

Department of Planning and Infrastructure

Assessment Vickery Coal Part 4 Significant Development Application

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**RE Vicory Coal EIS STATE significance assessment- response to request for extension of public comment**

**This is not a form letter this is a letter which captures the concerns of individuals and families- Gomeroi and other Aboriginal parties**

Please accept our submission regarding Vickory Coal as we are very concerned about this project being approved.

The Vicory Coal has failed to undertake an Aboriginal cultural values assessment and has not detailed an assessment according to the Director Generals requirements 2005 Guidelines and the Burra Charter -therefore should not be determined as having adequately addressed the assessment requirements.

The area concerned has a number of culturally important and sensitive areas which unless a values assessment is undertaken are at risk of irreparable harm.

Vicory Coal also fails to identify the social impact assessments which are likely to the Aboriginal community and low income communities within our area. The divide between the have and have nots are not mitigated. Housing costs, jobs training needs and impact to human services are poorly detailed.

Vicory Coal also does little to address the environmental losses and impacts to endangered species- species listed as protected. This also includes our birds and koalas. The impact to waterways and aquifer management does not appear to be adequately addressed. Flora and fauna impact assessment should be protecting not inferring an offset arrangements.

Cumulative impacts are not addressed and the rationale for destruction is poor

**Of important note** – the archaeological assessment report has some serious flaws and does not reflect guideline requirements therefore cannot be accepted as adequate.....Of greatest concern is that it is missing some basic details such as how big the Project area is, how much land would be impacted, how much land was surveyed, effectiveness of that survey, assessment of archaeological potential, information on known sites etc. If this was not undertaken by Landskape Natural Cultural Heritage Management at a minimum these details should be sources from the prior survey and assessment by Kayandel Archaeology. **A key and highly concerning issue is that the ACHA describes a 'social and cultural study' as being undertaken in conjunction with Aboriginal registrants, and**

**presents a 'cultural assessment'** which describes all known sites as being of low social significance to Aboriginal people, with only one site described as of moderate social significance – being the grinding groove complex.

The report does not describe how this conclusion was reached (apart from vaguely referring to fieldwork opportunities to comment on management), and it is inconsistent with views expressed by RAPs.

**There are also other big issues** about the archaeological assessment and understanding of the Aboriginal history of the Project area – full details on all below. The flaws of the assessment are reflected in the management framework, which is based on the view that all sites are of lower scientific and social significance – and which fails to consider a range of known and likely cultural heritage management issues. It also fails to make any attempt to provide analysis about the social cultural significance of the area and the material culture within the area.

**Given that an assessment report provides the basis for managing cultural heritage for the life of a Project, I formally request that the ACHA be revised and completed to the standard required by OEH guidelines and then re-issued to Aboriginal registrants, as there is insufficient information to even make comment on some parts of the assessment.** This is concerning as it makes up a component of the overall EIS assessment

**However, there are several aspects of the ACHA process undertaken and report provided that simply do not reflect the principles and specific requirements of the above guidelines.** Key concerns relate to:

- Basic information on the Project is not provided, such as the size (ha) of the Project area, the size (ha) of the disturbance area within the Project area, and mapping which clearly illustrates this (noting that Figure 2 of the ACHA does not clearly illustrate this)
- Aboriginal involvement in all stages of the assessment and management process, with consultation specifically lacking in:
  - The lack of a consultative process to seek Aboriginal registrant views on the cultural values of the Project area
  - The approach that views of some Aboriginal registrants 'are considered to be indicative of Aboriginal community attitudes' (Section 10.2). OEH guidelines acknowledge the diversity of social values that may occur within the Aboriginal community, who may have a range of traditional, historic and contemporary attachments to an area. To assume a singular view of cultural significance amongst the Aboriginal registrants involved in the Project is not appropriate, and it does not reflect professional guidelines
  - The inclusion of an assessment of social significance of archaeological sites that does not reflect past Aboriginal registrant input on social significance
  - The lack of consultation to actively involve Aboriginal people in determining Project impacts to cultural heritage values
  - The lack of consultation to actively involve Aboriginal people in developing management options and determining appropriate final management recommendations
- The level of ethnohistoric research presented in the ACHA is limited, and it does not reflect the range of past Aboriginal associations with the Project area – including the historical experiences of Aboriginal people in the region.

