

Colin Phillips - FW: Proposed Salvage of Aboriginal Heritage Objects

From: Tony Dwyer <Tony.Dwyer@stratfordcoal.com.au>
To: Colin Phillips <Colin.Phillips@planning.nsw.gov.au>
Date: Monday, 29 July 2013 4:34 PM
Subject: FW: Proposed Salvage of Aboriginal Heritage Objects
CC: Howard Reed <Howard.Reed@planning.nsw.gov.au>

Colin,

Further to our phone conversation 26/07/2013 and below email, where avoidance of known Aboriginal heritage sites is not practicable (e.g. sites OS-3, OS-4, OS-5, ST-2, ST-4, IF-1, IF-2, IF-3 and IF-4), site(s) would be subject to salvage under the supervision of the Aboriginal community and would be relocated to an area of safekeeping on the mine site or alternately would be transported to an area of safekeeping remote from site eg the Local Aboriginal Land Council offices. Salvage of sites would include completing an Aboriginal Site Impact Recording Form (or its equivalent) and submitting it to the AHIMS Register.

The Aboriginal community would be requested to provide advice on the storage of collected artefacts, management of artefacts at the completion of Project activities (e.g. artefact replacement onto the post-mining landscape) and the implementation of management measures for any salvaged scarred trees.

Further, it is noted that consideration would be given to the use of artefactual material salvaged on-site, to aid in the education of employees and contractors (e.g. during Stratford Mining Complex inductions).

Please call should you have any further queries.

Regards,

Tony Dwyer
Manager - Environment and Approvals
Stratford Coal Pty Ltd
Mobile: 0428 255 265
Phone: 02 6538 4204
Fax: 02 6558 8207
Email: tony.dwyer@gcl.com.au

Address: PO Box 168, Gloucester NSW 2422

From: Tony Dwyer
Sent: Wednesday, 24 July 2013 2:35 PM
To: 'Colin Phillips'
Cc: Howard Reed
Subject: RE: Proposed Salvage of Aboriginal Heritage Objects

Colin,

Find attached the following with regards to consultation and salvage works undertaken at the Duralie Coal

Mine (DCM):

1. A letter of invitation for artefact management sent to the Karuah Local Aboriginal Land Council (KLALC);
2. A letter of artefact management options and accompanying table sent to the KLALC;
3. A letter/record of artefact management that confirms KLALC were satisfied that salvage operations were undertaken in accordance with the Heritage Management Plan; and
4. The AHIMS reporting form for Site DM-5 at the DCM.

Please note that the relevant salvage details of Site DM-5 at the DCM are provided in the AHIMS reporting form.

In summary, Duralie Coal Pty Ltd contracted a suitable qualified and experienced Arborist to fell the scarred tree under supervision of KLALC representatives. The scarred section was then relocated and mounted on a concrete slab at the KLALC cultural centre (photo within the attached). At this time, KLALC assumed responsibility for the section of the scarred tree.

I will call to discuss.

Regards,

Tony Dwyer
Manager - Environment and Approvals
Stratford Coal Pty Ltd
Mobile: 0428 255 265
Phone: 02 6538 4204
Fax: 02 6558 8207
Email: tony.dwyer@gcl.com.au

Address: PO Box 168, Gloucester NSW 2422

From: Colin Phillips [<mailto:Colin.Phillips@planning.nsw.gov.au>]
Sent: Tuesday, 23 July 2013 11:32 AM
To: Tony Dwyer
Cc: Howard Reed
Subject: RE: Proposed Salvage of Aboriginal Heritage Objects

Tony,

I would like to discuss this matter with you and would appreciate a phone call to discuss.

I am looking for additional transparency on engagement with the Aboriginal stakeholders, which is not a strong point of the EIS once it comes to what would the local Aboriginal community wish to be put into effect for salvage of Aboriginal cultural heritage items.

I have a particular interest in the salvage of the two scarred trees that would be impacted by proposed mining operations as I have not previously needed to consider the approach to be taken for trees which are no longer standing. What is proposed for salvage? Are they to be picked up by a forklift and moved out of

harm's way? If so, in general, or particular terms if known, where would they be taken and how would they be conserved?

It would be helpful and add certainty to potential conditions of consent if some of these details were known and if there was evidence of support from the local Aboriginal Community for proposed actions.

