

# Appendix O

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## Aboriginal and Historical Cultural Heritage Assessment Addendum – Mine Development

# McPhillamys Gold Project

Addendum to the Aboriginal and Historical Cultural Heritage Assessment

Prepared for LFB Resources NL  
August 2020

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**Natural and Cultural Heritage Management**

a division of M.L. Copper Pty Ltd

ABN: 48 107 932 918

PO Box 1068  
Carlton 3053

T 0408 006 690  
E [landskape@telstra.com](mailto:landskape@telstra.com)

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# McPhillamys Gold Project

## Addendum to the Aboriginal and Historical Cultural Heritage Assessment

### Report Number

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RP#2

### Client

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LFB Resources NL

### Date

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24 August 2020

### Version

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V5 Draft

### Prepared by



### Dr Matt Cupper

Principal Archaeologist

24 August 2020

This report has been prepared in accordance with the brief provided by the client and has relied upon the information collected at the time and under the conditions specified in the report. All findings, conclusions or recommendations contained in the report are based on the aforementioned circumstances. The report is for the use of the client and no responsibility will be taken for its use by other parties. The client may, at its discretion, use the report to inform regulators and the public.

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# EXECUTIVE SUMMARY

LFB Resources NL is seeking State significant development consent under Division 4.7 of Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) to develop and operate a greenfield open cut gold mine, associated mine infrastructure and a water supply pipeline in Central West NSW. The project application area is illustrated at a regional scale in Figure 1.1. LFB Resources NL is a 100% owned subsidiary of Regis Resources Limited (herein referred to as Regis).

As shown in **Figure 1.1**, the McPhillamys Gold Project (the project) is comprised of two key components; the mine site where the ore will be extracted, processed and gold produced for distribution to the market (the mine development), and an associated water pipeline which will enable the supply of water from approximately 90 km away near Lithgow to the mine site (the pipeline development). The mine development is around 8 km north-east of Blayney, within the Blayney and Cabonne local government areas (LGAs).

Up to 8.5 Million tonnes per annum (Mtpa) of ore will be extracted from the McPhillamys gold deposit over a total project life of 15 years. The mine development will include a conventional carbon-in-leach processing facility, waste rock emplacement, an engineered tailings storage facility (TSF) and associated mine infrastructure including workshops, administration buildings, roads, water management infrastructure, laydown and hardstand areas, and soil stockpiles.

In accordance with the requirements of the EP&A Act, the NSW *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation) and the Secretary's Environmental Assessment Requirements (SEARs) for the project, an Environmental Impact Statement (EIS) was prepared to assess the potential environmental, economic and social impacts of the project. The development application and accompanying EIS was submitted to the NSW Department of Planning, Industry and Environment (DPIE) and subsequently publicly exhibited for six weeks, from 12 September 2019 to 24 October 2019. During this exhibition period Regis received submissions from government agencies, the community, businesses and other organisations regarding varying aspects of the project.

In response to issues raised in submissions received, as well as a result of further detailed mine planning and design, Regis has made a number of refinements to the project. Accordingly, an Amendment Report has been prepared by EMM Consulting Pty Ltd (EMM 2020a) to outline the changes to the project that have been made since the public exhibition of the EIS and to assess the potential impacts of the amended project, compared to those that were presented in the EIS. This report forms part of the Amendment Report and presents an assessment of the cultural heritage impacts of the amended project.

Six additional Aboriginal cultural heritage sites (MGP-A5, A6, A9-A12; artefact scatters and isolated finds) are located within the proposed direct disturbance footprint for the project. These sites were previously assessed in the EIS as being potentially subject to harm (i.e. potential indirect disturbance).

Two Aboriginal cultural heritage sites (MGP-A14, A22) were previously assessed as being subject to direct harm, however these sites are now located proximal to the proposed direct disturbance footprint for the project, and hence may be subject to indirect harm.

A further three Aboriginal cultural heritage sites (MGP-A13, A16, A37) will now be avoided by the project. These sites were previously assessed in the EIS as being potentially subject to harm (i.e. potential indirect disturbance).

Harm to one potentially State-significant historical cultural heritage site (MGP-H23 Hallwood Farm Complex) will now be avoided as the site is located outside the amended proposed direct disturbance footprint for the project.

Three additional locally-significant historical cultural heritage sites (MGP-H4a, H4b, H19; Ruins) are located within the proposed direct disturbance footprint for the project.

This addendum assessment has concluded that the additional Aboriginal cultural heritage sites that would be impacted by the activity are of low scientific significance but higher cultural significance to members of the Aboriginal community. The historical cultural heritage sites do not meet thresholds of State-significance. Therefore, it can be concluded the mine disturbance footprint is largely located in areas where significant impacts on archaeologically-important cultural heritage would be avoided.

Based on the results of this addendum assessment it is further recommended that:

1. Regis arranges to salvage the relevant Aboriginal artefacts at the Aboriginal cultural heritage sites described in Table 4.2. A suitably qualified archaeologist and representatives of the local Aboriginal community must be engaged to record and collect the Aboriginal objects. These items must be properly curated and stored in a location to be determined. Following the relinquishment of the mining lease for the project, the stored Aboriginal artefacts should be replaced within rehabilitated areas in consultation with local Aboriginal groups and Heritage NSW.
2. Archaeological subsurface testing to ascertain archaeological significance must be completed at historical cultural heritage sites MGP-H4a (Ruin), MGP-H4b (Ruin), MGP-H19 (Ruin) located within the proposed mine disturbance footprint. These sites must be archivally recorded and artefacts salvaged prior to development related impacts.
3. Archival recording to be completed on MGP-H23 (Hallwood Farm Complex) and a conservation management plan must be devised for the site.
4. In the event that a previously unidentified Aboriginal or historical cultural heritage site is encountered during construction or operation of the mine, work must stop immediately in the vicinity and the site protected from any further inadvertent impact and reported to a relevant specialist (e.g. a suitably qualified archaeologist). A suitably qualified archaeologist must assess the significance of the site (in consultation with the registered Aboriginal stakeholders for Aboriginal cultural heritage). Where impacts are proposed to an Aboriginal stone artefact scatter or isolated find, and avoidance of impacts is not feasible the Aboriginal objects must be recorded and collected. Any newly identified historical cultural heritage sites of local significance should be avoided where possible. If disturbance cannot be avoided, the site must be subject to detailed archival recording. Any newly identified State-significant historic relics or intact archaeological deposits must be reported to the NSW Heritage Council with the advice from the archaeologist for determination of further procedures.
5. In the unlikely event that human skeletal remains are encountered during the course of activities associated with the mine development, all work in that area must cease. Remains must not be handled or otherwise disturbed except to prevent further disturbance. If the remains are thought to be less than 100 years old the Police or the State Coroner's Office (tel: 02 9552 4066) must be notified. If there is reason to suspect that the skeletal remains are more than 100 years old and Aboriginal, Regis must contact Heritage NSW (tel: 131 555) for advice. In the unlikely event that an Aboriginal burial is encountered, strategies for its management would need to be developed with the involvement of the local Aboriginal community.
6. Regis must co-ordinate and implement these proposed management strategies by integrating them into a single programme and document in the form of a Cultural Heritage Management Plan (CHMP). The CHMP must remain active for the life of the mine development and define the tasks, scope and conduct of all Aboriginal and historical cultural heritage management activities. The CHMP must be developed in consultation with the local Aboriginal community. In particular, Regis in consultation with the Orange Local Aboriginal Land Council must commission a social and

cultural mapping study with relevant traditional owners for the project area. Regis must also provide training to all on-site personnel regarding the CHMP strategies relevant to their employment tasks.

