this project, the predictions for subsidence damage according to this document are low.
6. The shelters recorded either with or without art should come under future Plan Of Management, which should include baseline recording of all, shelters and future monitoring, after mining. There has been a lot more work done on subsidence in the Southern coalfields, since Sefton (2000).
7. All excavated material should be wet sieved either on a 2.5mm or 3mm sieve. There is too much small material lost on a 5mm sieve. All you get is large artefacts, and not a true count of numbers.
8. It is not appropriate for Hume Coal, a Korean owned entity to have Care and Control of any artefacts at any time. I will not support this recommendation in any way. The artefacts should either be reburied of a competent Aboriginal organisation should seek Care and Control.
9. Any artefacts recovered belong to Aboriginal people and they should be the decision makes as to their whereabouts in the future.

Yours faithfully,

Glenda Chalker



EMM
Ground Floor Suite 01,
20 Chandos Street,
ST. LEONARDS. N.S.W. 2065



Dear Ryan,

RE: BERRIMA RAIL PROJECT

Thank you for the opportunity of commenting on the above project. I would like to make several comments that I do not agree with as follows;

1. Transects 10 and 11 were only tested on either side of the corridor. There was no testing on the corridor itself or on the other side. I believe that this section needs more testing to properly ascertain the potential of the area.
2. I do not believe that the value of any site is reduced because of widespread historic ploughing. Even your own documentation previously disputes that comment. To a scientist it may have reduced the scientific and research value, but does not reduce the cultural value or their place in the landscape.
3. Transects 7 and 8 you say revealed low artefact densities. I note in Figure 10.5 that there were as many as 10 possibly in some pits, while others had one or nil. However transect 6 had high numbers, less than 50 metres away. If the whole of this PAD, around the area of these transects is to be impacted then it should all be tested and or salvaged.
4. All salvaged material should be wet sieved either on a 2.5mm or 3mm sieve. There is too much small material lost on a 5mm sieve. All you will get is large artefacts, and not a true count of numbers.
5. It is not appropriate for Hume Coal, a Korean owned entity to have Care and Control of any artefacts at any time. I will not support this recommendation in any way. The artefacts should either be reburied or a competent Aboriginal organisation should seek their Care and Control.
6. Any artefacts recovered belong to Aboriginal people, and they should be the decision makers as to their whereabouts in the future.

Yours faithfully,

G. Chalker

Glenda Chalker





21 November 2016

Cubbitch Barta Native Title Claimants

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www.emmconsulting.com.au

Re: Response to RAP comments for Hume Coal Project and Berrima Rail Project

Dear Glenda,

Please find in Tables 1 and 2 the draft response to your draft ACHA review comments on behalf of Hume Coal. These comments and responses will be included in the final Hume Coal ACHA report and Berrima Rail project report.

Table 1 Hume Coal Project comments

Comment	Response
(1) "The 37 sites previously recorded by Therin, were they recorded because of this project or another project? If they were all given a low scientific significance, because of the "disturbance", there must have been other sites recorded. Were RAP's given the opportunity to comment on their cultural significance?"	Refer to Section 4.4 of the EMM ACHA report. These sites were recorded as part of an assessment for a proposal to sub-divide the Wongonbra property into rural-residential lots (Therin 2007, p.1). The 37 sites were the only sites identified as part of this assessment. Aboriginal consultation was undertaken with five organisations. The report was sent to these parties for review. The report did not identify any Aboriginal socio-cultural or historic values specific to the 37 sites recorded.
(2) Why do artefact scatters not get the same high significance as an art site? Is it because of the visual affect in some cases? An artefact scatter can contain beautiful artefacts and should be able to afford the same level of significance, based on visual affect.	As described in Section 9.3 of the EMM ACHA report, the criteria for scientific significance and educational value is based on research potential, rarity and representatives, integrity, the ability to address pertinent research themes and also educational potential. Theoretically artefact scatters may be of high scientific significance, depending on how it relates to the assessment criteria.
(3) Artefact scatters that have been "disturbed" hold just as high a cultural significance as an "undisturbed" artefact scatter.	It is acknowledged that the Aboriginal community consider Aboriginal objects as culturally significant items regardless of their scientific significance. The rationale behind attributing different levels of scientific significance to each site is this: if all sites are assigned as having high significance, then nothing stands out as deserving management priority. As such, the finite resources available for management are weighted towards sites of higher significance.
(4) I do not believe that the phrase "common type" should be used anymore. That is because those "common" sites are becoming less and less "common" with the massive developments that are taking place in the Sydney Basin, and fast moving outwards towards the Southern Highlands.	This term is used irrespectively of how many sites have been destroyed; it is used to identify how commonly the site type has been recorded locally or regionally. Notwithstanding, the cumulative impact of development must be assessed to determine whether such site types are becoming rarer with the increase in development. Section 10.8 addresses the cumulative impacts of the project.
(5) Rock shelters should not be excavated for this project; the predictions for subsidence damage according to this document are low.	No rock shelters are designated for excavation. A sample of the rock shelters will be monitored which is a nonintrusive method (refer to section 11.2.7).
(6) The shelters recorded either with or without art should come under future Plan Of Management, which should include baseline recording of all,	All rock shelters have been recorded to a baseline standard as described in Section 6.2.1. This has included site sketches (but not measured planning). The details of further monitoring and recording will be devised during the

Table 1 Hume Coal Project comments

Comment	Response
shelters and future monitoring, after mining. There has been a lot more work done on subsidence in the Southern coalfields, since Sefton (2000).	preparation of the ACHMP. This may include further research into the most appropriate monitoring method with regard to more recent subsidence monitoring studies. These matters will be decided in consultation with RAPs. It would be unfeasible to monitor all rock shelter sites, particularly because there are no predicted subsidence impacts on any surface features. As such, the impetus is to monitor a selection of the most significance and largest rock shelters above the underground mine area (refer to section 11.2.7).
(7) All excavated material should be wet sieved either on a 2.5 mm or 3 mm sieve. There is too much small material lost on a 5 mm sieve. All you get is large artefacts, and not a true count of numbers.	Section 11.2.5 previously stated that during salvage excavation, soil will be wet sieved through a 5 mm aperture mesh. A 3 mm sieve was used for a selection of test pits during the test excavation program but no discernible trend in artefact size was found when comparing the results to a pit sieved using 5 mm mesh. Notwithstanding, the section has been updated to include the provision for the use of smaller sieves in warranted situations which will be devised during the ACHMP.
(8) It is not appropriate for Hume Coal, a Korean owned entity to have Care and Control of any artefacts at any time. I will not support this recommendation in any way. The artefacts should either be reburied of a competent Aboriginal organisation should seek Care and Control.	During the review period, Yamanda Aboriginal Association requested for salvaged objects to be retained in the local Aboriginal community centre in Mittagong. This would involve applying for a care agreement with OEH to allow Yamanda to be a custodian of the recovered objects. This will be confirmed during the development of the ACHMP.
(9) Any artefacts recovered belong to Aboriginal people and they should be the decision makers as to their whereabouts in the future."	This statement is acknowledged. Yamanda have expressed their interest in being custodians of the recovered artefacts (refer to response to comment 8 above)

Table 2 Berrima Rail project comments

Comment	Response
"(1)[Test excavation] Transects 10 and 11 were only tested on either side of the corridor. There was no testing on the corridor itself or on the other side. I believe that this section needs more testing to properly ascertain the potential of the area.	The placement of Transects 10 and 11 was based on the design of the rail alignment at the time. The final design only varies slightly from the tested area. The current alignment represents a continuation of the tested landforms nearby. Therefore, the results are indicative of the archaeological potential in the current rail alignment which is predicted to be very low (average <5 artefacts per square metre). Only seven artefacts were retrieved from 21 test pits, 15 of which did not contain artefacts. As such, further testing or salvage is not considered warranted in this area, as salvage resources would be better allocated towards areas with moderate subsurface artefact densities (average 11–20 artefacts per square metre) such as those predicted at sites HC_176 and HC_177.
(2) I do not believe that the value of any site is reduced because of widespread historic ploughing. Even your own documentation previously disputes that comment. To a scientist it may have reduced the scientific and research value, but does not reduce the cultural value or their place in the landscape.	The Hume Coal Project ACHA report argues that widespread historic ploughing disturbs but does not necessarily remove all spatial context of open stone artefact sites since their deposition (refer Section 3.9 of the Hume Coal Project ACHA). Historic ploughing would inevitably reduce the scientific value of sites as it would move artefacts from their original depositional context. This would limit the potential for stratified sites and also affect the spatial patterning of sites. Notwithstanding the above, all surface stone artefact sites within the project disturbance footprint will be salvaged regardless of whether or not they have been ploughed. Furthermore, the sites identified for salvage excavation have also been subject to historic ploughing, but warrant salvage as they provide a good representative sample of stone

Table 2 **Berrima Rail project comments**

Comment	Response
	<p>artefacts, raw materials and implements used in the local area.</p> <p>It is acknowledged that the Aboriginal community consider Aboriginal objects as culturally significant items regardless of their scientific significance.</p>
<p>(3) [Test excavation] "Transects 7 and 8 you say revealed low artefact densities. I note in Figure 10.5 that there were as many as 10 possibly in some pits, while others had one or nil. However transect 6 had high numbers, less than 50 metres away. If the whole of this PAD, around the area of these transects is to be impacted then it should all be tested and or salvaged.</p>	<p>One test pit in transect 8 had above average artefact frequencies (pit 031E 003N had eight artefacts) and its adjacent pits had from two to three artefacts. This suggests that this area has slightly more potential than the surrounding tested areas, but comparatively low when compared to the other sites designated for salvage.</p> <p>The nearby transect 6 has moderate artefact densities which is attributed to its proximity to Oldbury Creek whereas transects 7 and 8 represent lower artefact frequencies associated with areas over 200 m from perennial streams. Transect 6 is designated for salvage as part of the Hume Coal Project mitigation measures.</p> <p>Subsequently, transect 6 will be salvaged but transect 7 and 8 are not considered to warrant further testing or salvage because of the expected low to very low artefact densities <i>in these areas</i>.</p>
<p>(4) All salvaged material should be wet sieved either on a 2.5mm or 3mm sieve. There is too much small material lost on a 5mm sieve. All you will get is large artefacts, and not a true count of numbers.</p>	<p>A 3 mm sieve was used for a selection of test pits during the test excavation program but no discernible trend in artefact size was found when comparing the results to a pit sieved using 5 mm mesh.</p> <p>Section 10.19.2 of the Hume Coal Project ACHA previously stated that during salvage excavation, soil will be wet sieved through a 5 mm aperture mesh. Notwithstanding, it has been updated to include the provision for the use of smaller sieves where warranted, which will be determined during the ACHMP.</p>
<p>(5) It is not appropriate for Hume Coal, a Korean owned entity to have Care and Control of any artefacts at any time. I will not support this recommendation in any way. The artefacts should either be reburied or a competent Aboriginal organisation should seek their Care and Control.</p>	<p>During the review period, Yamanda Aboriginal Association requested for salvaged objects to be retained in the local Aboriginal community centre in Mittagong. This would involve applying for a care agreement with OEH to allow Yamanda to be a custodian of the recovered objects. This will be confirmed during the development of the ACHMP.</p>
<p>(6) Any artefacts recovered belong to Aboriginal people, and they should be the decision makers as to their whereabouts in the future."</p>	<p>This statement is acknowledged. Yamanda have expressed their interest in being custodians of the recovered artefacts (refer to response to comment 8 above).</p>

Please do not hesitate to contact me if you have any further questions about the responses.