You have referred me to the Duralie Heritage Management Plan. What has been the experience under this plan with the salvage of DM-5, which I understand to be a scarred tree for which it was/is proposed to salvage only that portion of the tree that contains the scar?

I look forward to improving my understanding of these matters.

Regards

Colin Phillips
Senior Planner,
Mining Projects

NSW Department of Planning & Infrastructure | GPO Box 39 | SYDNEY NSW 2001
T 02 9228 6483 colin.phillips@planning.nsw.gov.au



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>>> Tony Dwyer <Tony.Dwyer@stratfordcoal.com.au> 22/07/2013 4:12 PM >>>

Colin,

Appendix I Aboriginal Cultural Heritage Assessment (Section 15.1) of the Stratford Extension Project Environmental Impact Statement notes that *"Where avoidance of known Aboriginal heritage sites is not practicable...site(s) should be subject to salvage for safekeeping in consultation with the Aboriginal community."*

Section 15.1 further notes that *"during the development of the Heritage Management Plan, the Aboriginal community would provide advice on the storage of collected artefacts, management of artefacts at the completion of Project activities (e.g artefact replacement onto the post-mining landscape) and the implementation of management measures for salvaged scar trees."*

Yancoal has successfully implemented the above process at its Duralie Coal Mine, the detailed description of which is available within the projects Heritage Management Plan (refer attached).

Please call should you have any queries.

Regards,

Tony Dwyer
Manager - Environment and Approvals
Stratford Coal Pty Ltd

Mobile: 0428 255 265
Phone: 02 6538 4204
Fax: 02 6558 8207
Email: tony.dwyer@gcl.com.au

Address: PO Box 168, Gloucester NSW 2422

From: Colin Phillips [<mailto:Colin.Phillips@planning.nsw.gov.au>]
Sent: Friday, 19 July 2013 2:15 PM
To: Tony Dwyer
Subject: Proposed Salvage of Aboriginal Heritage Objects

Tony,

I noticed in the Stratford Extension EIS that Yancoal intends that salvage operations would be undertaken for 9 identified Aboriginal heritage sites consisting of 2 fallen scarred trees, 3 open scatters and 4 isolated finds.

How is it intended to conduct these salvage operations and where would the salvaged material be located after salvage? What are the views of the Aboriginal stakeholders in terms of how to conduct the salvage operations and who has control of the salvaged material and its storage /relocation?

Many thanks

Colin Phillips
Senior Planner,
Mining Projects
NSW Department of Planning & Infrastructure | GPO Box 39 | SYDNEY NSW 2001
T 02 9228 6483 colin.phillips@planning.nsw.gov.au



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NOTICE – Change of Address:
From 24 June 2013 the registered address of Yancoal Australia Ltd, its subsidiaries and assets

30 July 2010

Mr David Feeney
Karuah Local Aboriginal Land Council
P.O.Box 30
KARUAH
NSW 2324

Dear David,

Duralie Coal Mine – Aboriginal Heritage Sites

As you are aware, an Aboriginal Cultural Heritage Assessment was conducted last year at the Duralie Coal Mine as part of an Environmental Assessment in support of an application to extend the mine. This application is currently before the NSW Department of Planning (DoP) for determination.

Duralie Coal Pty Ltd (DCPL) would like to again thank you for your involvement in this project to date.

If the application before the DoP is approved, DCPL will look to proceed with mining activities within the newly approved area. Such mining activities will necessitate disturbance of several detected Aboriginal heritage sites.

DCPL invite your group to participate in discussions with DCPL with regard to determination of an appropriate means of managing those Aboriginal heritage sites which are expected to be impacted by proposed mining activities.

DCPL would appreciate an indication of your interest (or otherwise) in discussions with DCPL regarding Aboriginal heritage site management. It would be appreciated if you could advise DCPL, either in writing or by contacting the undersigned by telephoning 4994 0121, by Monday 16th August 2010 of your interest. If DCPL is not contacted by that date it will be assumed that you are not interested in involvement in this stage of the project.