7. Regis must continue to involve the registered Aboriginal stakeholders and any other relevant Aboriginal community groups or members in matters pertaining to the mine development. In particular, the recording, collection, curation, storage and replacement of Aboriginal objects must occur with the invited participation of local Aboriginal community representatives. Aboriginal objects must be accessible to relevant Aboriginal community representatives for cultural and educational purposes subject to appropriate operational constraints.

# 1. Introduction

## 1.1. Overview

LFB Resources NL is seeking State significant development consent under Division 4.1 of Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) to develop and operate a greenfield open cut gold mine, associated mine infrastructure and a water supply pipeline in Central West NSW. The project application area is illustrated at a regional scale in **Figure 1.1**. LFB Resources NL is a 100% owned subsidiary of Regis Resources Limited (herein referred to as Regis).

As shown in **Figure 1.1**, the McPhillamys Gold Project (the project) is comprised of two key components; the mine site where the ore will be extracted, processed and gold produced for distribution to the market (the mine development), and an associated water pipeline which will enable the supply of water from approximately 90 km away near Lithgow to the mine site (the pipeline development). The mine development is around 8 km north-east of Blayney, within the Blayney and Cabonne local government areas (LGAs).

Up to 8.5 Million tonnes per annum (Mtpa) of ore will be extracted from the McPhillamys gold deposit over a total project life of 15 years. The mine development will include a conventional carbon-in-leach processing facility, waste rock emplacement, an engineered tailings storage facility (TSF) and associated mine infrastructure including workshops, administration buildings, roads, water management infrastructure, laydown and hardstand areas, and soil stockpiles.

In accordance with the requirements of the EP&A Act, the NSW *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation) and the Secretary's Environmental Assessment Requirements (SEARs) for the project, an Environmental Impact Statement (EIS) was prepared to assess the potential environmental, economic and social impacts of the project. The development application and accompanying EIS was submitted to the NSW Department of Planning, Industry and Environment (DPIE) and subsequently publicly exhibited for six weeks, from 12 September 2019 to 24 October 2019. During this exhibition period Regis received submissions from government agencies, the community, businesses and other organisations regarding varying aspects of the project.

In response to issues raised in submissions received, as well as a result of further detailed mine planning and design, Regis has made a number of refinements to the project. Accordingly, an Amendment Report has been prepared by EMM Consulting Pty Ltd (EMM 2020a) to outline the changes to the project that have been made since the public exhibition of the EIS and to assess the potential impacts of the amended project, compared to those that were presented in the EIS. This report forms part of the Amendment Report and presents an assessment of the cultural heritage impacts of the amended project.

## 1.2. Project amendment overview

A summary of the key amendments to the project since the exhibition of the EIS are summarised below and described in detail in Chapter 2 of the Amendment Report (EMM 2020a):

- **Site access** – a new location for the site access intersection off the Mid Western Highway is proposed, approximately 1km east of the original location assessed in the EIS, in response to feedback from Transport for NSW (TfNSW, former Roads and Maritime Services) and the community. A new alignment is subsequently proposed for the site access road to the mine administration and infrastructure area.
- **Mine and waste rock emplacement schedule** – revision of the mine schedule and the subsequent construction sequence of the waste rock emplacement has been undertaken, in particular consideration of predicted noise levels in Kings Plains. This achieved a reduction in predicted noise levels at nearby residences while extending the construction timeframe for the southern amenity bund.

- **Pit amenity bund** – the size of the pit amenity bund has been reduced as a result of optimisation of the open cut pit design and the changed location of exit ramps for haul trucks.
- **Tailings Storage Facility (TSF)** – amendments to the design include changes to the embankment design and construction timing, the TSF footprint, and the TSF post closure landform.
- **Water management system** – the secondary water management facility (WMF) has been removed from the water management system, resulting in an avoidance of impacts to a potential item of historic heritage significance (MGP-H23 - Hallwood Farm Complex).
- **Mine administration and infrastructure area** – the layout of this area has been revised and optimised.
- **Mine development project area** – a very small change has been made to the mine development project area along the eastern boundary (an additional 1hectares (ha), or 0.04% change), to accommodate the required clean water management system. The change takes the project area from 2,513ha to 2,514ha.

No amendments have been made to other key aspects of the project as presented in the EIS for which approval is sought, such as the proposed mining method, operating hours, maximum annual ore extraction of up to 8.5 Mtpa, annual ore processing rate up to 7 Mtp, employee numbers, and rehabilitation methods and outcomes.

The amended mine development project layout, compared to that assessed in the EIS, is shown in **Figure 1.2**.

### 1.3. Purpose of this report

This report has been prepared to assess the potential cultural heritage impacts of the amended project. The assessment considers and outlines the differences in impacts compared to the original project as presented in the EIS. In this way, it serves as an update to the McPhillamys Gold Project Aboriginal and Historical Heritage Assessment (Landsape 2019) (Appendix P of the McPhillamys Gold Project EIS).

Further, this report assesses the potential cultural heritage impacts associated with the mine development component of the project within the mine project area. References to the 'project' throughout this report are therefore referring to elements of the project within the mine project area only, with the exception of the revised site access road. The potential cultural heritage impacts associated with the pipeline development and the revised site access road to the east of the ML application are addressed in the Amendment Report (EMM 2020a) and a separate assessment undertaken by OzArk (2020).

### 1.4. Submissions on the EIS

A number of issues relevant to cultural heritage were raised in submissions received on the EIS. These issues have also been considered in this revised assessment. Detailed responses to all the submissions received are provided in the Submissions Report prepared for the project (EMM 2020b), which has been prepared in conjunction with the Amendment Report (EMM 2020a). A summary of the key issues relevant to this assessment are provided in **Table 1.1**, together with how each matter has been addressed within this report.