Yours sincerely,



Ryan Desic | Senior Archaeologist

T 02 9493 9500 | D 02 9493 9541 | M 0411 329 712 | F 02 9493 9599

Ryan Desic

From: NIAC []
Sent: Thursday, 13 October 2016 10:59 AM
To: Ryan Desic
Subject: RE: Draft Hume Coal Project and Berrima Rail Project Reports

Dear Ryan,

We have concerns that comments of registered Party's may not have been shared at the outset, thus giving the groups a perspective on things. As we have said, unless we put confidential and or without prejudice we are happy to share our comments. After all we all want the best outcome for Aboriginal Heritage and Culture, however cosmetic and negligible these concessions may be in comparison to rights of corporations to take what they want. Aboriginal owners and custodians of this stolen Country have had little to no say over stolen resources and trashing of their land. One gets the impression that this is being micromanaged and that in the end a sanitised in order to avoid more open and public sharing and discussion, both intra Group and extra Group. We in fact have been threatened with law suits if we talk to people. This has a tendency to shut down open and free speech - not very scientific, compassionate, caring or fair to disadvantaged Original Australians.

Also it is difficult for disadvantaged and impoverished communities to sit in front of a computer screen and read a pdf file. Old people can't actually turn the pages over and see properly. It is not our job to subsidise a corporation by getting our own printouts - there is a problem with ink - and there is a problem going all the way to Officeworks - if one happens to be close enough to get a printout. It is not our job to be Girl/Boy Fridays for the mining bosses.

To sum up please give us a printout and
much as we are.

allow free and open speech. This is not directed at Ryan Desic who is no doubt a slave of life as

Daniela Reverberi (volunteer NIAC technical officer)
Jenny and Phoebe Sajkovic - Elders

Ryan Desic

From: Ryan Desic
Sent: Friday, 14 October 2016 1:00 PM
To: 'NIAC'
Subject: Re: Draft Hume Coal Project and Berrima Rail Project Reports

Hi Daniela,

Thank you for your email and your time over the phone to discuss these matters in more detail. I have provided a response to the salient points but please let me know if you need anything else clarified.

1. *We have concerns that comments of registered Party's may not have been shared at the outset, thus giving the groups a perspective on things.*

Additional to your email, we discussed this matter over the phone on 14 October 2016. RAP comments provided to date are summarised in Chapter 2 of the draft Hume Coal ACHA and provided also provided in full in Appendix A of the same report. The information about the burial site you refer to has been issued previously to RAPs in early 2016 regarding the AHIP application for continued farming. This information was also issued as a separate letter on 29 August to all RAPs at your request.

The upcoming consultation meeting will also give RAPs the opportunity to share information, perspectives and recommendations in an open forum. Please note that it was never the intention to prevent the sharing of information between RAP groups, in fact it is encouraged. The confidentiality agreement does not prevent RAPs communicating between each other, so long as all parties are registered but this is left to the discretion of each RAP, as some value their privacy and prefer to use EMM/Hume Coal as the intermediary for sharing information.

You also raised concerns that the public would not be provided with this information. As a RAP, you are issued information before it will be made publicly available. This is because your party is involved in providing advice and knowledge that will influence the final decisions about the project. Notwithstanding, the ACHA will be publicly available after this stage. The following information summarises how the public can be involved:

As the project is State significant development (SSD), the EIS must be publicly exhibited for a minimum of 30 days (longer if the exhibition period overlaps with school holidays). This process comprises of Hume submitting the EIS electronically and in hard copy to the Department of Planning and Environment (DPE), which will:

- notify surrounding residents in writing (council is consulted on the notification area, which will vary depending on the scope of the proposal)
- place an advertisement in a State wide newspaper
- place electronic copies of the application and all supporting information on DPE's major projects website
- make hard copies of the application and all supporting information available at the relevant local council's office and DPE's main office (23-33 Bridge Street, Sydney 2000)

The public are able to make an online submission during the public exhibition period via the project's application page on the major projects website. The public can also send written submissions to DPE by post or email.

Hume has a community shop at the below address in Berrima, which the public can enter and discuss the project with Hume personnel.

Post Office Corner
Shop 3/30 Old Hume Highway
Berrima NSW 2577
Phone [02 4877 2481](tel:0248772481)

At this stage the EIS is likely to be publicly exhibited during the first quarter of 2017.

2. *We in fact have been threatened with law suits if we talk to people.*

Hume Coal have provided the following response to this concern:

A Confidentiality Agreement, also known as non-disclosure agreement, is simply a contract between two or more parties where the subject of the agreement is a promise that information conveyed will be maintained in secrecy. Therefore by signing the Confidentiality Agreement, you and all other parties are obligated to maintain concealment of the information provided.

The reason Hume Coal have requested that all Registered Aboriginal Parties (RAPs) sign a Confidentiality Agreement, is because the project development application is not currently in the public domain and therefore certain aspects of the project description may change between now and general public viewing. Therefore it is very important that all information provided to the RAPs is kept confidential and only intended for the RAPs only. All documents provided cannot be distributed to external (third) parties unless approved first by Hume Coal.

Once the final development application is released to the public by Hume Coal, all parties are free to discuss with anyone the information contained in the final version (but not the draft version that is being provided in advance).

Nobody is being threatened, Hume Coal is simply protecting information provided to the RAPs before it is officially made public. Hume Coal is concerned of confusion that will be caused if an outdated, draft version is out there with the final version.

Hume Coal is most thankful that the RAPs are able to share information with the project and review the projects assessment before any other group or stakeholder.

3. Also it is difficult for disadvantaged and impoverished communities to sit in front of a computer screen and read a pdf file. Old people can't actually turn the pages over and see properly. It is not our job to subsidise a corporation by getting our own printouts.... To sum up please give us a printout (PO Box 595, Moss Vale, 2577) and allow free and open speech.

We asked RAPs on 29 August 2016 (before the report was issued) if they would like printed versions. As such, I am happy to print these out and provide it to NIAC via express post. Please note that Hume Coal have no issue with RAPs discussing and sharing information as this is well within your rights and you all have been provided with the same information. However, please do not disseminate this information to third parties as discussed in point number 2.

Please do not hesitate to contact me if you have any other questions. We value your input and your diligence to make sure RAPs are kept informed about the project. Please let me know if you request for this email to be forwarded on to the other RAPs for the projects.

Regards,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

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Please note that EMGA Mitchell McLennan Pty Limited has changed its name to EMM Consulting Pty Limited (simply refer to us as EMM). Email and website addresses have been changed to reflect this. All other details including ABN, bank details etc remain unchanged.



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From: NIAC [_____]

Sent: Thursday, 13 October 2016 10:59 AM

To: Ryan Desic

Subject: RE: Draft Hume Coal Project and Berrima Rail Project Reports

Dear Ryan,

We have concerns that comments of registered Party's may not have been shared at the outset, thus giving the groups a perspective on things. As we have said, unless we put confidential and or without prejudice we are happy to share our comments. After all we all want the best outcome for Aboriginal Heritage and Culture, however cosmetic and negligible these concessions may be in comparison to rights of corporations to take what they want. Aboriginal owners and custodians of this stolen Country have had little to no say over stolen resources and trashing of their land. One gets the impression that this is being micromanaged and that in the end a sanitised in order to avoid more open and public sharing and discussion, both intra Group and extra Group. We in fact have been threatened with law suits if we talk to people. This has a tendency to shut down open and free speech - not very scientific, compassionate, caring or fair to disadvantaged Original Australians.

Also it is difficult for disadvantaged and impoverished communities to sit in front of a computer screen and read a pdf file. Old people can't actually turn the pages over and see properly. It is not our job to subsidise a corporation by getting our own printouts - there is a problem with ink - and there is a problem going all the way to Officeworks - if one happens to be close enough to get a printout. It is not our job to be Girl/Boy Fridays for the mining bosses.

To sum up please give us a printout (PO Box 595, Moss Vale, 2577) and allow free and open speech. This is not directed at Ryan Desic who is no doubt a slave of life as much as we are.

Daniela Reverberi (volunteer NIAC technical officer)
Jenny and Phoebe Sajkovic - Elders

S

Ryan Desic

From: NIAC
Sent: Monday, 24 October 2016 3:25 PM
To: Ryan Desic
Cc: m
Subject: RE: Hume Coal Project: Aboriginal consultation meeting: draft ACHA review and comment period

Hello Ryan,

We will not be attending due to illness and having to care for people. We will be happy for Glen Freeman to also represent NIAC.

Some comments:

- (1) It would be better for Hume Coal to pay for each individual group to get an independent assessment from an expert of their own choosing who is to report directly to them.
- (2) Not all our comments have been included in the draft report.
- (3) A big point is that given the proximity to a major massacre site it is likely the more burial sites (probably mass burials) are within the study area itself, thus whilst not commenting on the quality of the archaeology, (a) the quantity is not reflective of the deep significance of the area and more test pits are needed.
- (4) The aboriginal groups should have been given a say in the location of the test pits and any future test pits, to remedy the inadequate number of test pits so far, given the serious significance of the area.
- (5) No mining should be within 1km buffer of rivers and dams and also not within 1km of massacre sites, or significant sites, eg, the Oldbury Estate, Oldbury Road, Moss Vale, boundary.
- (6) We remind you that landscape and water are also Traditional Cultural Materials and these are not to be disadvantaged nor damaged by any mining.
- (7) It would be nice for Hume Coal to pay the groups for attending meetings, given that they have to get baby sitters, sitters for the frail and elderly, get time off work, etc.
- (8) The 7 am starting hours of the field surveys, etc, was unreasonable, given that it is not the fault of disadvantaged communities which have been driven from their lands and scattered at gun point. You did not consider the hardship suffered by groups.

Regards

Daniela Reverberi (NIAC volunteer technical officer)
Jenny and Phoebe Sajkovic (Elders)

From: Ryan Desic
Sent: Monday, 24 October 2016 9:49 AM
To: NIAC
Subject: RE: Hume Coal Project: Aboriginal consultation meeting: draft ACHA review and comment period

Hi Daniela,



11 November 2016

Ground Floor, Suite 01, 20 Chandos Street
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Re: Hume Coal Project and Berrima Rail Project. Draft ACHA response clarifications

Dear NIAC,

As discussed during the phone call on 27 October 2016, I have clarified some of the comments received and provided responses on behalf of Hume Coal. Please review the clarification column to make sure it is represents your comments. These comments and responses will be included in the Hume Coal Project ACHA report.