Yours faithfully

John Trotter
Environmental Manager
Duralie and Stratford Mines

2 November 2010

Ms Annie Hickey
Project Officer
Gidawaa Walang
76 Lang Street
KURRI KURRI 2327

Dear Annie,

Duralie Coal Mine – Aboriginal Heritage Sites

I refer to my correspondence dated 30 July 2010 regarding management of Aboriginal heritage sites found during the Aboriginal Cultural Heritage Assessment (ACHA) conducted last year at the Duralie Coal Mine. I also acknowledge letter of 3 August expressing your interest in being involved in planning for management of these sites that may be affected by proposed mining activities.

I have provided the photographic record of the thirteen (13) sites identified during the ACHA and an accompanying figure ("Figure 4-10") which shows their location relative to approximate extent of the additional development under the Duralie Extension Project (DEP).

Some of the thirteen located sites will not be impacted by the DEP, being outside the additional development footprint. Other sites, either within the development footprint or relatively close to the edge of the development footprint will or may be impacted and as such, determination of an appropriate course of management is necessary. Note that all sites currently have signage posted indicating the presence of an Aboriginal heritage site.

Duralie Coal Pty Ltd (DCPL) suggest that courses of action available include protection of the heritage item by non disturbance (where possible), removal of the item and relocation within the mining lease, removal of the item and relocation off the mining lease, and destruction of the item are possible actions which could be considered for each of the heritage sites.

DCPL ask that you nominate your preferred management measure for Aboriginal heritage sites that either will or may be impacted by DEP proposed activities by completing the attached table and returning it to the undersigned before 15 November 2010. Your nominations will be considered by DCPL along with those of other persons consulted under this process prior to DCPL consulting with the Department of Environment, Climate Change and Water.

Yours faithfully

John Trotter
Environmental Manager
Duralie and Stratford Mines

Aboriginal Heritage Sites – Duralie Coal Mine – Management Options

Site	Overall Archaeological Significance Rating*	DEP Proposed Mining Activities – Probable Impact, Possible Impact or Nil Impact Expected	Management Options Available If Impact Is To Occur	Preferred Management Option to be Adopted (please tick)
DM1	Not rated	Nil impact	Not applicable	Not applicable
DM2	Moderate	Possible impact	Relocation on site or relocation off site	On site relocation <input type="checkbox"/> Off site relocation <input type="checkbox"/>
DM3	Moderate	Nil impact	Not applicable	Not applicable
DM4	Moderate	Nil impact	Not applicable	Not applicable
DM5	Moderate	Probable impact	Relocation on site^ or photographic recording and destruction	On site relocation <input type="checkbox"/> Photo & destroy <input type="checkbox"/>
DM6	Low	Possible impact	Relocation on site or relocation off site	On site relocation <input type="checkbox"/> Off site relocation <input type="checkbox"/>
DM7	Not rated	Nil impact	Not applicable	Not applicable
DM8	Not rated	Nil impact	Not applicable	Not applicable
DM9	Moderate	Nil impact	Not applicable	Not applicable
DM10	Moderate	Nil impact	Not applicable	Not applicable
38-1-0033	High	Nil impact	Not applicable	Not applicable
38-1-0034	Not rated	Nil impact	Not applicable	Not applicable

Notes: * per table JF1 with DEP EA (DCPL, 2010)

^ relocation would involve retention of only section of tree containing scar.

DEP = Duralie Extension Project per DEP EA.



May 2012

Mr Dave Feeney
Chief Executive Officer
Karuah Local Aboriginal Land Council

16 Mustons Rd
KARUAH NSW 2324

Re: Duralie Extension Project – Aboriginal Heritage Site Management

In accordance with Condition 46, Schedule 3 of the New South Wales (NSW) Project Approval (08_0203) amended by order the Land and Environment Court on **10 November 2011** Duralie Coal Pty Ltd (DCPL) has prepared a Heritage Management Plan (HMP) for the Duralie Extension Project. The HMP was approved to the satisfaction of the Director-General for DP&I on **29 May 2012**. Section 6.1 of the HMP provides detail on the measures to be implemented for the management of Aboriginal heritage sites.

Under the approved extension of the Duralie Coal Mine (DCM), four (4) of the known Aboriginal heritage sites either will, or potentially be, directly impacted. These sites are DM2 (an isolated artefact, an irregular shaped river cobble (9.7 x 6.2 x 5.4mm), DM5 (a mature Yellow Box tree with a scar located in an elevated position on the main trunk), DM6 (an isolated artefact, a flaked piece of grey fine-grained siliceous material), and DM11 (an isolated artefact, piece of quartzite).