**Table 1.1 Key comments received in submissions relating to cultural heritage, and how they have been addressed**

Issue	Where addressed
Heritage Council of NSW ( <b>Appendix 1</b> ) endorsed the recommendations of the cultural heritage assessment, particularly those regarding management of historical cultural heritage site MGP-H23 Hallwood Farm Complex, historical archaeology and previously unidentified cultural heritage and required they become conditions of consent.	Regis undertakes to incorporate the management requirements into management plans for the Project.

**Table 1.1 Key comments received in submissions relating to cultural heritage, and how they have been addressed**

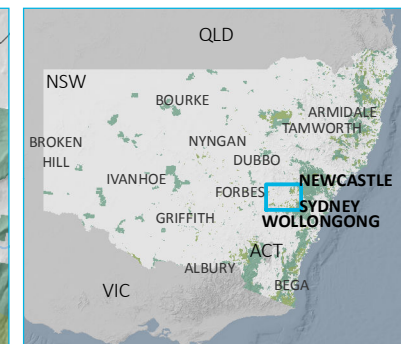
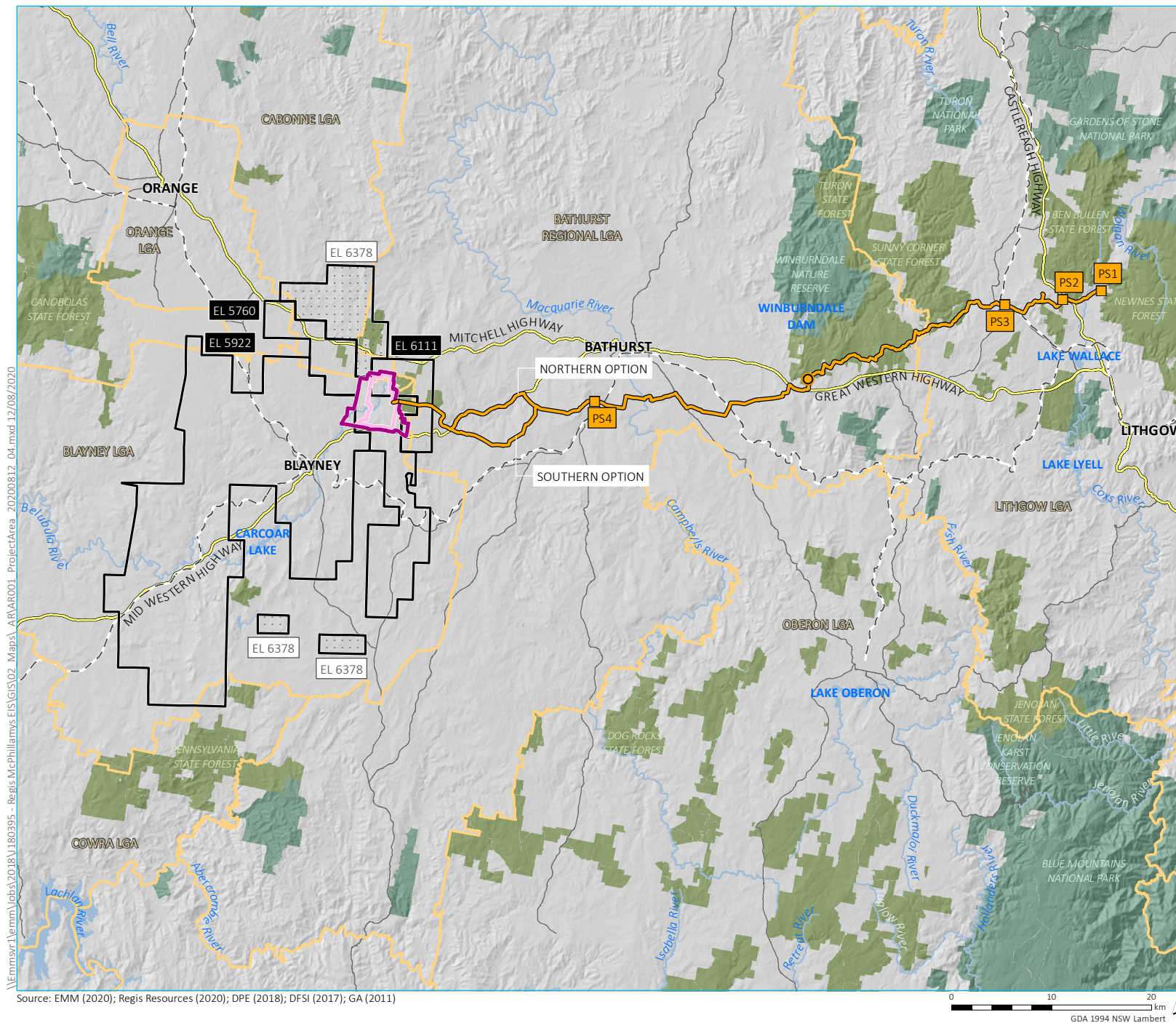
Issue	Where addressed
Orange Local Aboriginal Land Council ( <b>Appendix 1</b> ) presented concerns regarding inadequate Aboriginal community consultation and requested additional assessment to further inform the significance assessment.	Regis undertakes to continue involvement of Aboriginal stakeholders, as outlined in Section 4.1.2. This addendum report will be provided to OLALC for comment and in particular, Regis is committed to further consultation for the social and cultural mapping study, as outlined in Section 4.4.  A more detailed response in relation to the consultation process undertaken is provided in Section 2.

### 1.5. Terminology

The following terms were used throughout this EIS to describe the McPhillamys Gold Project, and remain relevant for this assessment and/or have been updated where relevant:

- **the project** – while references to the project in the EIS referred to the project in its entirety (i.e. encompassing the mine development and the pipeline development), in this report, the term ‘the project’ refers to the amended project for which approval is now sought. Where the original project design as presented in the EIS is being discussed, this will be clarified;
- **project application area** – the area in its entirety to which the development application (SSD 9505) relates; comprising the mine development project area and the pipeline corridor as illustrated in **Figure 1.1**. In this report, the term ‘the project application area’ refers to the amended area that relates to the development for which approval is now sought. Where the original project application area, as presented in the EIS, is being discussed, this will be clarified;
- **mine project area** – refers to the mine development project area as illustrated in **Figure 1.1**;
- **pipeline corridor** – an approximate 90 km long pipeline alignment from Centennial’s Angus Place and SCSO; and Energy Australia’s MPPS near Lithgow to the mine project area, as illustrated in **Figure 1.1**;
- **mine development** – construction and operation of the mine and associated mine infrastructure within the mine project area; and
- **pipeline development** – construction and operation of the pipeline and associated infrastructure to transfer water to the mine development within the pipeline corridor.