NIAC email of 24 October 2016.

Response to comment

EMM discussed these comments further on 26 and 27 October 2016 to clarify some of the points. Clarifications are provided in *Italics* beneath the original comment.

(1) It would be better for Hume Coal to pay for each individual group to get an independent assessment from an expert of their own choosing who is to report directly to them.

The comment relates to the Aboriginal community's connection to the entire environment and their desire to input into other environmental issues (such as ecology and hydrology), regardless of if no specific socio-cultural or historic information about these aspects has been disclosed about the project area.

As such, NIAC stated that an independent assessment would provide RAPs with more confidence that the assessments that support the EIS are correct.

NIAC verified that this comment is not related to the adequacy of the ACHA itself.

The main roles and responsibilities of RAPs under the consultation guidelines are to:

- provide cultural information to determine if there are Aboriginal objects or places of cultural value in the project area;
- have input into the proposed research, survey and test excavation methods with the aim of gathering information about cultural significance or respecting cultural protocols; and
- have input into developing appropriate ways to avoid or mitigate harm to Aboriginal objects.

It is acknowledged that broader environmental impacts are of concern to the Aboriginal community. It has been a primary aim for the project to minimise environmental impacts. RAPs or individuals will have the opportunity to review and make submissions about various technical studies (eg ecology and hydrology) during public exhibition of the EIS.

Hume Coal does not intend to engage other consultants to provide RAPs with independent assessments. Notwithstanding, other technical studies have been subject to peer reviews where considered necessary.

(2) Not all our comments have been included in the draft report.

NIAC clarified that this may relate to some historical extracts provided in an email.

These extracts have been included in Appendix A.

(3) A big point is that given the proximity to a major massacre site it is likely the more burial sites (probably mass burials) are within the study area itself, thus whilst not commenting on the quality of the archaeology, (a) the

As explained in section 11.2.5, the salvage excavation will involve further testing and open area excavation. The aim of this will not be to further characterise the archaeology, but rather to identify and target areas with higher artefact

quantity is not reflective of the deep significance of the area and more test pits are needed.

NIAC clarified that this statement does not request for further testing to identify burial sites.

NIAC clarified that they are satisfied that their request for more test pits will be addressed post-project approval in line with the salvage measures proposed in this report.

(4) The aboriginal groups should have been given a say in the location of the test pits and any future test pits, to remedy the inadequate number of test pits so far, given the serious significance of the area.

NIAC clarified that this comment related to during the test excavation program where an Aboriginal site officer requested for a specific area to be tested.

densities for salvage.

EMM wish to clarify that such areas were not tested because they were outside of the project disturbance footprint and additional impacts from the test pits were not warranted.

As addressed in the response to comment (3) above, further testing and salvage will be implemented post-project approval. The details of the salvage measures will be refined in the Aboriginal cultural heritage management plan (ACHMP). RAPs will be given the opportunity for input into the decisions for test pit locations at the sites identified for salvage excavation as set out in section 11.2.5.

(5) No mining should be within 1 km buffer of rivers and dams and also not within 1 km of massacre sites, or significant sites, eg the Oldbury Estate, Oldbury Road, Moss Vale, boundary.

No direct surface impacts will occur within approximately 2.5 km of the suggested burial site. Furthermore, no subsidence impacts are predicted to any surface features within or outside the underground mining area.

The underground mining area cannot be placed outside 1 km of the features listed by NIAC. The impact on other environmental features (such as ground water) is addressed in the EIS and separate technical reports. The community will have the opportunity to review and respond to other issues during public exhibition of the EIS.

(6) We remind you that landscape and water are also Traditional Cultural Materials and these are not to be disadvantaged nor damaged by any mining.

It has been a primary aim for the project to minimise environmental impacts.

The community will have the opportunity to review and respond to other environmental issues during public exhibition of the EIS.

Also, refer to comment (1) and (5).

(7) It would be nice for Hume Coal to pay the groups for attending meetings, given that they have to get baby sitters, sitters for the frail and elderly, get time off work, etc.

It was felt necessary to separate consultation from paid fieldwork opportunities as guided by section 3.4 of the consultation guidelines. Notwithstanding, RAPs were offered reimbursement for travel costs to attend the meetings.

(8) The 7 am starting hours of the field surveys, etc, was unreasonable, given that it is not the fault of disadvantaged communities which have been driven from their lands and scattered at gun point. You did not consider the hardship suffered by groups.

The fieldwork times were not raised as an issue during fieldwork. However, the start time of any future fieldwork will be discussed with RAPs to set out a suitable time.



Ryan Desic | Senior Archaeologist

T 02 9493 9500 | D 02 9493 9541 | M 0411 329 712 | F 02 9493 9599

Ryan Desic

From: NIAC [jillert@sctelco.net.au]
Sent: Thursday, 1 December 2016 6:37 AM
To: Ryan Desic
Subject: RE: Draft response/clarification to comments

Without prejudice.

Hi Ryan,

You did not state a deadline. We do not wish to be verballed, as is the case with any such discussions, the outcome is invariably not a reflection of what is thought and felt. We deny permission to Hume Coal to publish any comment from us whatsoever that has been "clarified" or paraphrased by any other person whatsoever. We will write our own clarification. EG, point (1) We NEVER mentioned the word "ACHA", how did this creep in (rhetorical question - no reply required)? With point (1) the fact is that the "contract" for participation was not negotiated. It was clearly either our way or else leave. With point (7) we did say NIAC itself did not require payment for meeting attendance. It appears that Hume Coal wishes to portray itself in a favourable light but it will not do so at our expense.

Regards
NIAC

From: Ryan Desic [mailto:rdesic@emmconsulting.com.au]
Sent: Tuesday, 15 November 2016 3:20 PM
To: jillert@sctelco.net.au
Subject: Draft response/clarification to comments

Hi Daniela,

Please find attached the draft response to your comments. As discussed, I hope the clarification of you comments is correct. Please advise if this is not the case.

Regards,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | D 02 9493 9541 | M 0411 329 712 | F 02 9493 9599

Ground Floor, Suite 01, 20 Chandos Street, St Leonards NSW 2065

PO Box 21, St Leonards NSW 1590



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<p>NIAC's original comments in email 24 October 2016 in black. Clarifications by NIAC are in blue and clarifications with archaeologist are green, italic.</p> <p><u>10 February 2017</u></p>	<p>EMM's comments / response</p>
<p>(1) <u>Original comment</u>: It would be better for Hume Coal to pay for each individual group to get an independent assessment [given the complexity of things] from an expert of their own choosing who is to report directly to them.</p> <p><u>Clarification</u>: This could be rephrased as: It would be helpful if Hume Coal could pay a independent third party expert, chosen by the groups themselves, to assess Hume Coal's reports relating to the environmental aspects, such as engineering, hydrology, environmental impacts, etc; or at least to get an independent third party opinion. The environment, water, water table, flora, fauna, landscape, etc, are Traditional Cultural Materials and important to Traditional Custodians. Note we do not have a problem with the archaeologists. It is likely that the botanists have done a good job identifying and categorising the flora and the ecologists, zoologists have no doubt suggested that all animals such as wombats, reptiles, kangaroos, etc, not be bulldozed and buried alive but relocated to a safe suitable location by expert handlers - we strongly suggest this. We need to be careful about geological, engineering, hydrological modelling, predicting the probability of mining impacts on water, water table, or landscape, etc, which are Traditional Cultural Materials; in general, the science is not good enough to predict impacts of mining with certainty. It can be safely stated that the probability of impact by mining on water, water table, landscape, and environment is not zero.</p> <p>We strongly suggest that a <u>suitable trust fund be set aside for future rehabilitation</u> and that this start immediately if mining proceeds and should be contingent for approvals being granted and continuing. Contributions should be made fortnightly or monthly. The amount needs to be assessed by independent experts and RAPs and the broader community must be involved in</p>	<p>The main roles and responsibilities of RAPs under the consultation guidelines are to:</p> <ul style="list-style-type: none"> • provide cultural information to determine if there are Aboriginal objects or places of cultural value in the project area; • have input into the proposed research, survey and test excavation methods with the aim of gathering information about cultural significance or respecting cultural protocols; and • have input into developing appropriate ways to avoid or mitigate harm to Aboriginal objects. <p>It is acknowledged that broader environmental impacts are of concern to the Aboriginal community. It has been a primary aim for the project to minimise environmental impacts. RAPs or individuals will have the opportunity to review and make submissions about various technical studies (eg ecology and hydrology) during public exhibition of the EIS. Hume Coal does not intend to engage other consultants to provide RAPs with independent assessments. Notwithstanding, other technical studies have been subject to peer reviews where considered necessary.</p>

<p>selection of these relevant experts and trustees. The trust fund is not to be spent for anything other than rehabilitation. This may have been discussed at meetings not attended by NIAC.</p> <p>In addition it needs noting that the contract for participation in the survey was not negotiated between the parties. Note, we do not disagree with things like health, safety, and common sense matters.</p>	
<p>(2) <u>Original comment</u>: Not all our comments have been included in the draft report.</p> <p><u>Clarification</u>: We are happy with what has been included, most importantly, information about the massacre and burial of Traditional Owners at Gin Gen Bullen. We must not detract from this.</p>	<p>These extracts have been included in AppendixA.</p>
<p>(3) <u>Original comment</u>: A big point is that given the proximity to a major massacre site it is likely the more burial sites (probably mass burials) are within the study area itself, thus whilst not commenting on the quality of the archaeology, (a) the quantity is not reflective of the deep significance of the area and more test pits are needed.</p> <p><u>Clarification with archaeologist</u>: <i>NIAC clarified that this statement does not request for further testing to identify burial sites. NIAC clarified that they are satisfied that their request for more test pits will be addressed post-project approval in line with the salvage measures proposed in this report.</i></p>	<p>As explained in section 11.2.5, the salvage excavation will involve further testing and open area excavation. The aim of this will not be to further characterise the archaeology, but rather to identify and target areas with higher artefact densities for salvage.</p>
<p>(4) <u>Original comment</u>: The aboriginal groups should have been given a say in the location of the test pits and any future test pits, to remedy the inadequate number of test pits so far, given the serious significance of the area.</p> <p><u>Clarification with archaeologist</u>: <i>NIAC clarified that this comment related to during the test excavation program where an Aboriginal site officer requested for a specific area to be tested.</i></p>	<p>EMM wish to clarify that such areas were not tested because they were outside of the project disturbance footprint and additional impacts from the test pits were not warranted.</p> <p>As addressed in the response to comment (3) above, further testing and salvage will be implemented post-project approval. The details of the salvage measures will be refined in the Aboriginal cultural heritage management plan (ACHMP). RAPs will be given the opportunity for input into the decisions for test pit locations at the sites identified for salvage excavation as set out in section 11.2.5.</p>