In accordance with the views provided through consultation with Aboriginal Stakeholders, it is proposed that all potentially directly impacted sites (DM2, DM5, DM6 and DM11) will be salvaged and relocated offsite into the care of the Karuah Local Aboriginal Land Council (KLALC). Any relocation of DM5 will involve only the scarred section of tree being removed.

DCPL proposes to have the 4 sites mentioned above salvaged in advance of mining operations. The proposed salvage and removal operations will be conducted in consultation with David Feeney of KLALC and a KLALC representative will be present on site during these operations. The salvage operation will be conducted by a suitable qualified and experienced contractor.

Table 1 provides a register of the details of the Aboriginal heritage items proposed to be salvaged from the DCM. The attachment will be signed upon satisfactory completion of the salvage operation at DCM, and provide recognition of the change of management responsibility of the heritage items.

Yours Faithfully


Michael Plain
Environmental Officer
Gloucester Basin – Duralie Mine Site

Treatment of DM5 Scarred Section

**Note: As per discussions between Michael Plain (DCPL) and Dave Feeney (KLALC).*

1. Scarred section felled and placed in a safe holding area at DCPL
2. Cut scarred section to final length.
3. Loose mud/rot to be removed by hand.
4. Scar to be fumigated/treated for pests
5. Ends of log to be painted with an anti-rot agent (colourless if possible), have termimesh or equivalent stuck to ends and second coat painted.
6. 3 logs to be cut and used as mounts.
7. Transport scarred section to KLALC on flat bed truck.
8. Scarred section to be mounted on concrete slab prepared by KLALC. DCPL to assist with positioning and mounting of scarred section.
9. After mounting all maintenance and care is the responsibility of KLALC.

Table 1: Register of salvaged Aboriginal heritage items from the Duralie Coal Mine

Site Code	Site Type	Visual Record Taken	Salvaged By	Sign & Date	Comments
DM2	Isolated Artefact				
DM5	Scarred Tree	Yes	DCPL & KLALC	 12/12/12	
DM6	Isolated Artefact				
DM11	Isolated Artefact				


*A full description of the heritage items in the Table 1 is provided in the HMP.

The salvage operation was conducted in accordance with the Duralie Coal Mine HMP and to the satisfaction of KLALC. KLALC agrees to take full responsibility for the above mentioned Aboriginal heritage items removed from the DCM.

Sign & Date



KLALC Representative

 12/12/12

DCPL Representative



Aboriginal Site Impact Recording Form

AHIMS Registrar

PO Box 1967, Hurstville 2220 NSW

April 2012 OEH 2012/0558

- 1 This form must be completed following impacts to AHIMS sites that are:
 - a) a result of test excavation carried out in accordance with the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW*
 - b) authorised by an Aboriginal Heritage Impact Permit (AHIP) issued by the Office of Environment and Heritage (OEH)
 - c) undertaken for the purpose of complying with Director General's Requirements issued by the Department of Planning and Infrastructure (DP&I) for:
 - State Significant Development (SSD - Part 4),
 - State Significant Infrastructure (SSI - Part 5.1), or
 - A Major Project (Part 3A - now repealed) under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, or
 - d) authorised by a SSD/SSI/Part 3A consent/approval under the EP&A Act.
- 2 Completed forms must be submitted to the AHIMS Registrar (www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm).
- 3 This form is intended to complement (not replace) the AHIMS Site Recording Form. Where there is a need to provide detailed information about the nature of a site, use the AHIMS Site Recording Form.
- 4 This form does not replace the need to submit reports to OEH (as a condition of an AHIP or SSD/SSI/Part 3A consent/approval). This form must be submitted in addition to any reports.