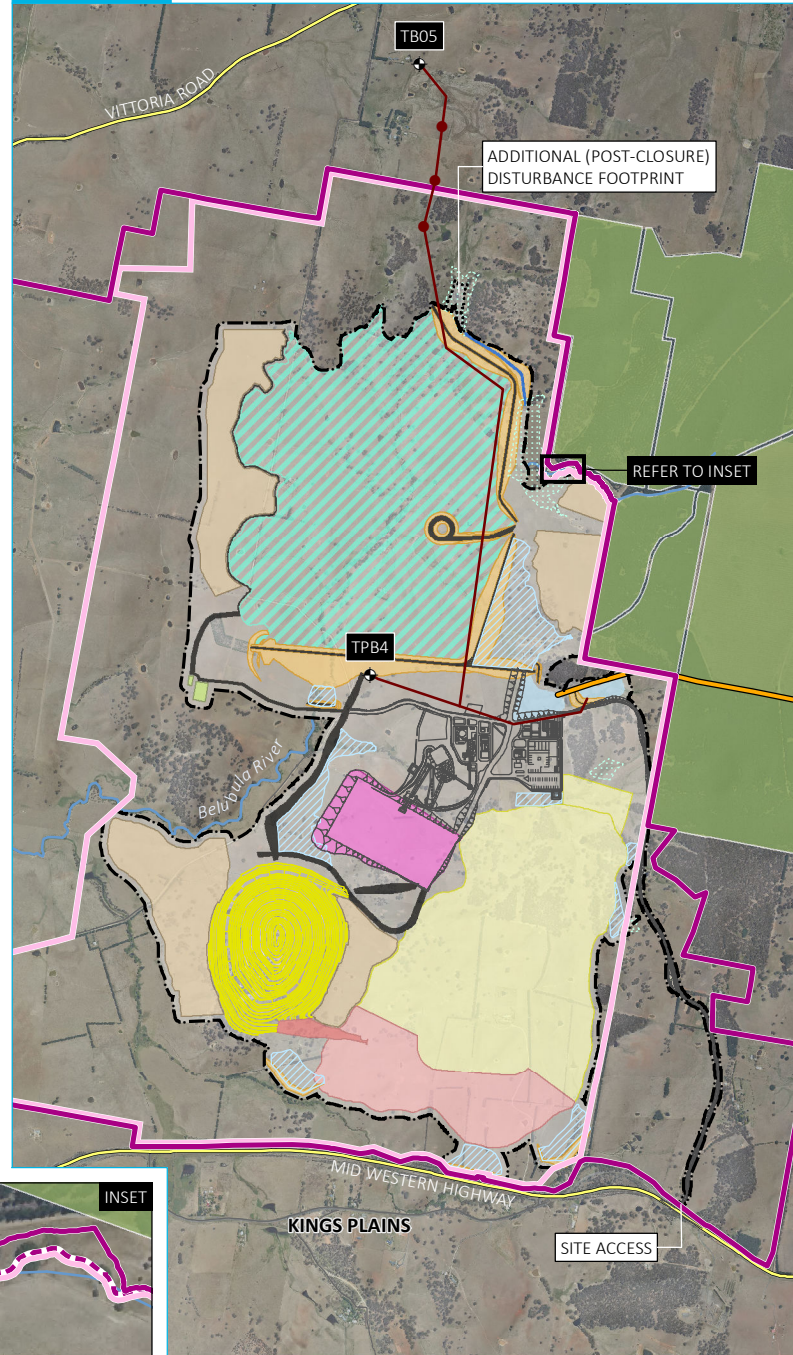
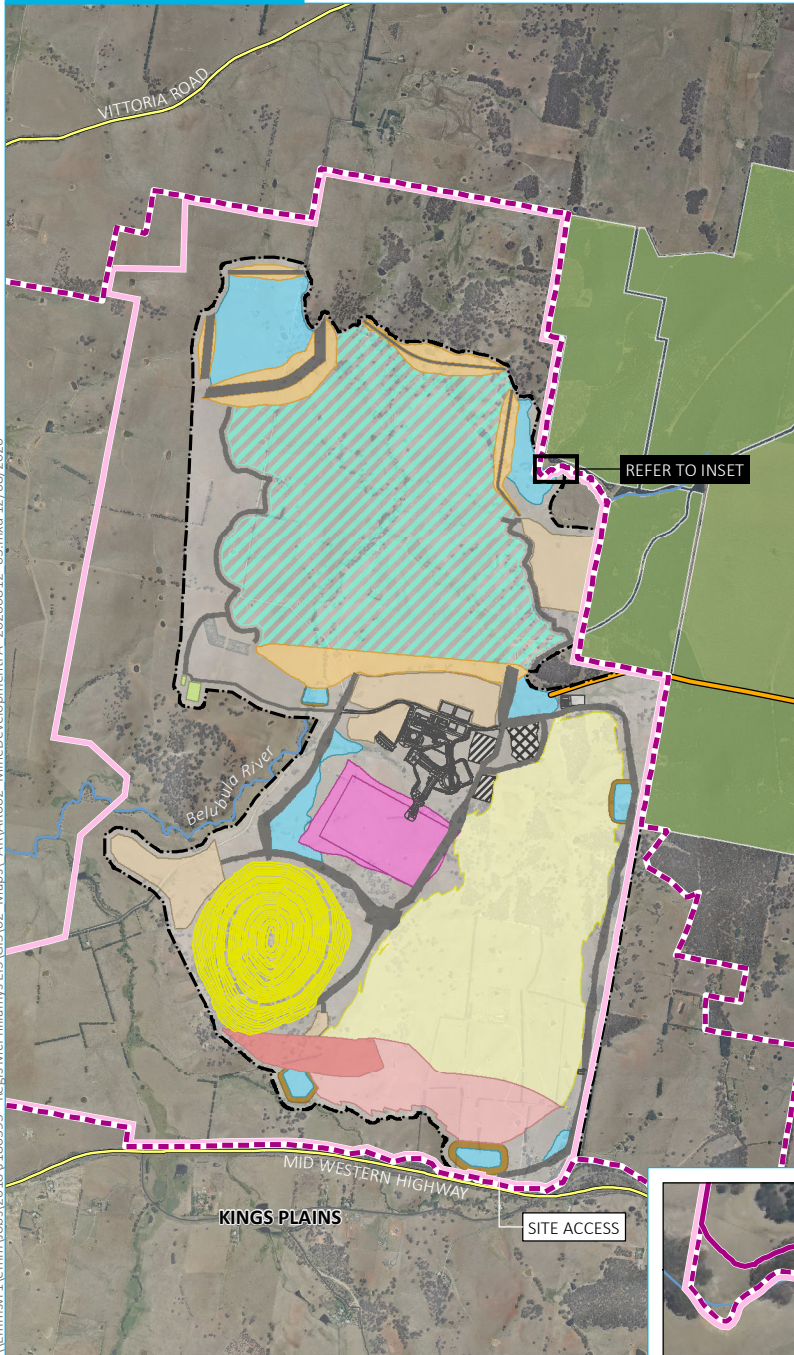
- KEY**
- Project application area
  - Mine development project area (2,514.06 ha)
  - Mining lease application area (1,806.17 ha)  
(Note: boundary offset for clarity)
  - Pressure reducing system
  - Pumping station facility
  - Pipeline
  - Existing environment
    - Rail line
    - Primary road
    - Arterial road
    - River
    - Waterbody
    - NPWS reserve
    - State forest
    - Local government area
  - Exploration lease boundaries (of interest)
    - Held by LFB Resources NL (Regis)
    - Held by others