- The predictive model developed for the Project does not integrate ethnohistoric information on past Aboriginal associations with the Project area, both pre- and post-contact
- The level of information on the archaeological survey strategy is limited, and it does not provide a justification for sampling, or describe how sampling relates to the Project area/disturbance area, and how each landform proposed for impact will be sampled
- No information is provided on the coverage of the archaeological survey, being the total area inspected (ha) and the placement of survey transects; which should be described in writing and illustrated on mapping.
- No information is provided on the effectiveness of survey coverage, given ground surface visibility conditions at the time of survey
- The ACHA does not provide an assessment of the archaeological potential of the landforms of the Project area, considering both the occurrence of surface sites and features beyond survey areas, and the distribution and integrity of subsurface archaeological deposits.
- The ACHA also fails to discuss the archaeological potential of landforms normally identified as being of high archaeological potential, being creek lines, the floodplain of the Namoi River and footslopes with colluvium.
- The ACHA provides a limited discussion of the meaning of the archaeology of the Project area, which OEHL describe as discussion of what events took place in the past, how the landscape was used and why the identified Aboriginal objects are in this location.
- The ACHA does not provide an assessment of the historic significance of the Project area and the specific places/objects contained within it
- The ACHA presents an assessment of the social significance of known archaeological sites, but does not discuss the social significance of the broader area and non-archaeological places to Aboriginal registrants – reflecting a limited consultation process regarding cultural values.
- The ACHA presents an assessment of the social significance of known archaeological sites, which describes all sites except one as being of low significance (and describes the remaining site – a grinding groove and scatter complex – as being of moderate significance). **This does not reflect Aboriginal registrant input on the significance of archaeological sites, and this requirement should be urgently amended to document Aboriginal registrant views, as OEHL guidelines identify that it is only Aboriginal people that determine the social significance of Aboriginal cultural heritage.**
- **The assessment of aesthetic significance makes no comment on the importance of sites and places to Aboriginal people.**
- The assessment of Project impact is limited to archaeological sites only, and does not address the broader impact of the Project on the landforms of the Project area, including landforms of archaeological potential.
- The impact assessment includes a statement that the impact of blasting (vibration) to the grinding groove site will be negligible, although no information on how this was determined has been included or discussed with Aboriginal registrants
- The management strategy for the Project is limited in scope, on the basis that the Project area contains no archaeological sites of high social or scientific value, and that there are no other places or objects of cultural value. **This is questioned and considered insufficient, as the ACHA does not adequately assess the cultural values and the archaeological potential of the Project area, and management strategies have not been developed in consultation with Aboriginal**

**registrants.** The following management strategies are identified as requiring discussion with Aboriginal registrants for inclusion in the revised ACHA:

- Management protocols for continued Aboriginal registrant involvement and consultation
  - Management protocols for the management (protection) of known archaeological sites not impacted by the Project
  - Management protocols for the management of new finds (all archaeological objects as defined by the NPW Act)
  - Management protocols for due diligence inspections of additional or relocated Project infrastructure within the Project's disturbance footprint, if not specifically assessed by Protocols for archaeological excavation (test pitting and open area salvage) for sites/landforms of archaeological potential
  - Management protocols for erosion and sediment control works in landforms of archaeological potential
  - Management protocols for access to cultural sites and areas by Aboriginal community members
  - Management protocols for baselines recording of the grinding groove site and blast vibration monitoring if appropriate
  - Management protocols for the temporary care of salvaged objects
  - Management protocols for the ongoing review and revision of the Project ACHMP
  - Any additional management protocols identified by the completed cultural values assessment and assessment of archaeological potential.
- The ACHA does not contain a technical archaeological appendix, which is the approach outlined by both the OEH Code of Practice for Archaeological Investigations (DECCW 2010) and the OEH (2011) ACHA guideline. Even if this information has been integrated into the main cultural heritage report, the specific requirements of the OEH (2011) and DECCW (2010) guidelines are still relevant and should be demonstrated in the report prepared.
- The report has omitted to record Aboriginal cultural features identified as important to the RAPs and their omission is highly concerning.

Given the above, the ACHA to inform the EIS provided is viewed as incomplete and non-compliant with OEH guideline requirements. The limited content of the ACHA also means that Aboriginal registrants cannot comment on key aspects of the assessment, such as the methods and outcomes of the archaeological survey. There is also significant concern that the ACHA was prepared without adequate consultation of the cultural values of the Project area, and the social significance assessment it contains is incorrect and does not reflect Aboriginal registrant input.

On this basis, it is requested that the EIS be deemed inadequate

These concerns have been raised with Vicory and have been ignored. It is on this basis that Vicory have not met adequacy in their assessment and therefore should not be approved.

Yours faithfully

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