AHIMS site ID:

Site impact authorisation (select one)	Reference numbers, dates
<input type="checkbox"/> Archaeological Code (The impacts to this site were the result of test excavation carried out in accordance with the <i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW</i> .)	Date OEH was notified (under requirement 15c of the Code): <input type="text"/> OEH Regional office notified: <input type="text"/>
<input type="checkbox"/> AHIP (The impacts to this site were authorised by an AHIP.)	AHIP number: <input type="text"/> Date issued/signed: <input type="text"/> AHIMS permit ID/number: <input type="text"/>
<input type="checkbox"/> SSD/SSI/Part 3A application (The impacts to this site were undertaken for the purposes of complying with Director General's Requirements issued by the DP&I)	Project number: <input type="text" value="08_0203"/> Date Director General's Requirements issued: <input type="text"/>
<input checked="" type="checkbox"/> SSD/SSI/Part 3A approved project (The impacts to this site were authorised by a consent/approval under Parts 4/5.1/3A of the EP&A Act.)	or Date of project approval: <input type="text" value="10/11/2011"/>

Site status following impacts:

- ☐ Not a site (The investigations concluded that this is not a site.)
☐ Valid site (The investigations confirmed that this is an Aboriginal site.)
☐ Partially destroyed (The site was partially destroyed following authorised impacts; a portion of the site remains in situ.)
☒ Destroyed (The site was completely destroyed following authorised impacts.)

Geographic location

Site name:
 Easting: Northing: Coordinates must be in GDA (MGA)
 Map sheet:
 Zone: Location method:

Primary recorder

(The person responsible for the completion and submission of this form)

Title

Mr

Surname

Plain

First name

Michael

Organisation: Duralie Coal Pty Ltd

Address: PO Box 168 Gloucester NSW 2422

Phone: 49995222

E-mail: michael.plain@gcl.com.au

Date recorded: 12/12/2012

Fax: 49945718

Site information

Open/closed site: Open

Features:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

1. Aboriginal ceremony and dreaming
2. Aboriginal resource and gathering
3. Art
4. Artefact
5. Burial
6. Ceremonial ring
7. Conflict
8. Earth mound
9. Fish trap
10. Grinding groove

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

11. Habitation structure
12. Hearth
13. Non-human bone and organic material
14. Ochre quarry
15. Potential archaeological deposit
16. Stone quarry
17. Shell
18. Stone arrangement
19. Modified tree
20. Water hole