Regional setting –  
project application area –  
amended project

McPhillamys Gold Project

Figure 1.1





- KEY**
- Project application area
  - Mine development project area (EIS)
  - Mine development project area (amended project)
  - Mining lease application area (Note: boundary offset for clarity)
  - Disturbance footprint
  - Pipeline
  - Project general arrangement
  - Construction groundwater bore
  - Indicative construction groundwater bore
  - Indicative construction groundwater pipeline
  - Open cut mine
  - Site infrastructure
  - Belubula River
  - Road
  - Mine administration (EIS)
  - Workshop (EIS)
  - Mining equipment areas (EIS)
  - Magazine and ammonium nitrate emulsion storage
  - Southern amenity bund
  - Pit amenity bund
  - ROM pad
  - Soil zone
  - Embankment
  - Sediment basin structure (EIS)
  - Waste rock emplacement
  - Tailings storage facility (TSF)
  - Water management area (EIS)
  - Clean water diversion (amended project)
  - Water management facility (WMF) - continuous storage (amended project)
  - Water management facility (WMF) - infrequent storage (amended project)
  - Clean water facility (CWF) (amended project)
  - Existing environment
  - Major road
  - Minor road
  - Vittoria State Forest

Amended mine development layout

McPhillamys Gold Project

Figure 1.2

## 2. Stakeholder submissions

The registered Aboriginal stakeholder, Orange Local Aboriginal Land Council (OLALC), provided a written submission in response to the EIS (**Appendix 1**). Specific OLALC submissions and the proponent's responses follow:

*1. Submission: "that the proposed project will detrimentally and irreversibly impact the Aboriginal (and shared) cultural heritage significance of the study area, and of Kings Plains and the broader region"*

Response: The proponent recognises that the mine project area, and the broader regional area within which the project is located, has cultural significance to members of the Aboriginal community, as outlined in the OLALC submission. In order to effectively mitigate and manage impacts on Aboriginal cultural heritage, the proponent will actively consult with Aboriginal stakeholders throughout the life of the project, as outlined in Section 4.1.2, including the OLALC. In particular, pending grant of development consent, the proponent in consultation with the OLALC, would commission an appropriate social and cultural mapping study with relevant Traditional Owners for the project area as part of the Cultural Heritage Management Plan (see Section 4.4).

*2. Submission: "that consultation undertaken with the OLALC for the Cultural Heritage Assessment (Copper 2019; Appendix 9 of the EIS) was inadequate, resulting in an inaccurate characterisation of the Aboriginal cultural heritage significance of the study area. The OLALC considers the study area to be a location of State and National significance, which is not reflected in Appendix 9 of the EIS".*

Response: The staged consultation undertaken with the OLALC was carried out having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a). The proponent will continue to actively consult with the OLALC throughout the life of the project, as outlined in Section 4.1.2.

While the Aboriginal cultural heritage sites identified in the mine project area and their context are not assessed as being of high archaeological (i.e. scientific) significance, the proponent acknowledges that the mine project area has cultural significance to members of the Aboriginal community. As described in the EIS cultural heritage assessment (Appendix P), it is acknowledged that all archaeological sites provide connection to the past for the present Aboriginal community and for future generations. Aboriginal cultural heritage sites such as those identified within the mine project area can also provide information about past lifestyles and strengthen the links between Aboriginal people and the land.

*3. Submission: "The OLALC argues that the study area, and the Kings Plains area more broadly, meet several criteria for inclusion on the State Heritage Register – and even a national listing".*

Response: As noted above, the proponent acknowledges that the mine project area has cultural significance to the Aboriginal community. However, only one potentially State-significant historical cultural heritage site (MGP-H23 Hallwood Farm Complex) was identified in the project area. Other identified features and landscapes do not meet the prescribed thresholds for inclusion on the State Heritage Register. A detailed analysis was provided in Section 7.3 of the cultural heritage assessment prepared for the EIS (Appendix P).

*4. Submission: "The OLALC notes that 1) Copper made no attempt to investigate documentary evidence that describes the location of these (Ancestral) remains..., or to undertake an archaeological survey of the specified area; 2) it is illegal to harm or desecrate an Aboriginal place or object (National Parks and Wildlife Act 1974 (NSW)); and 3) geophysical techniques would indeed be one appropriate technique to pinpoint the location of these remains more accurately"*

Response: The original assessment (EIS Appendix P; Section 3.2.4) considered a submission from the OLALC (dated 3 June 2019) noting an 1896 reference to a body exhumed during works on the railway line “a few miles from Blayney”. The railway line at Blayney is at least 3-4 km outside the project area. The submission from the OLALC to the EIS referred to a different identification from 1912 of supposed Aboriginal Ancestral remains on The Dungeon property. This is approximately 600 m west of the proposed direct disturbance footprint for the mine project area and would not be directly or indirectly impacted by the Project (i.e. there are no proposed surface disturbance activities at this location). There would be no direct or indirect impacts to known Aboriginal Ancestral Remains as a result of the project.

The use of geophysical techniques to locate graves is problematic in both archaeological and forensic contexts. Notably, forensic investigations searching for recent burials have never successfully located graves using geophysical instruments (Powell 2003). When considering the potential age (over at least 180 years old) of any Aboriginal burials and hence poor preservation; the poor suitability of the sodosol and chromosol soils of the mine project area to near-surface geophysical instruments such as ground penetrating radar or electromagnetics; and the large size of the mine project area, geophysical techniques are extremely unsuited to finding burials in the mine project area.

The proponent is aware that it is unlawful to harm or desecrate an Aboriginal place or object without appropriate consent. A specific protocol pertaining to human skeletal remains is contained in Section 4.4.

