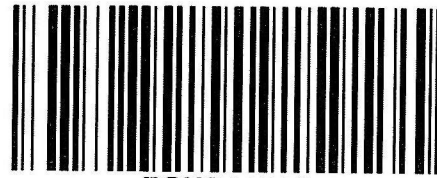


Cobbora Coal Project

Preferred Project Report



PCU041848

Application Number 10-0001

Location The proposed mining areas are located approximately 17 kilometres south-west of Dunedoo and 28 kilometres north-west of Gulgong.

Proponent Cobbora Holding Company Pty Limited.

Council Areas Warrumbungle, Mid Western and Wellington.

Description of the Preferred Project Report

Following consideration of the submissions received, Cobbora Holding Company Pty Limited has reviewed and amended its proposal for the Cobbora Coal Project. The proposed changes include:

- revised tailings management, including the operation of two out-of-pit tailings emplacements and six smaller in-pit emplacements;
- relocating the proposed raw water dam, mine water dams and sections of the water supply pipeline;
- increasing the footprint of out-of-pit waste rock emplacements by approximately 18 ha;
- realigning the proposed rail spur;
- reducing the size of the main infrastructure area and relocating it approximately 70 m to the north;
- revising road detours, including the Spring Ridge Road and Dapper Road diversion and realignment of the Castlereagh Highway; and
- modifying the footprint of the proposed accommodation village.

The company has lodged a Preferred Project Report (PPR) which considers the potential impacts of these changes.

Approval Authority

Minister for Planning and Infrastructure under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Controlled Action under EPBC Act

The Commonwealth Department of Sustainability, Environment, Water, Populations and Communities has declared the proposal to be a "controlled action" under sections 18, 18A, 20 and 20A of Part 3, Division 1 of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). This means the project also requires the approval of the Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities. The Commonwealth has accredited the NSW assessment process for the project. Consequently, the relevant EPBC matters will be assessed under the NSW assessment process.

Exhibition

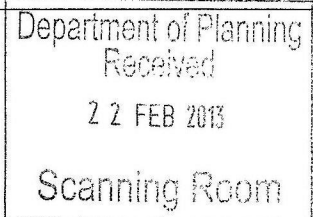
The PPR and Response to Submissions (RTS) for the project will be made publicly available until **Friday 8 March 2013**. During this period you may:

- view a copy of the PPR and RTS at:
 - Department of Planning & Infrastructure (the Department), Information Centre, 23-33 Bridge Street, Sydney;
 - Dunedoo Library, 42 Bolaro St, Dunedoo;
 - Warrumbungle Shire Council – Coonabarabran office, 20-22 John St, Coonabarabran;
 - Mid Western Regional Council – Mudgee office, 86 Market St, Mudgee;
 - Mid Western Regional Council – Gulgong office, 109 Herbert St, Gulgong;
 - Wellington Council, Corner of Nanima Cr & Warne St, Wellington;
 - Dubbo City Council, Civic Administration Building, Church St, Dubbo; and
 - Nature Conservation Council, Level 2, 5 Wilson Street, Newtown; or
- download a copy of the PPR and RTS from the Department's website at www.planning.nsw.gov.au (go to Development/ On Exhibition/).

Submissions

You are invited to make a written submission on the PPR. This submission should include:

- your name and address;
- the project application number (10-0001)
- a statement on whether you support or object to the project; and
- the reasons why you support or object to the project.



Persons lodging submissions are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years. For more details, including a disclosure form, go to www.planning.nsw.gov.au/donations

Your submission must reach the Department by **Friday 8 March 2013**, and can be:

- made on-line at: www.planning.nsw.gov.au
- emailed to: plan_comment@planning.nsw.gov.au
- faxed to: 9228 6466; or
- posted to: Major Development Assessment, Department of Planning and Infrastructure, GPO Box 39, SYDNEY NSW 2001.

Under section 75H of the *Environmental Planning and Assessment Act 1979*, the Director-General is required to provide copies of submissions received during the exhibition period, or a report of the issues raised in those submissions, to the Proponent and other interested public authorities. It is Departmental policy to also place a copy of your submission on the Department's website. If you do not want your name to be made available to the Proponent, these authorities, or on the Department's website, please clearly state this in your submission.

Enquiries

Stephen O'Donoghue: 0477 345 626

Murong Gialinga Aboriginal and Torres Strait Islander Corporation

C/O PO Box 1097

Mudgee NSW 2850

Ph: 02 63720859

Email: muronggialinga@hotmail.com

16/2/13

NSW Planning and Infrastructure

GPO Box 39

Sydney NSW 2000

Project application Number(10-0001)

Summary

We are writing this submission as we are concerned about the impact of the Cobbora mine project on Aboriginal cultural heritage. The mine site is rich in Aboriginal culture heritage and contains many important objects both on the surface and below the surface. We are concerned that the assessment undertaken has not considered sufficiently the impacts of the project on Aboriginal cultural heritage, because not enough time has been spent surveying the site for significant sites.

As per our letter from 9th April 2012, we maintain that all Aboriginal artifacts in the Cobbora Coal Project area should be collected and be placed in a keeping place on country all Aboriginal stakeholders to have equal say on this, the artefacts be returned to country when the mine life finishes we would like this in written form from Cobbora. A commitment from Cobbora to have a storage facility on site to keep objects in is not enough.

We understand that this project is to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act) as a transitional Part 3A project under Schedule 6A of the EP & A Act.