<p>(5) <u>Original comment:</u> No mining should be within 1 km buffer of rivers and dams and also not within 1 km of massacre sites, or significant sites, eg the Oldbury Estate, Oldbury Road, Moss Vale, boundary.</p> <p><u>Additional comment:</u> There must be no coal seam gas fracturing conducted. The damaging impacts of this would be catastrophic and completely unacceptable. We may not have stated this clearly enough previously.</p>	<p>No direct surface impacts will occur within approximately 2.5 km of the suggested burial site. Furthermore, no subsidence impacts are predicted to any surface features within or outside the underground mining area. The underground mining area cannot be placed outside 1 km of the features listed by NIAC. The impact on other environmental features (such as ground water) is addressed in the EIS and separate technical reports. The community will have the opportunity to review and respond to other issues during public exhibition of the EIS.</p>
<p>(6) <u>Original comment:</u> We remind you that landscape and water are also Traditional Cultural Materials and these are not to be disadvantaged nor damaged by any mining.</p> <p><u>Clarification:</u> Note that this has been expanded on in point (1), also additional comment in point (5).</p>	<p>It has been a primary aim for the project to minimise environmental impacts. The community will have the opportunity to review and respond to other environmental issues during public exhibition of the EIS. Also, refer to comment (1) and (5).</p>
<p>(7) can be deleted and addressed by point (8).</p>	
<p>(8) <u>Original comment:</u> The 7 am starting hours of the field surveys, etc, was unreasonable, given that it is not the fault of disadvantaged communities which have been driven from their lands and scattered [to other places] at gun point. You did not consider the hardship suffered by groups.</p> <p><u>Clarification:</u> In winter we need to rise in darkness to arrive at 7am. We suggest that it may be easier for some to start / finish one hour later; anyway it is only a suggestion.</p>	<p>The fieldwork times were not raised as an issue during fieldwork. However, the start time of any future fieldwork will be discussed with RAPS to set out a suitable time.</p>

Yamanda Aboriginal Association.

Re EMM Hume Coal Consultation.

- Annty Val would like to see Hume Coal contribute to the establishment of a Permanent Keeping Place / Educational Facility at the Aboriginal Community Cultural Centre in Mittagong. We would like the artefacts which need to be stored/ removed to be stored in the Centre not at the Hume Site.
- Annty Val & Yamanda Association would ask that Hume Coal support an Archaeological Survey in the Wingecarribee to establish a baseline in partnership with OEH & ^{WSP} Councils as has been put in place in the Hunter Valley.
- That hills with an area view should not be disturbed without a full archaeological survey. as remains are likely of Ancestors.
- That Hume Coal provide a scholarship through the Ted Kennedy Fund for a local Aboriginal person to undertake a Degree in Aboriginal Archaeological Studies at University. & Field Workers
- That Environmental Restoration work be carried out by Aboriginal Organisations
- That access to the Aboriginal shelters and

Rock Art Sites be made available to RAPS and Traditional Owners ~~as~~ for Educational purposes and a Plan of Management for these sites be established with TO's and Native Title Holders under the ILUA Gundungurra and funds be allocated to this PoM.

Ryan Desic

From:
Sent: Wednesday, 9 November 2016 9:49 AM
To: Ryan Desic
Subject: Re: Statment of cultural significance

Hi Ryan

For the Statement of Significance

The Gundungurra Aboriginal people are the traditional custodians of the land on which the proposed mine is Sited . The significant number and value of Aboriginal sites and Artefacts found ,demonstrate clearly the longstanding occupation and connection of the Gundungurra people to this Country . Aboriginal people respected and cared for these Sites, managing land and water resources sustainably for thousands of years and conducting their lives and ceremony ,in harmony with the environment.

Aunty Val Mulcahy

Sent from my iPhone



23 November 2016

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Re: Response to RAP comments for Hume Coal Project and Berrima Rail Project

Dear Yamanda Aboriginal Association,

Please find in Table 1 the draft response to your draft ACHA review comments on behalf of Hume Coal. These comments and responses will be included in the final Hume Coal ACHA report.

Table 1 Yamanda Aboriginal Association

Comment	Response
<p>Yamanda 's letter stated the following:</p> <p>(1) Aunty Val would like to see Hume Coal contribute to the establishment of a permanent Keeping Place/Educational Facility at the Aboriginal community cultural centre in Mittagong. We would like the artefacts which need to be stored/removed to be stored in the centre not at the Hume Site.</p>	<p>The request is acknowledged. Section 11.2.8 has been updated to reflect that Yamanda has nominated to be the custodians of the recovered artefacts which will be confirmed during the development of the ACHMP. This will involve applying for a care agreement with OEH.</p> <p>The details of the facility for the recovered objects will be determined during the development of the ACHMP.</p>
<p>(2) Aunty Val and Yamanda Association would ask that Hume Coal support an archaeological survey in the Wingecarribee to establish a baseline in partnership with OEH and Wingecarribee Shire Council as has been put in place in the Hunter Valley.</p>	<p>Hume Coal will use the information gathered during the preparation of this ACHA and the information gathered from the salvage measures outlined in Chapter 11 to prepare a salvage report. RAPs will have input as to what research questions the results will aim to address, which could include addressing baseline questions about the region. The archaeological investigation, including the existing results, will arguably be the largest in the local area.</p> <p>As such, Hume Coal are committed to increasing the baseline knowledge of the region, but will only use the information gathered in the project area from the assessment and salvage measures.</p> <p>Hume Coal will disseminate the information gathered to OEH and Wingecarribee Shire Council to inform any future studies in the region.</p>
<p>(3) Hills with an area view should not be disturbed without a full archaeological survey as remains are likley of ancestors.</p>	<p>Comment acknowledged. Yamanda verified during a subsequent meeting (31 October 2016) that the landscape feature/hill of concern was not inside the surface disturbance footprint. Furthermore, the hills in the project disturbance footprint have been surveyed and no features suggesting a burial have been identified.</p>
<p>(4) That Hume Coal provide a scholarship through the Ted Kennedy Fund for a local Aboriginal person to undertake a degree in Aboriginal studies at University and field workers.</p>	<p>Hume Coal currently have a charitable foundation. Each year the Foundation provides around \$400,000 in funding, in two funding rounds, closing on 30th July and 1st November. The funding focus is on education, Indigenous programs and not-for-profit pre-school child care.</p> <p>Hume Coal ask Yamanda to apply for any scholarship through</p>

Table 1 Yamanda Aboriginal Association

Comment	Response
	<p>this avenue.</p> <p>Additionally, Hume Coal will engage suitable RAP fieldworkers to assist with salvage measures, in line with fieldwork already completed for the ACHA.</p>
(5) That environmental restoration work be carried out by Aboriginal organisations.	Hume Coal will explore opportunities to engage members of the Aboriginal community with relevant knowledge during rehabilitation activities for the project.
(6) That access to the Aboriginal shelters and rock art sites be made available to RAPs and Traditional Owners for educational purposes and a plan of management for these sites be established with traditional owners and native title holders under the Indigenous Land Use Agreement Gundungurra and funds be allocated to this plan of management. "	<p>These sites are all within Belanglo State Forest which is owned by the Forestry Corporation of NSW (state-owned). Access to the rock shelters would mean that person(s) wanting to access these sites would need to follow the requirements for entering a state forest.</p> <p>Hume Coal are not authorised to grant access to the Belanglo State Forest., this must be done directly with Forestry Corporation of NSW, but could help facilitate access or provide information upon request.</p> <p>In reference to the requested plan of management:</p> <p>Sixteen of the most significant sites above the underground mine area (in the Belanglo State Forest) will be subject to monitoring as part of the ACHMP. The details of further monitoring and recording will be devised during the preparation of the ACHMP. This may include further research into the most appropriate monitoring method with regard to more recent subsidence monitoring studies. These matters will be decided in consultation with RAPs.</p>

Please do not hesitate to contact me if you have any further questions about the responses.

Yours sincerely,



Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

Ryan Desic

From: m
Sent: Wednesday, 16 November 2016 6:51 PM
To: Ryan Desic
Subject: Re: Statment of cultural significance

Hi Ryan

Thanks very much I have read the comments and will distribute to Aunty Val and Yamanda. I have no need for further clarification

Thanks very much

Regards Jo Albany

Sent from my iPhone

On 15 Nov 2016, at 15:54, Ryan Desic <[wrote](#):>

Hi Jo,

Please find attached the draft responses to your comments regarding the draft ACHA.

These will be included in the final report. Please contact me if you would like any further clarification on the responses.

Regards,

Ryan Desic | Senior Archaeologist

T 02 9493 9500 | **D** 02 9493 9541 | **M** 0411 329 712 | **F** 02 9493 9599

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PO Box 21, St Leonards NSW 1590

<image001.png>

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Appendix B

AHIMS search results

Note: This Excel report shows the sites found in AHIMS on the 01/12/2015. If this date is not the same as the original date of the Search Results letter obtained during the Basic Search, then the search results might be different. The PDF version of this report will always coincide with the Basic Search Results letter.