*5. Submission: “OLALC argues that 1) Cupper made no attempt to investigate documentary sources which make plain the (Frontier War) events that occurred at Kings Plains, and which also allude to the types of activity traces that were left behind consequently...; 2) the Kings Plains Frontier Wars Landscape is critical for our understanding of how the Frontier Wars evolved beyond early settlement areas; and 3) it is illegal to harm or desecrate an Aboriginal place or object (National Parks and Wildlife Act 1974 (NSW)).*

Response: The original assessment (EIS Appendix P; Sections 3.2.4 and 5.1.1) considered conflict events at Kings Plains and the wider region. While the proponent acknowledges the importance of conflict events at Kings Plains, it is noted that historically Kings Plains referred to the broad region either side of the Belubula River (see Dixon, R. [1837]. *This Map of the Colony of NSW...* J. & C. Walker, London; Baker, W. [1843-46]. *Baker’s Australian County Atlas...* W. Baker, Sydney; Conner, J. [2002]. *The Australian Frontier Wars 1788-1838*. UNSW Press, Sydney). The modern locality of Kings Plains is inset in this region (see **Figures 2.1 and 2.2**). None of the conflict events are known to occur in the mine project area. Specifically, events described by John Wylde in July-November 1823 appear to have occurred at the government reserve immediately west of Bathurst (approximately 27 km northeast of the mine project area) and George Palmer’s holding at Glanmire (approximately 41 km northeast of the mine project area; see **Figure 2.3**).

*6. Submission: “The OLALC argues that insufficient opportunity was given for investigating and discussing these values with the Aboriginal community (e.g. EIS: Table 14), including a telephone call from a Hansen and Bailey Queensland-based company commissioned by Regis to Lisa Paton (OLALC) in July 2019 asking for information about the social and cultural values of the study area by the end of the same day, which Lisa stated was totally inadequate in the same conversation (L. Paton pers. comm. October 2019). In fact, the process of gathering this information is extremely time-intensive, involving several face-to-face meetings with Elders and other community members on Country to document this information. This process should have been incorporated from the very outset of the study”.*

Response: The staged consultation undertaken with the OLALC was carried out having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a). Consultation with the OLALC took place: before the field assessment, to assess preliminary community views and organise a field survey teams;



during the field surveys with the Aboriginal team members; and after the field surveys, to discuss the findings and recommendations for Aboriginal cultural heritage management (EIS Appendix P; Section 3).

Further, the proponent notes that Dr Cupper and representatives of the proponent (Andrew Wannan and Michael Coote) met with the OLALC CEO (Annette Steele) and Natural Resource Coordinator (Lisa Paton) in Orange on 24 June 2019. The purpose of the meeting was to discuss the submissions of the OLALC.

The social impact assessment (SIA) for the EIS (Hansen Bailey 2019) was a separate process to the Aboriginal cultural heritage assessment and focused on the social impacts of the project on the local Aboriginal community, rather than cultural heritage impacts. It is noted that Wiradjuri representatives participated in the Blayney SIA workshops held in October 2018 to inform the SIA. The SIA outlined how the proponent would continue to engage with the local Aboriginal community and would seek to encourage the participation of the local Aboriginal community in the project workforce and supply chain through an Indigenous Participation Plan.

*7. Submission: "The OLALC argues that the current (inter-site) analysis is totally inadequate..."*

Response: The original assessment (EIS Appendix P; Sections 6.6.1 and 7.2) analysed the Aboriginal cultural heritage sites and their landscape context including an inter-site analysis. Furthermore, the proponent expressly acknowledges that: "Examination of the artefacts and their contexts should form an integral part of the recording programme in order to better understand and interpret local and regional patterns of past Aboriginal settlement and resource use. In particular, this could involve investigating lithic technologies adopted at the Aboriginal cultural heritage sites. These strategies of information collection would complement the salvage programme" and would be documented in the approved CHMP for the project, which would be prepared in consultation with OLALC (Section 4.2).

*8. Submission: "The OLALC does not consider that the Aboriginal sites identified in the study area during the Cultural Heritage Assessment (Cupper 2019; Appendix 9 of EIS) reflect the true nature and extent of Aboriginal cultural heritage that is present at this location, which is likely to be significantly greater and richer, and to extend into subsurface deposits."*

Response: The original assessment (EIS Appendix P; Section 8.4) considered the potential for previously unidentified Aboriginal cultural heritage sites to be located within the mine project area (e.g. sites that may have been obscured by grass or soil at the time of survey). Such previously unidentified features, should they occur, would probably be isolated finds or low-density concentrations of stone artefacts (based on the predictive model outlined in the EIS Appendix P; Section 6.1.1 and informed by the results of the current survey, summarised in the EIS Appendix P; Section 6.5).

The shallow soils of the project area, coupled with past disturbance from mining, pastoralism, agriculture, and dam, track and fence construction, means that significant in situ subsurface cultural deposits are highly improbable.

The project area does not contain culturally sensitive landforms such as lunettes or source-bordering sand dunes where subsurface Aboriginal cultural deposits (e.g. burials) have been recorded previously.

Nevertheless, management of previously unidentified Aboriginal cultural heritage within the disturbance footprint is considered in section 4.4 and would be managed according to the CHMP (prepared in consultation with OLALC).

*9. Submission: "The OLALC argues that the archaeologists commissioned to undertake this study did not undertake the appropriate due diligence necessary to identify the Aboriginal cultural heritage significance of the study area (see above), and that the inadequate consultation in fact goes against the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (Part 6 of the National Parks and Wildlife Act 1974 (NSW)). The OLALC again requests that any future archaeological investigations are undertaken by a suitably qualified archaeologist appointed by the OLALC."*

Response: The Aboriginal cultural heritage assessment report was prepared having regard to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Part 6 *National Parks and Wildlife Act 1974*) (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b), *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH, 2011), *Draft Guidelines for Aboriginal Cultural Impact Assessment and Community Consultation* (DEC 2005), *The Australia International Council on Monuments and Sites (ICOMOS) Burra Charter* (Australia ICOMOS 2013), *NSW National Parks and Wildlife Service Aboriginal Cultural Heritage: Standards and Guidelines Kit* (NPWS 1997), *Australian Heritage Commission Ask First; A Guide to Respecting Indigenous Heritage Places and Values* (AHC 2002) and the *NSW Minerals Council NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects* (NSW Minerals Council 2010).

The project archaeologists commissioned for the cultural heritage assessment were appropriately qualified (see EIS Appendix P; Section 2).

10. Submission: “The OLALC are also deeply concerned that a source of rock traditionally used as pigment by the Wiradjuri is located in the study area in Pounds Lane, but is not mentioned in the Cultural Heritage Assessment (Appendix P in EIS). This source of pigment rock is highly significant as it contains yellow, white, red and blue varieties with a deep history of use for a range of traditional purposes by the Wiradjuri, which continues today.”

Response: The pieces of ochre identified in proximity to Pounds Lane are addressed in the separate OzArk (2020) assessment associated with the revised site access road and therefore is not considered further in this report.