Public interest and intergenerational equity

We understand that the minister is making a decision under Section 75J of the EP&A Act to give approval to carry out the project must consider the public interest. (Minister for Planning v Walker 2008} NSWCA 224 at {41}. We also understand that the public interest includes the concept of Ecologically Sustainable Development (ESD)

ESD includes the principle of the inter-generational equality. It is important for us to ensure that future generations can enjoy their cultural heritage (see Anderson Ballina Shire Council {2006} NSWLEC76)

All the sites at Cobbora are Significant for our future generations for learning reasons and knowledge to be passed on so our culture is never lost. In the EA notes it states there are 15 highly significant sites in the area to be disturbed out of 229 sites found, All sites are important to our people now plus for the future generation if these sites are impacted on the loss of these artifacts means less culture to pass on it doesn't matter if the artifact is a core or a flake it was still used by our people. In order to understand the impact on future generations, a more accurate survey needs to be completed to understand the significance of the area.

We are also concerned that the project does not meet with the Director-Generals assessment requirements issued on 23 December 2011 under s75 (2) of the EP&A Act. In Particular, the proponent is required to undertake

“an assessment of impacts on both aboriginal and historical heritage, as follows

-Aboriginal heritage (including both cultural and archaeological significance):

And demonstrate effective consultation with Aboriginal communities in Determining and assessing impacts, and developing and selecting options and Mitigation measures (including the final proposed measures). Where impacts on heritage are proposed, the EA must outline proposed mitigation and Management measures (including an evaluation of the effectiveness and reliability of these measures):

The assessment is to take into account the 2005 Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (“the guidelines”), and the Burra Charter

Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation

The guidelines provide the required steps for the assessment and management of Aboriginal heritage. In particular, we note under Step 2 entitled: Information requirements, includes requirements for the archaeological investigation of the site area under the heading ‘archaeological investigation and provide as follows:

This comprises two components, an Analysis of the previous archaeological work (overviewed) within the study area and vicinity, and a physical inspection of the Proposed development area. The required intensity and extent of the survey will Vary greatly depending upon the objects likely to be present, size of the Development area and extent of previous land disturbance....

Where developments occur over a large area the sampling regime must encompass the geographic extent of the development”.

Step 3 to these Guidelines further states;

The synthesis and integration of the information collected will provide the description of the Cultural Landscape to provide the basis for identifying the range of heritage values present.;

We state that the project’s Environment Assessment has been inadequate in identifying the Aboriginal cultural area within the project area .Since the new archaeologist Mr. Neville Baker assumed responsibility from Dr Tim Owes , the consultation and survey process has lacked diligence, and respect for the input of the key Aboriginal Stakeholders...

Our former employees who participated in the survey carried out by Mr. Neville Baker in October 2011 have brought to our attention that:

- (1) The archaeologist did not listen to their views on culture Example * do all the survey on foot not to drive in areas as artifacts can be destroyed or damaged if driven over..
*To record all artifacts not just the ones he thought were significant.
*To survey more of the area where they thought artifacts might be.

- (2) Our culture did not appear to be important to him
* to listen on their views on culture and above all respect our culture where they wanted to go over The other side of a hill as they were sure artifacts would be found.
 - Their options Knowledge wasn’t listened to

- (3)The process was distressing and employees wrote on their tasks sheets in their own language due to frustration
 - These concerns were spoken at with the former employees also at a general meeting also we rang Mr. Steve Ireland and had a meeting with him and Mr. Tony White the people from Murong Gialinga who attended this meeting were as follows Debbie Foley Secretary , Larry Foley Chairperson, Larry Flick former employee.

These former employees have returned to their country and cannot be contacted. However their views have been communicated to our community as well as at the aforementioned meeting.

In the archaeological survey carried out by Mr. Neville Baker in October 2011 there was focus on core artifacts only and Mr. Neville Baker was not interested in rock shelters.

Despite oral submissions as to significance given to Mr. Neville Baker during the survey by our employees, only those artifacts he deemed scientifically significant were recorded in the Environment Assessment.eg CORES AXES BLADES

As the project area is large and very rich in culture, Dr Tim Owen in the beginning the archaeological survey in 2009, stated that salvaging of Aboriginal objects would take at least 12months, .However we have heard that the time for salvaging has been reduced to three to six months. For a project this unprecedentedly large, it is important that a more cautious time frame be adopted for the recovery process. Therefore we submit that the time for salvaging be kept at the recommended time of 12 months to enable it to be done properly.

We would like a keeping place for all Aboriginal objects ,and all Aboriginal stakeholders must have a equal say in the keeping place. The project should be fund this and work with all stakeholders on this ,such as donating a house on Cobbora to safeguard the objects .It is not enough for the project to store the objects on site ,but the Aboriginal community needs to be able to manage and control and ensure a keeping place. This is necessary to be able to later return \all objects to country and ensure future generations to hold onto their cultural heritage.

Finally ,we would like to add that drill sites should be monitored by a Aboriginal representative from the registered stakeholders on a roster system ;as objects can come to the surface whilst drilling is happening. This is a common practice in our experience ,and is necessary as the Cobbora area has a large number of artefacts already found. Also if Aboriginal Stakeholders are rostered for amount of days these days will be invoiced even if the days are cut short by the archaeologists or by weather conditions.

Burra Charter

The Burra Charter sets out our standards of practice for those who provide advice ,make decisions about ,or undertake works to place of cultural significance ,including owners, managers and custodians.

Artical3.1 of the Burra Charter provides

Conservation is based on a respect for the existing fabric, use associations and meanings .It requires a cautious approach for changing as much as necessary but little as possible.

Article 28.1 of the Burra Charter provides

Article 28.1 of the Burra Charter Disturbance of significant fabric for study, or to obtain evidence should be minimized. Study of a place by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the conservation of the place, or to obtain important evidence about to be lost or made inaccessible.

Regards

Debbie Foley

Secretary

D. Foley