Site ID	Site name	Datum	Zone	Easting	Northing	Context	Site status	Primary contact	Site features	Site types	Recorders	Reports	Permits	Longitude GDA94	Latitude GDA94
52-4-0097	Compartment 157;	AGD	56	247800	6175700	Closed sit	Valid		Art (Pigment or Engrave)	Shelter with Art	G Clatworthy			150.25	-34.53
52-4-0098	International House;	AGD	56	246800	6174800	Open site	Valid		Grinding Groove :-	Axe Grinding Groove	Forests NSW-Northern Region (Grifton)			150.24	-34.54
52-4-0098	Kiby's Meadows;Exete	AGD	56	255076	6167701	Open site	Valid		Modified Tree (Carved c	Burials, Carved Tree	NPWS - Blackheath Office,R Etheridge,A D Badgery			150.33	-34.60
52-4-0030	HCA 1&B	AGD	56	248178	6169577	Open site	Valid		Grinding Groove :-	Axe Grinding Groove	Rex Silcox	498		150.26	-34.56
52-4-0031	Bob's Creek	AGD	56	247781	6171124	Open site	Valid		Grinding Groove :-	Axe Grinding Groove	Rex Silcox	498		150.25	-34.57
52-4-0032	Belanglo	AGD	56	251791	6176510	Open site	Valid		Artefact :-	Open Camp Site	ASRSYS	498		150.30	-34.52
52-4-0033	HCA 2 Sutton Forest	AGD	56	248178	6169577	Open site	Valid		Modified Tree (Carved c	Scarred Tree	Rex Silcox	498		150.26	-34.58
52-4-0048	HR#3,Long Swam/AGD	AGD	56	241900	6165710	Open site	Valid		Artefact :-	Open Camp Site	Elizabeth Rich			150.19	-34.62
52-4-0049	Lot 5#1,Lot 5/Hanging	AGD	56	241970	6163880	Open site	Valid		Artefact :-	Open Camp Site	Elizabeth Rich			150.19	-34.63
52-4-0058	B3 (Berriema)	AGD	56	254100	6178700	Open site	Valid		Artefact :-	Open Camp Site	Margrit Koettig	376		150.32	-34.50
52-5-0193	Exeter Quarry	AGD	56	255380	6166243	Open site	Valid		Artefact :-	Open Camp Site	ASRSYS	818,98334		150.33	-34.61
52-2-1301	WR 3;	AGD	56	254770	6160780	Open site	Valid		Artefact :-	Open Camp Site	Elizabeth Rich,Laura-Ja 1428			150.33	-34.48
52-2-1302	WR 4;	AGD	56	254600	6180890	Closed sit	Valid		Artefact :-	Shelter with Deposit	Elizabeth Rich,Laura-Ja 1428			150.33	-34.48
52-2-1303	WR 5;	AGD	56	254320	6180930	Closed sit	Valid		Artefact :-	Shelter with Deposit	Elizabeth Rich,Laura-Ja 1428			150.33	-34.48
52-2-1304	WR 6;	AGD	56	254130	6181040	Open site	Valid		Artefact :-	Open Camp Site	Elizabeth Rich,Laura-Ja 1428			150.32	-34.48
52-2-1305	WR 7;	AGD	56	254200	6181630	Open site	Valid		Artefact :-	Open Camp Site	Elizabeth Rich,Laura-Ja 1428			150.32	-34.48
52-2-1306	WR 8;	AGD	56	254600	6181000	Open site	Valid		Modified Tree (Carved c	Scarred Tree	Elizabeth Rich,Laura-Ja 1428			150.33	-34.48
52-2-1307	WR 9;	AGD	56	254870	6180850	Open site	Valid		Artefact :-	Open Camp Site	Elizabeth Rich,Laura-Ja 1428			150.33	-34.48
52-2-1309	WR PAD;	AGD	56	255430	6180130	Closed sit	Valid		Artefact :-	Shelter with Deposit	Elizabeth Rich,Laura-Ja 1428			150.34	-34.48
52-1-0033	Medway 1	AGD	56	246852	6181078	Open site	Valid		Artefact :-	Open Camp Site	Mr.R Taplin	150.24		150.24	-34.48
52-1-0050	Berriema, HCA07	AGD	56	253250	6181110	Open site	Valid		Artefact :-	Open Camp Site	Margrit Koettig	498		150.31	-34.48
52-4-0189	M/EN Site 5	GDA	56	255736	6176238	Open site	Valid	Searle	Artefact :-	Open Camp Site	Total Earth Care Pty Ltd			150.34	-34.53
52-4-0190	M/EN Site 4	GDA	56	256991	6176600	Open site	Valid	Searle	Artefact :-	Open Camp Site	Total Earth Care Pty Ltd			150.34	-34.52
52-2-1215	B 2;	AGD	56	254730	6179500	Open site	Valid		Artefact :-	Open Camp Site	Margrit Koettig	1220		150.33	-34.50
52-2-1216	B 1;	AGD	56	255440	6180240	Open site	Valid		Artefact :-	Open Camp Site	Margrit Koettig	1220		150.34	-34.49
52-1-0034	Medway 2	AGD	56	248678	6181297	Closed sit	Valid		Artefact :-	Shelter with Deposit	Mr.R Taplin	98368		150.26	-34.48
52-4-0224	Bungilore Grinding	GDA	56	243874	6177894	Open site	Valid		Grinding Groove :-	7	Mr.John Willoughby			150.21	-34.51
52-4-0324	Comfort Hill Grooves	GDA	56	247616	6171529	Open site	Valid		Grinding Groove :-	7	Rod Wellington			150.25	-34.57
52-4-0329	HSP19	GDA	56	254948	6169393	Open site	Valid		Artefact :-	1	Navin Officer Heritage Consultants Pty Ltd,Doctor,Rebecca Parkes			150.33	-34.59
52-4-0325	Comfort Hill MT	GDA	56	247986	6171332	Open site	Valid		Modified Tree (Carved or	Scarred) :-	Rod Wellington			150.25	-34.57
52-4-0314	HSP 31	GDA	56	245475	6166340	Open site	Destroyed		Artefact :-	1	Navin Officer Heritage Consultants Pty Ltd			150.22	-34.61
52-4-0316	SFQ AS2	GDA	56	243037	6166253	Open site	Valid		Artefact :-	1	Artefact Heritage Services,Mr.Josh Symons			150.20	-34.61
52-4-0317	SFQ AS3	GDA	56	243344	6166261	Open site	Valid		Artefact :-	1	Artefact Heritage Services			150.20	-34.61
52-4-0318	SFQ AS4	GDA	56	243940	6166179	Open site	Valid		Artefact :-	1	Artefact Heritage Services,Mr.Josh Symons			150.21	-34.61
52-4-0319	SFQ AS5	GDA	56	244032	6166246	Open site	Valid		Artefact :-	1	Artefact Heritage Services,Mr.Josh Symons			150.21	-34.61
52-4-0320	SFQ AS6	GDA	56	244052	6166352	Open site	Valid		Artefact :-	1	Artefact Heritage Services,Mr.Josh Symons			150.21	-34.61
52-4-0321	SFQ AS7	GDA	56	244047	6166669	Open site	Valid		Artefact :-	1	Artefact Heritage Services,Mr.Josh Symons			150.21	-34.61
52-4-0322	SFQ AS8	GDA	56	244294	6166779	Open site	Valid		Artefact :-	1	Artefact Heritage Services,Mr.Josh Symons			150.21	-34.61
52-4-0323	SFQ SH1	GDA	56	242443	6166498	Open site	Valid		Artefact :-	1	Artefact Heritage Services,Mr.Josh Symons			150.19	-34.61
52-4-0286	HSP35	GDA	56	249904	6168486	Open site	Partially Destroyed		Potential Archaeological	Deposit (PAD) :-	1, Arnel Navin Officer-Heritage Consultants Pty Ltd,Navin Officer Heritage Consu			150.27	-34.60
52-4-0287	HSP36	GDA	56	251295	6168817	Open site	Partially Destroyed		Artefact :-	1, Potential Archaeological	Deposit (P Navin Officer Heritage Consultants Pty Ltd			150.29	-34.59
52-4-0290	SFQ AS1	GDA	56	243132	6166146	Open site	Valid		Artefact :-	1	Artefact Heritage Services			150.20	-34.61
52-1-0053	Berriema, HCA10	AGD	56	255650	6162650	Open site	Valid		Grinding Groove :-	Axe Grinding Groove	Margrit Koettig	498		150.34	-34.47
52-1-0048	Berriema, HCA05	AGD	56	252960	6179980	Open site	Valid		Grinding Groove :-	Axe Grinding Groove	Margrit Koettig	498		150.31	-34.49
52-1-0049	Berriema, HCA06	AGD	56	253190	6180460	Open site	Valid		Artefact :-	Open Camp Site	Margrit Koettig	498		150.31	-34.49
52-1-0051	Berriema, HCA08	AGD	56	255360	6181360	Open site	Valid		Modified Tree (Carved c	Scarred Tree	Margrit Koettig	498		150.32	-34.48
52-1-0052	Berriema, HCA09	AGD	56	255280	6182630	Open site	Valid		Artefact :-	Open Camp Site	Margrit Koettig	498		150.34	-34.47
52-4-0136	Sutton Forest Grooves	AGD	56	249921	6189007	Open site	Valid	Searle	Grinding Groove :-	3	Mr.Wayne Williams			150.27	-34.59

Note: This Excel report shows the sites found in AHIMS on the 01/12/2015. If this date is not the same as the original date of the Search Results letter obtained during the Basic Search, then the search results might be different. The PDF version of this report will always coincide with the Basic Search Results letter.

Site ID	Site name	Datum	Zone	Easting	Northing	Context	Site status	Primary contact	Site features	Site types	Recorders	Reports	Permits	Longitude GDA94	Latitude GDA94
52-4-0074	WR 10;	AGD	56	260720	6178200	Open site Valid	Valid		Artefact :-	Open Camp Site	Elizabeth Rich,Laura-Ja 1428			150.39	-34.51
52-4-0099	Site 1;Sutherland Park; AGD	AGD	56	264100	6177700	Open site Valid	Valid		Artefact :-	Open Camp Site	Doctor.Tim Stone			150.43	-34.51
52-4-0057	Throsby Park;	AGD	56	261430	6173080	Open site Valid	Valid		Artefact :-	Open Camp Site	Laura-Jane Smith			150.40	-34.55
52-4-0109	Site 1;Sutherland Park; AGD	AGD	56	264100	6177700	Open site Valid	Valid		Artefact :-	Open Camp Site	Doctor.Tim Stone			150.35	-34.51
52-1-1300	WR 2;	AGD	56	256320	6179590	Open site Valid	Valid		Artefact :-	Open Camp Site	Elizabeth Rich,Laura-Ja 1428			150.35	-34.49
52-2-1308	WR 11;	AGD	56	256370	6179420	Open site Valid	Valid		Artefact :-	Open Camp Site	Elizabeth Rich,Laura-Ja 1428			150.38	-34.50
52-4-0193	Chelsea Gardens LocalGDA	AGD	56	259735	6171659	Open site Valid	Valid	Searle	Artefact : 8		Doctor.Rebecca Parkes			150.37	-34.57
52-4-0194	Chelsea Gardens LocalGDA	AGD	56	259070	6171860	Open site Valid	Valid	Searle	Artefact : 11		Doctor.Rebecca Parkes			150.37	-34.57
52-4-0171	M/SW A03	GDA	56	257552	6172443	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.36	-34.56
52-4-0172	M/SW A02	GDA	56	257452	6172480	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.36	-34.56
52-4-0173	M/SW A01	GDA	56	257742	6172648	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.36	-34.56
52-4-0174	M/SW 1	GDA	56	257686	6172345	Open site Valid	Valid	T Russell	Artefact :-		Total Earth Care Pty Ltd			150.36	-34.56
52-4-0175	M/En Site 1	GDA	56	256469	6178366	Open site Valid	Valid	Searle	Artefact :- Grinding Groove :-		Total Earth Care Pty Ltd			150.35	-34.51
52-4-0176	M/En Art 58	GDA	56	259622	6177233	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.38	-34.52
52-4-0177	M/En Art 57	GDA	56	259619	6177232	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.38	-34.52
52-4-0178	M/En Art 16	GDA	56	256298	6176275	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.34	-34.53
52-4-0179	M/En Art 42	GDA	56	256388	6175784	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.37	-34.53
52-4-0180	M/En Art 43	GDA	56	258416	6176086	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.37	-34.53
52-4-0181	M/En Art 41	GDA	56	258379	6175782	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.37	-34.53
52-4-0182	M/En Art 34	GDA	56	256495	6176650	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.35	-34.52
52-4-0183	M/En Art 15	GDA	56	256624	6177078	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.35	-34.52
52-4-0184	M/En Art 14	GDA	56	256208	6176043	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.34	-34.53
52-4-0185	M/En Art 13	GDA	56	256353	6170449	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.34	-34.56
52-4-0186	M/En Art 12	GDA	56	256151	6177414	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.34	-34.52
52-4-0187	M/En Site 7	GDA	56	259399	6176087	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.38	-34.53
52-4-0188	M/En Site 6	GDA	56	256797	6174871	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.35	-34.54
52-4-0191	M/En Site 3	GDA	56	256413	6176860	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.35	-34.52
52-4-0192	M/En Site 2	GDA	56	256280	6177715	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.35	-34.51
52-4-0169	M/SW A18	GDA	56	257957	6172256	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.36	-34.56
52-4-0170	M/SW A04	GDA	56	257566	6172410	Open site Valid	Valid	Searle	Artefact :-		Total Earth Care Pty Ltd			150.36	-34.56
52-4-0196	Stoney Creek1	AGD	56	256635	6178392	Open site Valid	Valid	Searle	Grinding Groove : 3		Mr.Graham Moore			150.35	-34.51
52-4-0197	Stoney Creek2	AGD	56	256488	6178407	Open site Valid	Valid	Searle	Grinding Groove :-		Mr.Graham Moore			150.35	-34.51
52-4-0386	BR-JF1;	GDA	56	256825	6175904	Open site Valid	Valid	Searle	Artefact :-		Mr.Lance Syme			150.37	-34.53
52-4-0387	BR-JF2;	GDA	56	258633	6175948	Open site Valid	Valid	Searle	Artefact :-		Mr.Lance Syme	498		150.37	-34.53
52-1-0054	Mount Misery_HCA11	AGD	56	256000	6182000	Open site Valid	Valid		Artefact :-	Open Camp Site	Maigrig Koettig			150.34	-34.47
52-1-0166	Centennial Park	AGD	56	262480	6182400	Open site Valid	Valid		Artefact :-	Open Camp Site	Doctor.Julie Dibden			150.42	-34.47
52-4-0122	Throsby Park	AGD	56	260500	6173520	Open site Valid	Valid		Artefact :-		Heritage Archaeology	102977		150.39	-34.55
52-1-0302	Little Minnows Grinding GDA	AGD	56	258964	6179830	Open site Valid	Valid		Grinding Groove :-		Mr.Brad Davies			150.37	-34.49
52-1-0329	DOLSH 1	GDA	56	262813	6182396	Open site Valid	Valid		Artefact :-		Ms.Clare Anderson			150.42	-34.47
52-1-0330	DOLSH 2	GDA	56	262759	6182316	Open site Valid	Valid		Modified Tree (Carved or Scarred) :-		Ms.Clare Anderson			150.42	-34.47
52-1-0331	DOLSH PAD1	GDA	56	262757	6182234	Open site Valid	Valid		Potential Archaeological Deposit (PAD) :-		Ms.Clare Anderson			150.42	-34.47