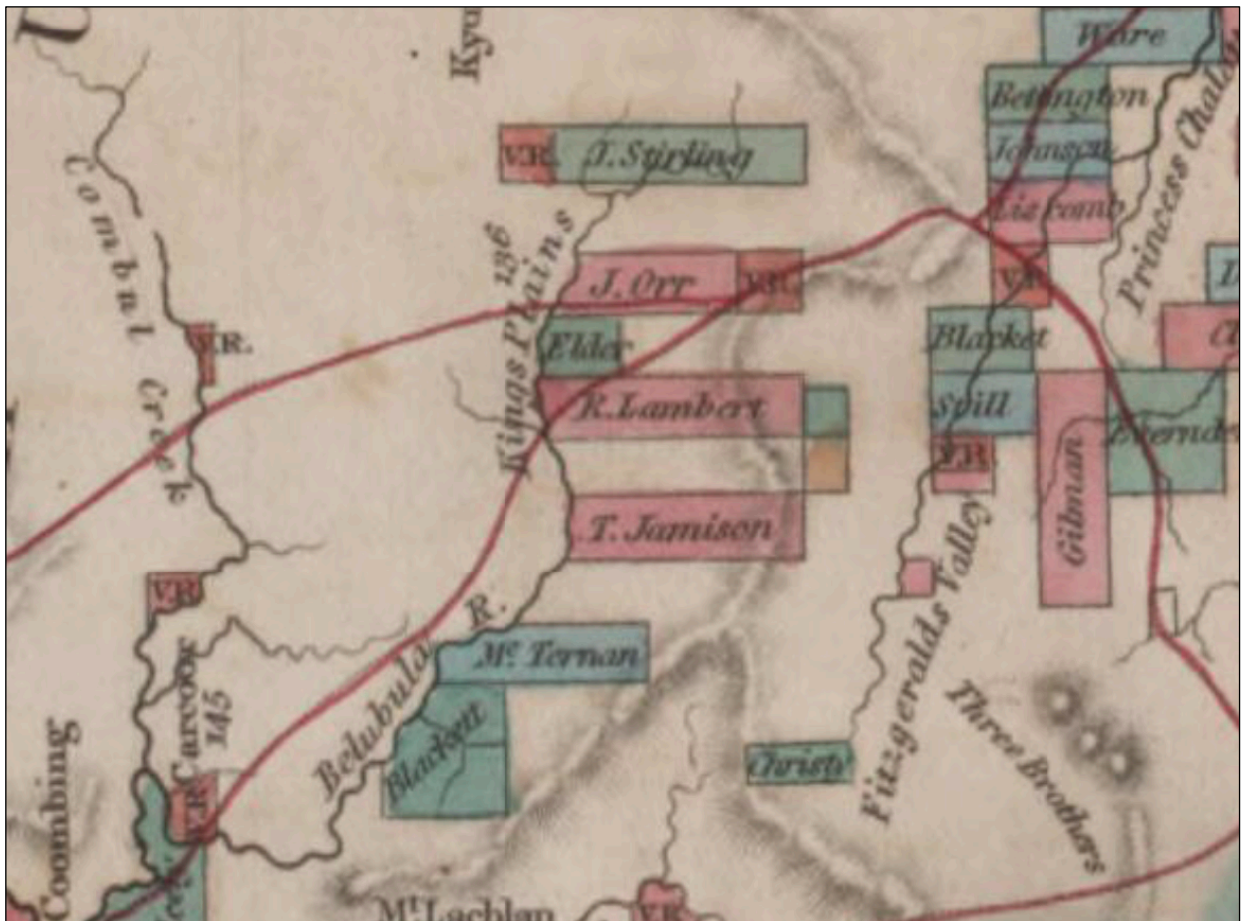


Figure 2.1 Dixon's 1837 map of Kings Plains west of the Belubula River

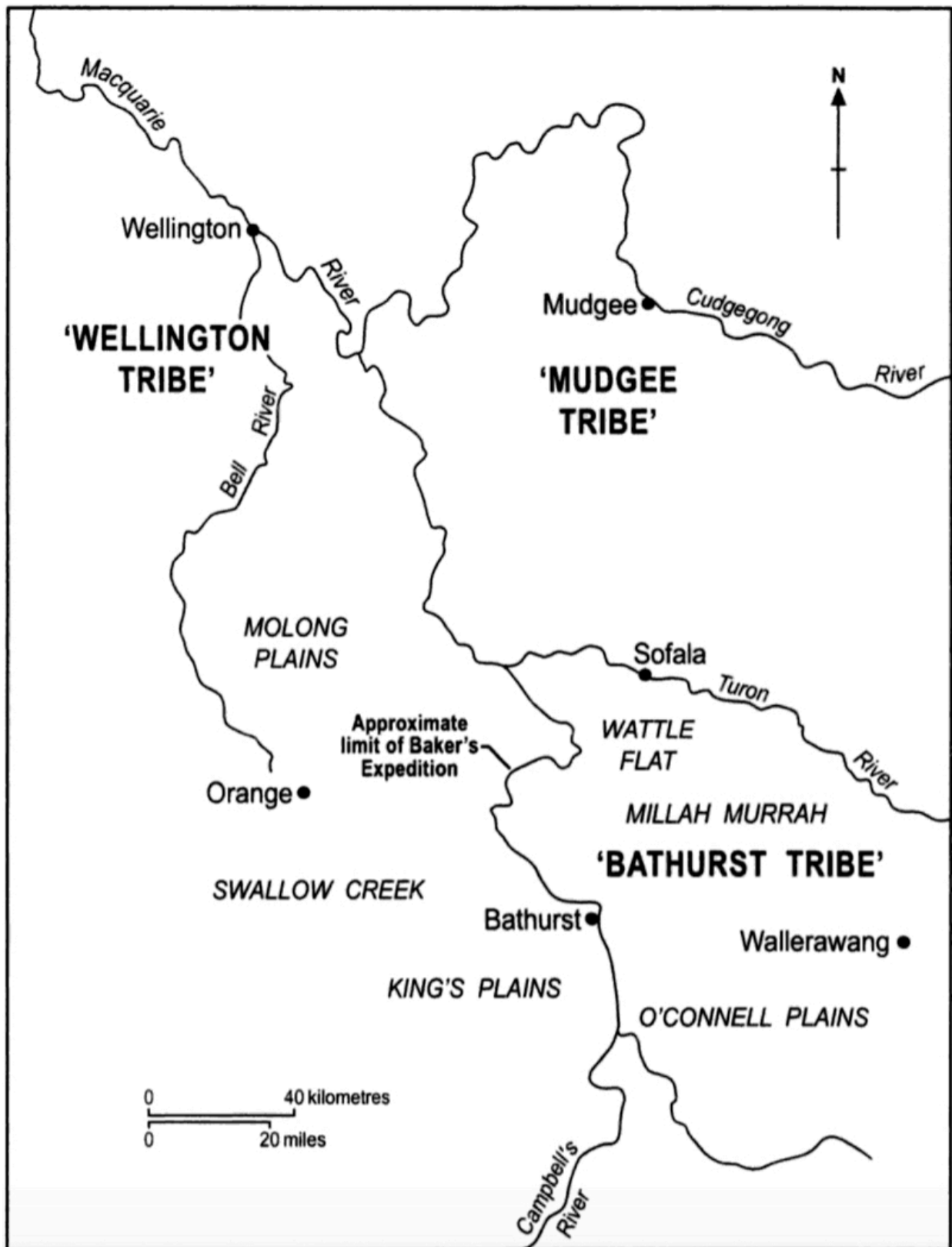


Figure 2.2 Map of the Kings Plains west of Bathurst from Conner (2002; p. 54)



Figure 2.3 Dixon's 1837 map of Bathurst. Frontier conflict events are known from the government reserve ("G.R.") immediately west of Bathurst approximately 27 km northeast of the mine project area.