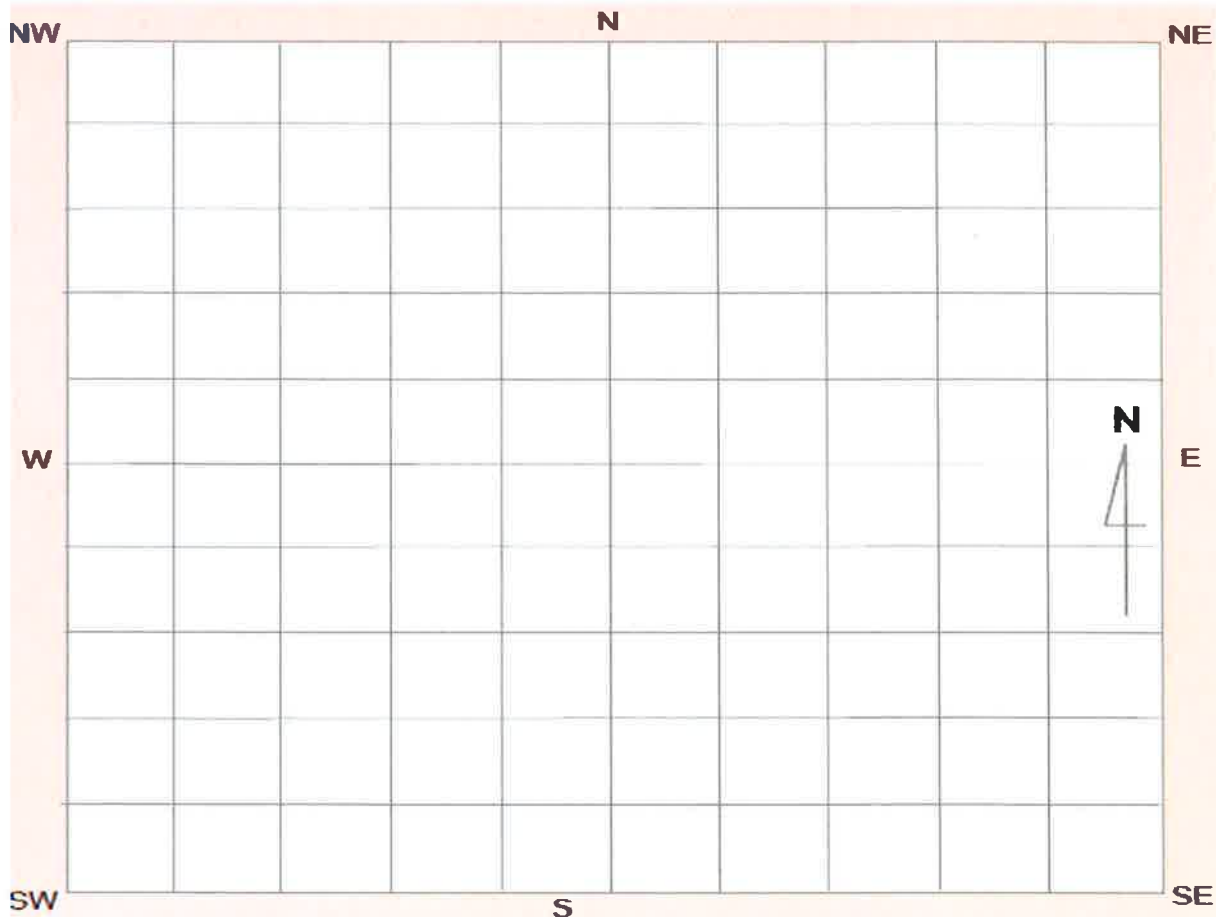
Site condition

Written description of the condition of the AHIMS site (including relevant features) following the authorised impact of the site

As authorised by NSW Project Approval 08_0203 and in accordance with the Duralie Coal Mine Heritage Management Plan site DM5 was proposed to be salvaged and relocated to the the care of Karuah Local Aboriginal Lands Council (KLALC). Site DM5 was a mature Yellow Box tree with a scar located in a elevated position on the main trunk. The relocation was to involve only the scarred section of the tree. The scarred section is now located at the KLALC cultural centre and KLALC will now take full responsibility of the heritage item.

Site map

Clearly demarcate the original AHIMS site boundary, show the boundaries of impacted areas and the areas where the site remains in situ. Display map coordinates.



Methodology and results

Summary of the methodology and results of the activity or works undertaken through the authorised impacts, as relevant to the AHIMS site

In accordance with the views provided through consultation with Aboriginal Stakeholders, as required by NSW Project Approval 08_0203, site DM5 was proposed to be salvaged prior to disturbance of the area and relocated to the KLALC cultural centre. The relocation was to involve only the scarred section of the tree. Duralie Coal Pty Ltd contracted a suitable qualified and experienced Arborist to fell the scarred tree under supervision of KLALC representatives. The scarred section was then relocated and mounted on a concrete slab at the KLALC cultural centre with a shelter to be constructed over the item.

Management recommendations

Summary of any management recommendations for the AHIMS site

The scarred tree previously located at Site DM5 is now the care and responsibility of KLALC.

Post-investigation significance

Discuss if the scientific/archaeological or cultural significance of the site has changed in light of the results of the investigations or works conducted at the site.