Appendix C

Site significance details

Site scientific significance summary								
Site name	Research potential	Rarity and representativeness	Integrity	Research themes	Educational value	Overall significance	Significance type	Significance rating
HC_137	Low: Subsurface site is a sparse assemblage of common debitage. Broader area was tested through test pit Transect 8. Further excavation would be unfruitful.	Low: The site comprises common material and artefact types.	Low: The site is moderately disturbed from clearing and ploughing.	Low: The site does not contribute to issues of chronology or tool manufacture.	Low: The site is sparse and its contents are not easily identifiable.	Low: Subsurface deposit is sparse on a typical landform in a moderately disturbed context.	Low: sparse subsurface deposit; moderately disturbed	Low
HC_138	Low: Grinding groove site in drainage depression has minimal opportunity to investigated further.	Moderate: Grinding grooves site are rare in the project area but expected because of the underlying geology.	Moderate: Grooves are easily distinguishable but there are a number cracks in the sandstone exposure.	Low: The site does not contribute to issues of chronology or tool manufacture.	Moderate: Easily identifiable example of a small grinding groove site.	Moderate: A reasonable example of a rarer site type.	Moderate: rare site type; few grooves on small outcrop	Moderate
HC_139	Low: Subsurface site is a sparse assemblage of common debitage. Broader area was tested through test pit Transect 7. Further excavation would be unfruitful.	Low: The site comprises common material and artefact types.	Low: The site is moderately disturbed from clearing and ploughing.	Low: The site does not contribute to issues of chronology or tool manufacture.	Low: The site is sparse and its contents are not easily identifiable.	Low: Subsurface deposit is sparse on a typical landform in a moderately disturbed context.	Low: sparse subsurface deposit; moderately disturbed	Low
HC_140	Low: Area of PAD was re-evaluated based on nearby test excavations. Near 1st order stream and unlikely to contain deposit	Undetermined	Undetermined	Undetermined	Undetermined	Low: Site is unlikely to contain subsurface deposits based on nearby excavations.	Low: unlikely to be PAD	Low
HC_145	Low: The site is an isolated artefact of common material and type	Low: The site comprises common material and artefact types.	Low: The site is moderately disturbed from clearing and ploughing.	Low: The site does not contribute to issues of chronology or tool manufacture.	Moderate: The site contains a tool, possible educational value for demonstrating manufacture techniques.	Low: The site is a single artefact in a moderately disturbed context.	Low: common type; sparse assemblage; moderately disturbed.	Low
HC_146	Low: Area of PAD was re-evaluated based on nearby test excavations. Near 1st order stream and unlikely to contain deposit	Undetermined	Low: The site is moderately disturbed from clearing and ploughing.	Undetermined	Undetermined	Low: Site is unlikely to contain subsurface deposits based on nearby excavations.	Low: unlikely to be PAD	Low
HC_147	Low: Subsurface site is a sparse assemblage of common debitage. Further excavation would be unfruitful. Area was tested through transect 10.	Low: The site comprises common material and artefact types.	Low: The site is moderately disturbed from clearing and ploughing.	Low: The site does not contribute to issues of chronology or tool manufacture.	Low: The site is sparse and its contents are not easily identifiable.	Low: Subsurface deposit is sparse on a typical landform in a moderately disturbed context.	Low: sparse subsurface deposit; moderately disturbed	Low
HC_148	Low: Subsurface site is a sparse assemblage of common debitage. Further excavation would be unfruitful. Area was tested through transect 10	Low: The site comprises common material and artefact types.	Low: The site is moderately disturbed from clearing and ploughing.	Low: The site does not contribute to issues of chronology or tool manufacture.	Low: The site is sparse and its contents are not easily identifiable.	Low: Subsurface deposit is sparse on a typical landform in a moderately disturbed context.	Low: sparse subsurface deposit; moderately disturbed	Low
HC_158	Low: Site is unlikely to be a scarred tree	Low: Site is unlikely to be a scarred tree	Low: Site is unlikely to be a scarred tree	Low: Site is unlikely to be a scarred tree	Low: Site is unlikely to be a scarred tree	Low: Likely to be a natural damage scar	Low: probable branch tear	Low
HC_176	Moderate: The site is of a common type with a moderate frequency of artefacts. Nearby testing (Transect 9 and 12) revealed moderate to high frequency subsurface artefact deposits.	Moderate: Associated deposit is has relatively high artefact frequencies for the local area.	Low: The site is moderately disturbed from clearing and ploughing.	Moderate: Associated deposit has an assemblage that could further characterise the archaeology of the area.	Low: The site is primarily significant for its subsurface contents.	Higher moderate: Subsurface deposit is high for the local area and represents a good sample of the local archaeology.	Higher moderate: extensive subsurface deposit; moderately disturbed.	Higher moderate
HC_177	Moderate: Area of PAD is likely to be a similar to the subsurface of subsurface site confirmed for HC_176. Nearby testing (Transect 9 and 12) revealed moderate to high frequency subsurface artefact deposits.	Undetermined	Low: Site is in a moderately disturbed cleared and ploughed paddock.	Undetermined	Undetermined	Higher moderate: Subsurface deposit is likely to be similar to HC_176	Higher moderate: similar to HC_176	Higher moderate

Appendix D

Key correspondence with OEH

Hi Rose,

As discussed I have prepared a letter summarising the archaeological investigation for the Hume Coal Project. I have also attached the proposed test excavation method (which has been issued to registered Aboriginal parties) for your review and comment. We have allowed an month review period for the RAPs which commenced on 27 August 2015. We anticipate to undertake the excavation some time in October.

Please do not hesitate to contact me on my details provided below.

Regards,
Ryan Desic
Senior Archaeologist

Sydney, Newcastle and Brisbane.



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3 September 2015

Rose O'Sullivan
Office of Environment and Heritage
Illawarra Office
via email

Re: Hume Coal Project Aboriginal cultural heritage assessment update to OEH

Dear Rose,

1 Introduction

As discussed over the phone on 1 September 2015, I have prepared a letter which provides an overview of the results of the archaeological investigation for the Hume Coal Project (the project) to date. This information is intended to provide OEH with context for the archaeological investigation and to supplement the proposed test excavation method that has been attached to this letter for your comment and feedback. This letter should also be read in conjunction with the SEARs application supporting document if general information on the assessment approach and an overview of Aboriginal consultation is desired. I would also welcome any feedback on our survey method outlined in this letter.

2 Archaeological background

2.1 Summary from previous investigations

From the results of the AHIMS register and previous archaeological investigations, the following trends in Aboriginal site type and location have been noted:

- artefact scatters and isolated finds have most commonly been identified within close proximity to watercourses including:
 - creek and river banks;
 - alluvial floodplains and terraces;
 - low elevated areas near the confluence of watercourses;
 - low ridge crests, saddles and spurs and to a lesser extent, hill slopes;
- clusters of stone artefact scatters representing campsites along both minor and major tributaries and selectively spaced campsites occur along major rivers;
- rock shelters and grinding grooves have been recorded in areas of sandstone geology adjacent to watercourses;
- most sites contained low densities of artefacts, commonly being less than 10 artefacts;

- quartz and silcrete were the most common raw materials used for artefact manufacture. Chert, quartzite and indurated mudstone have been commonly found but made up smaller proportions of assemblages;
- bipolar reduction was commonly used to reduce quartz and to a lesser extent silcrete and chert;
- backed blades have been found but in low densities;
- modified trees commonly occur adjacent to watercourses, however there may be a bias in this sample because areas adjoining water courses have not been previously cleared of mature trees; and
- burial sites are rare but may occur in conjunction with carved trees.

Note: the AHIMS register identified only two sites in the project area: one grinding groove site and one rock shelter with art.