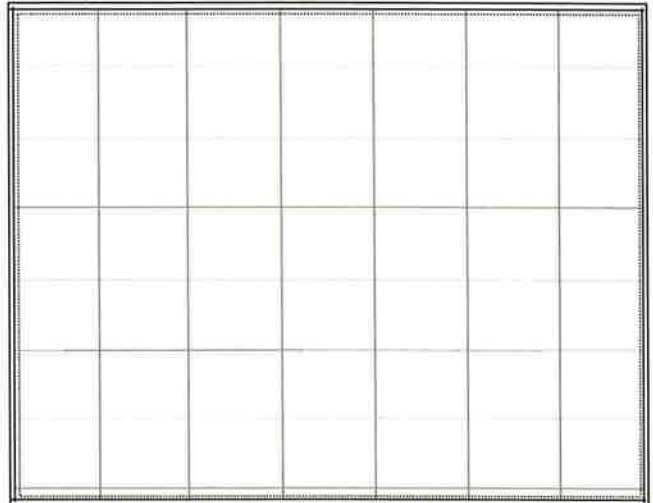
Additional comments

Site photographs

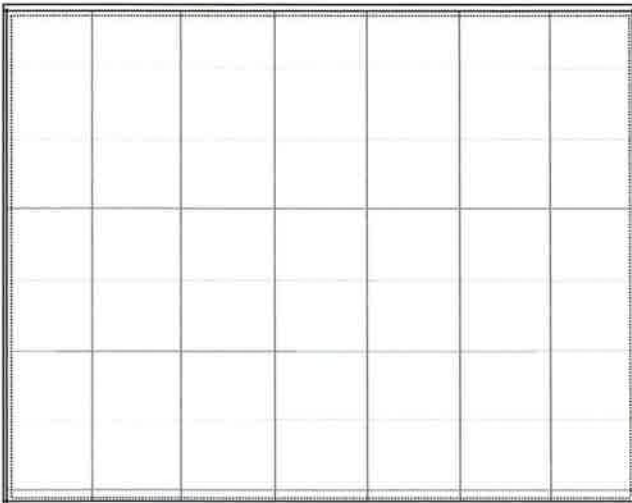
Include photographs of the authorised impacts activity, as relevant to the AHIMS site. Please keep photo size to a maximum of 200 kb.



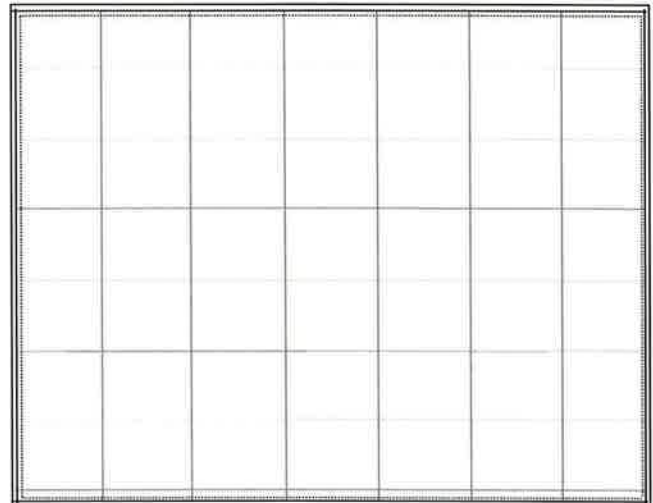
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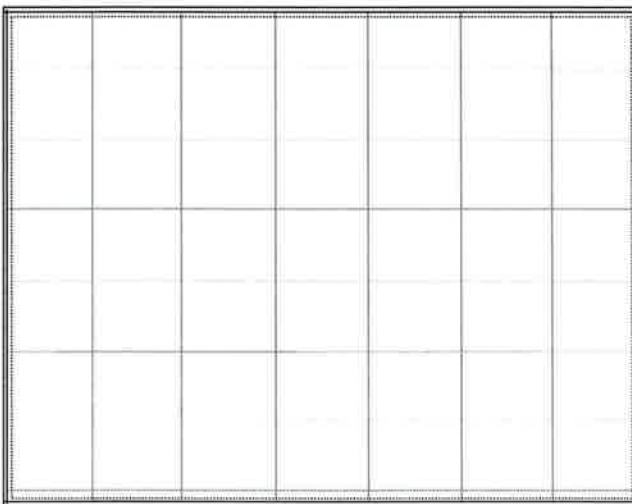
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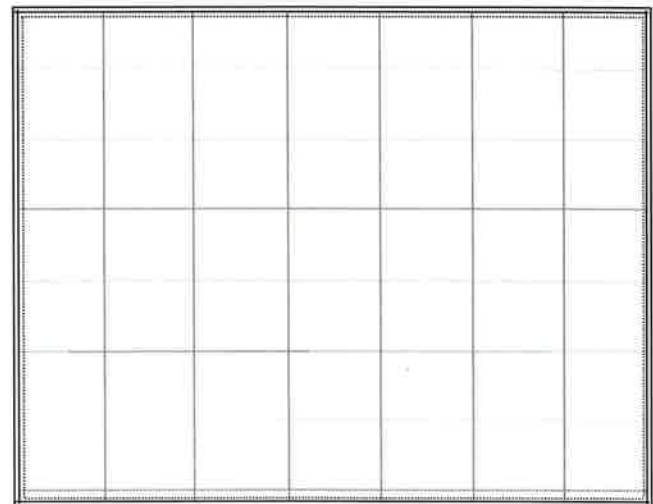
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