2.2 Predictive model of site location

Based on the landscape factors, AHIMS search and previous archaeological investigations the following predictions can be made about Aboriginal sites in this area:

- due to the sandstone geology in parts of the project area, rock shelters and art sites are likely to be present in areas of cliffs and escarpment, particularly adjacent to watercourses which have acted to erode and expose the sandstone bedrock;
- art sites and grinding grooves may be present along large expanses of sandstone, typically in proximity to watercourses;
- stone artefacts may be present as part of open camp sites or as individual items;
- stone artefact sites are most likely to occur within 200 m of watercourses on well-drained, elevated landforms;
- stone artefact sites may also occur on ridges, saddles and hill crests more than 200 m from watercourses;
- Stone artefacts may occur as subsurface deposits on well-drained elevated landforms regardless of the presence of surface artefacts; and
- scarred trees are rare, but may be present where mature native trees remain in the study area.

Some of the project area has been disturbed by agricultural practices and clearing of natural vegetation. Thus artefacts discovered here are likely to be in disturbed contexts. Other portions of the project area including ridgelines, creeks and forested areas have remained undisturbed by European activities. Artefacts discovered in these contexts are likely to be in undisturbed contexts and therefore likely to have higher archaeological integrity. Aboriginal objects identified on the ground surface may indicate the presence of subsurface archaeological deposits depending on landform type and level of post-depositional ground disturbance.

3 Archaeological survey

3.1 Overview

EMM archaeologists accompanied by project registered Aboriginal parties (RAPs) have surveyed the

the project area and its surrounds in three stages so far (Stage 1 to Stage 3) between May 2014 and February 2015. Stages 1 and 2 sampled the underground mining areas and Stages 3 sampled the surface infrastructure areas. EMM propose to undertake another stage of the survey in the surface infrastructure area to complete the survey effort.

3.2 Survey strategy

3.2.1 Rationale

The survey strategy has been designed to address the different types of potential project impacts resulting from surface infrastructure and underground mining areas. Therefore, the project area has been divided into two survey investigation areas:

- *The surface investigation area* – which considered the whole surface infrastructure area in which the primary impacts will occur from ground disturbance related to the construction of surface infrastructure.
- *The underground investigation area* – which considered the whole underground mining area in which the primary impacts will potentially occur from underground mining related subsidence (however, at this stage, mine subsidence is not anticipated to occur).

1.1.1 Surface investigation area

Survey of the surface investigation area targeted the proposed disturbance footprint in its various layouts during the assessment period. The survey concentrated on land near watercourses considered to have high archaeological sensitivity, but because the survey generally followed the disturbance footprint, areas away from land which might be otherwise considered of low sensitivity was also covered.

Survey of the surface investigation area targeted all Aboriginal site types as they theoretically have the potential to be directly impacted. This included inspection for obtrusive sites types (eg rock shelters) and sites identified through ground surface visibility (eg stone artefact scatters).

1.1.2 Underground investigation area

Survey of the underground investigation area targeted all land where outcropping sandstone was predicted to occur. This aimed to identify obtrusive site types, particularly those that are potentially susceptible to subsidence impacts, ie rock shelters, grinding groove sites and rock pools.

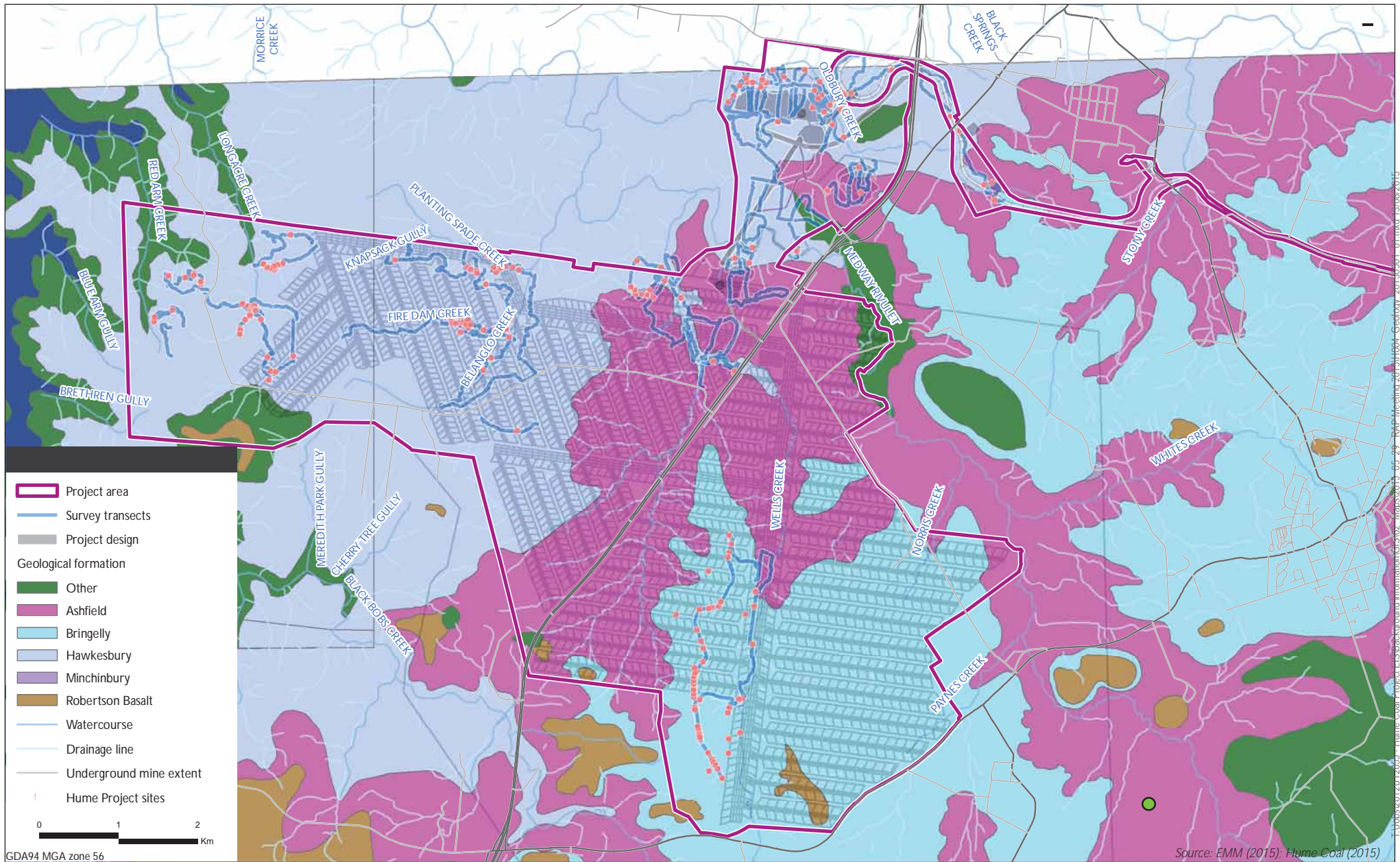
To target the obtrusive site types in the underground survey area, topographic, soil landscapes and geological maps were reviewed against maps demarcating:

- The underlying geology – where areas predicted to feature obtrusive sites were firstly narrowed to areas of Hawkesbury Sandstone; and
- Soil landscapes – where the areas above Hawkesbury Sandstone were further refined according to the soil landscape types which feature outcropping sandstone bedrock (DECCW 2008). These were the Hawkesbury (rock outcrop over 50%) and Nattai Tables (rock outcrop 10–20%) soil landscapes, and to a much lesser extent, the Soapy Flat Soil Landscape (less than 2%).
- Contours – where areas of high local relief were likely to indicate areas of scarp and cliff landforms where rock shelters and grinding grooves may be exposed on outcropping sandstone.

This information narrowed the area predicted to feature obtrusive site types to the western side of the Hume Highway in the Belanglo State Forest and to the west, primarily on scarp landforms and outcropping sandstone bedrock associated with watercourses.

The figures below show the underlying geology and soil landscapes of the project area. The area in green on the soil landscapes figure shows areas likely to have outcropping sandstone. The figure also shows the areas surveyed and sites identified during survey.

Survey has been completed for the underground investigation area as all areas of predicted to contain outcropping sandstone have been surveyed. No other areas of rock outcrop have been identified in the underground investigation area.





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Soil landscapes indicating extent of rock outcrop
Hume Coal Aboriginal Cultural Heritage Assessment

4 Preliminary results

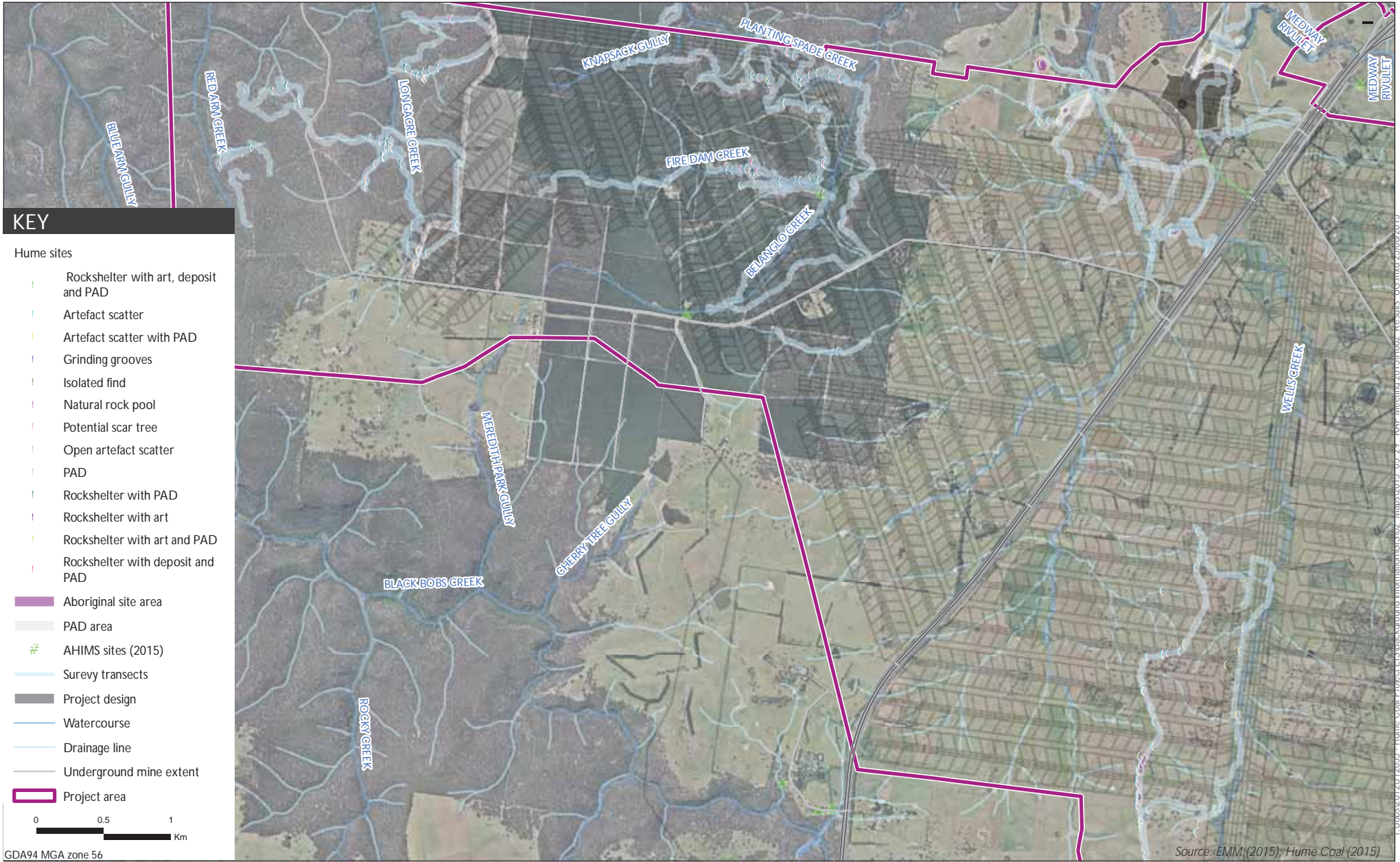
Table 1 summarises the Aboriginal sites identified during the survey area to date. Of note:

- rock shelter site types have only been identified in the underground mining area;
- only stone artefact sites and two grinding groove sites have been identified in the surface infrastructure area; and
- a number of potential archaeological deposits (PADs) have been identified in the surface infrastructure area where grass coverage hindered ground surface visibility.

Table 1 Survey results to date

Site type	Count
Rock shelter with PAD	55
Artefact scatter	33
Isolated find	16
Artefact scatter with PAD	16
PAD	10
Rock shelter with deposit and PAD	10
Potential scar tree	8
Isolated find with PAD	2
Grinding grooves	3
Rock shelter with art and PAD	1
Isolated find (axe head)	1
Rock shelter with art, deposit and PAD	1
Grinding grooves with artefact scatter and PAD	1
Rock shelter with art	1
Open artefact scatter	1
Total	159

The figures below show the survey tracks and Aboriginal sites identified by EMM.





5 Closing

I hope this overview provides some context for your consideration of the proposed test excavation method. I welcome your feedback and comments. Please do not hesitate to contact me on my details listed below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ryan Desic', with a long horizontal flourish extending to the right.

Ryan Desic
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Ryan Desic

From: Rose O'Sullivan
Sent: Tuesday, 15 September 2015 5:04 PM
To: Ryan Desic
Subject: RE: Hume Coal Project Aboriginal Cultural Heritage Assessment: Archaeological background and proposed test excavation method

Hi Ryan

Thanks again for sending through the methodology for the test excavations and apologies for the delay in getting back to you with my comments.

I have the following comments:

- Typo on page 3 – 'one 20cm spit' needs clarification, but I am pleased that you will be excavating and documenting culturally sterile levels
- I know that deep soils are unexpected, but do you have a contingency plan if archaeological deposits extend below 80cm depth?
- I suggest having the capacity to conduct wet sieving if required. Some of the clay soils are likely to be very difficult to dry sieve with any degree of reliability
- The methodology should include submitting AHIMS site cards for new sites (including reburial locations for excavated material) and updating site cards for any previously recorded sites. I note that the AHIMS register currently does not seem to include all the sites shown on your maps
- I suggest that one of your aims should be to identify areas that warrant conservation and where the project design footprint can be modified to avoid sites, or to conduct salvage excavations as mitigation where warranted
- Have you considered older water course alignments in your predictive modelling and when surveying?
- Is there capacity for you to do additional testing in areas that may be identified during the survey work you are still to carry out? (as mentioned in your letter to me, page 3)
- Have you considered whether you have capacity to also test 'non-PADs'? This can be useful in large area projects because it allows you to test your predictive model and improve the reliability of your results
- Have you considered how subsidence may affect subsurface archaeological deposits? Through vertical movement and compaction? I have seen subsided areas at underground mines where the level of soil movement would have a big impact on any archaeological deposits. This may be something to consider in your long-term monitoring across the mine area
- I also recommend addressing any comments you get from the Registered Aboriginal Parties to the methodology, although I'm sure you already intend doing so.

I hope these comments are useful for you. Please feel free to contact me if you would like to discuss further.

Regards

Rose

17 September 2015

Rose O'Sullivan
Office of Environment and Heritage
Illawarra Office
via email

Re: Hume Coal Project Aboriginal Cultural Heritage Assessment: Archaeological background and proposed test excavation method

Dear Rose,

Attached is our response to your email dated 15 September 2015 with regard to the Hume Coal Project (the project) Aboriginal cultural heritage assessment (ACHA). It specifically concerns the draft test excavation method that was issued to you on 4 September 2015.

I would like to thank you for taking the time to respond to the method. You have identified some points that would benefit from further clarity which are addressed in Table 1 below with our responses.

Additionally, as discussed on the telephone on 16 September 2015, there have been requests by registered Aboriginal parties (RAPs) to increase the number of test pits and their distance across the landscape. The only way to achieve this in our current scope will be to reduce the size of the test pits to 50 cm by 50 cm and place them at 10 metres intervals over a greater distance. I believe that this method will also fulfil our aims to characterise the archaeological landscape and answer the research questions.

The test excavation method letter will be amended with the changes and redistributed to RAPs once the review period has ended.

Table 1 Response to OEH

Comment (OEH)	Response (EMM)
<i>Typo on page 3 – 'one 20cm spit' needs clarification, but I am pleased that you will be excavating to and documenting culturally sterile levels.</i>	This means that if artefacts are identified in one spit, then excavation must continue at least one spit deeper (unless clay is reached). If no artefacts are identified in this spit, then excavation does not need to continue.
<i>I know that deep soils are unexpected, but do you have a contingency plan if archaeological deposits extend below 80cm depth?</i>	Hume do not currently have permission from Council to excavate soil past 80 cm. To my understanding, to dig past 80 cm would require a development application approval which would cause extensive delays and further costs to the project. If artefact bearing deposits continued past 80 cm it would be documented and incorporated into the management recommendations to be completed post-approval. This could be addressed by additional testing or salvage excavation.
<i>I suggest having the capacity to conduct wet sieving if required. Some of the clay soils are likely to be very difficult to dry sieve with any degree of reliability</i>	Soil landscape information indicates that we will predominantly encounter Yellow and Red Podzolic soils and Yellow, Red and Brown Earths. Podzolic soils are generally sand textured to depth and are coarse to medium textured which also may have gravelly A2 horizons. The Red, Yellow and Brown earths are predominantly

	<p>sandy-textured soils. As shown, the sandy make-up of most of these soils is typically easy to sieve.</p> <p>However, we acknowledge your concern. Land-use disturbance may create mixed soils that can distribute and compact basal clay into the A soil horizon. In this instance, wet-sieving would make the process easier and more reliable. It has been a specific request from one Registered Aboriginal Party (RAP) to use the wet-sieving method. We will hold further discussions about our capacity for wet-sieving.</p>
<p><i>The methodology should include submitting AHIMS site cards for new sites (including reburial locations for excavated material) and updating site cards for any previously recorded sites. I note that the AHIMS register currently does not seem to include all the sites shown on your maps</i></p>	<p>The AHIMS records are currently in draft and will be submitted to AHIMS shortly. Accordingly, Aboriginal site impact record forms will be completed for any AHIMS site impacted by the test excavation.</p>
<p><i>I suggest that one of your aims should be to identify areas that warrant conservation and where the project design footprint can be modified to avoid sites, or to conduct salvage excavations as mitigation where warranted</i></p>	<p>This is an ongoing aim for the project to minimise impacts to Aboriginal objects. The surface infrastructure footprint has been reduced and relocated a number of times to avoid Aboriginal sites as a result of ongoing survey results. This will be documented in the Aboriginal cultural heritage assessment (ACHA) report.</p> <p>The results of the test excavation will play a large part in identify areas to be avoided or where salvage excavation would be warranted. This will be incorporated into the management recommendations of the ACHA.</p>
<p><i>Have you considered older water course alignments in your predictive modelling and when surveying?</i></p>	<p>Landscape analysis has not indicated that older stream channel alignments would have deviated significantly from those existing today. Stream channel development of the project area is erosional which is typical for a landform pattern of hills and rises.</p> <p>Stream channel migration most resembles a 'fixed' migration system where drainage is restricted by hills and the eroded sandstone bedrock.</p> <p>This information will be presented in the landscape context section of the ACHA.</p>
<p><i>Is there capacity for you to do additional testing in areas that may be identified during the survey work you are still to carry out? (as mentioned in your letter to me, page 3.</i></p>	<p>Yes, we have included testing in areas inspected by archaeologists which have yet to undergo detailed survey with RAP participation. Any areas not previously identified will be incorporated into the test excavation if warranted.</p>
<p><i>Have you considered whether you have capacity to also test 'non-PADs'? This can be useful in large area projects because it allows you to test your predictive model and improve the reliability of your results</i></p>	<p>Some of the test transects are placed in areas that could be considered 'non-PAD'. For example Transects 13 and 14 are outside known site areas and the area of sensitivity (beyond 200 m of a watercourse) but have been included to determine if the project will impact subsurface archaeological deposit. Overall, the excavation aims to test all the impacted landform types to further build on the predictive model. This will be explained in more detail in the ACHA.</p>
<p><i>Have you considered how subsidence may affect subsurface archaeological deposits? Through vertical movement and compaction? I have seen subsided areas at underground mines where the level of soil movement would have a big impact on any archaeological deposits. This may be something to consider in your long-term monitoring across the mine area.</i></p>	<p>The mining method is not predicted to result in subsidence impacts, but we are waiting to the subsidence specialist report to inform our impact assessment.</p>
<p><i>I also recommend addressing any comments you get from the Registered Aboriginal Parties to the methodology, although I'm sure you already intend doing so.</i></p>	<p>We are currently in the review period for the test excavation method. We intend on reissuing the method with any updated outcomes based on RAP consultation and consultation with you.</p>

I hope that this letter addresses your comments and questions. I welcome any further discussion you may wish to have about the project.

Yours sincerely
Ryan Desic

A handwritten signature in black ink, appearing to read 'Ryan Desic', with a stylized flourish at the end.

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Ryan Desic

From: Ryan Desic
Sent: Thursday, 15 October 2015 3:22 PM
To: 'Rose O'Sullivan'
Cc: Luke Edminson; Pamela Kottaras; Jarred Kramer
Subject: Hume Coal Project: Revised Test Excavation Method
Attachments: J12055_Test_excavation_method_revision_V04.pdf

Dear Rose,

Attached is the revised test excavation method for the Hume Coal Project. The letter summarises the outcomes of consultation regarding the test excavation method which is proposed for the 19 October to 4 November 2015. Please do not hesitate to contact me if you have any further questions about the test excavation program or any matters regarding the Aboriginal cultural heritage assessment being prepared.

We would also like to extend an invitation for you to make a site visit during the test excavation program if you wish to familiarise yourself with the project in more detail. If so, I would happily make arrangements for you to attend – just contact me on my details provided below.

Regards,
Ryan Desic
Senior Archaeologist

Sydney, Newcastle and Brisbane.



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