### 3. Amended potential impacts of the project on cultural heritage

Six additional Aboriginal cultural heritage sites (MGP-A5, A6, A9-A12; artefact scatters and/or isolated finds) are located within the proposed direct disturbance footprint for the project. These sites were previously assessed in the EIS as being potentially subject to harm (i.e. potential indirect disturbance).

Two Aboriginal cultural heritage sites (MGP-A14, A22) were previously assessed as being subject to direct harm, however these sites are now located proximal to the proposed direct disturbance footprint for the project, and hence may be subject to indirect harm.

A further three Aboriginal cultural heritage sites (MGP-A13, A16, A37) will now be avoided by the project. These sites were previously assessed in the EIS as being potentially subject to harm (i.e. potential indirect disturbance).

Harm to one potentially State-significant historical cultural heritage site (MGP-H23 Hallwood Farm Complex) will now be avoided as the site is located outside the amended proposed direct disturbance footprint for the project.

Three additional locally-significant historical cultural heritage sites (MGP-H4a Ruin, MGP-H4b Ruin, MGP-H19 Ruin) are located within the proposed direct disturbance footprint for the project.

#### 3.1. Aboriginal cultural heritage site with amended impacts

Descriptions of the Aboriginal cultural heritage sites with amended impacts are summarised in **Tables 3.1** and **3.2**.

**Table 3.1** Aboriginal cultural heritage sites at the project area with amended impacts

AHIMS site number	Site Name	Type	Location GDA94 mE (Zone 55)	Location GDA94 mN (Zone 55)
44-2-0286	MGP-A5	Artefact scatter (n=4)	717646	6294875
44-2-0287	MGP-A6	Isolated find of artefact (n=1)	717576	6294932
44-2-0290	MGP-A9	Artefact scatter (n=5)	717408	6294972
44-2-0293	MGP-A10	Artefact scatter (n=3)	717496	6294939
44-2-0276	MGP-A11	Isolated find of artefact (n=1)	717552	6294926
44-2-0277	MGP-A12	Artefact scatter (n=2)	717673	6295167
44-2-0278	MGP-A13	Artefact scatter (n=3)	717705	6295213
44-2-0281	MGP-A14	Artefact scatter (n=10)	717481	6295232
44-2-0283	MGP-A16	Artefact scatter (n=5)	717525	6295541
44-2-0274	MGP-A22	Isolated find of artefact (n=1)	717391	6291096
44-2-0302	MGP-A37	Isolated find of artefact (n=1)	715544	6296219

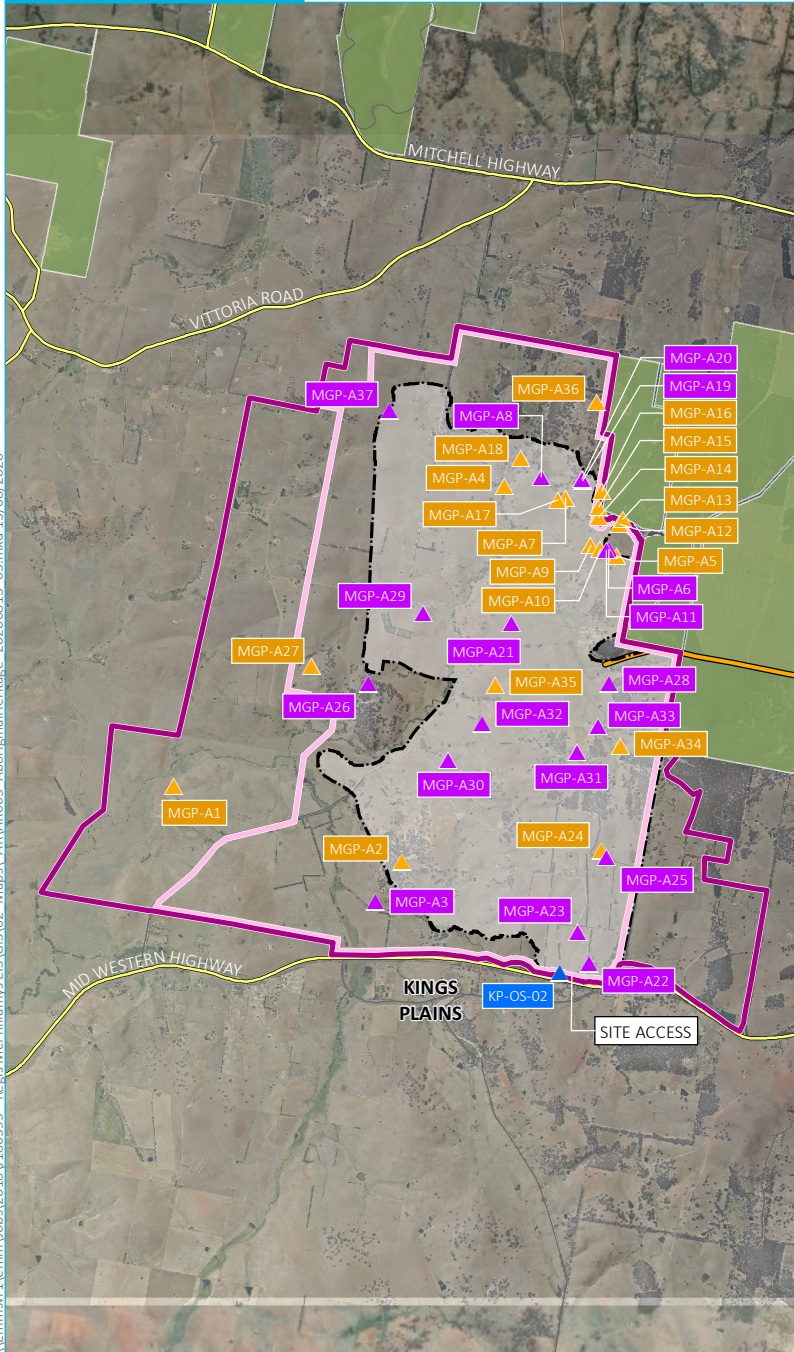
A map of Aboriginal cultural heritage site locations is included as **Figure 3.1**.



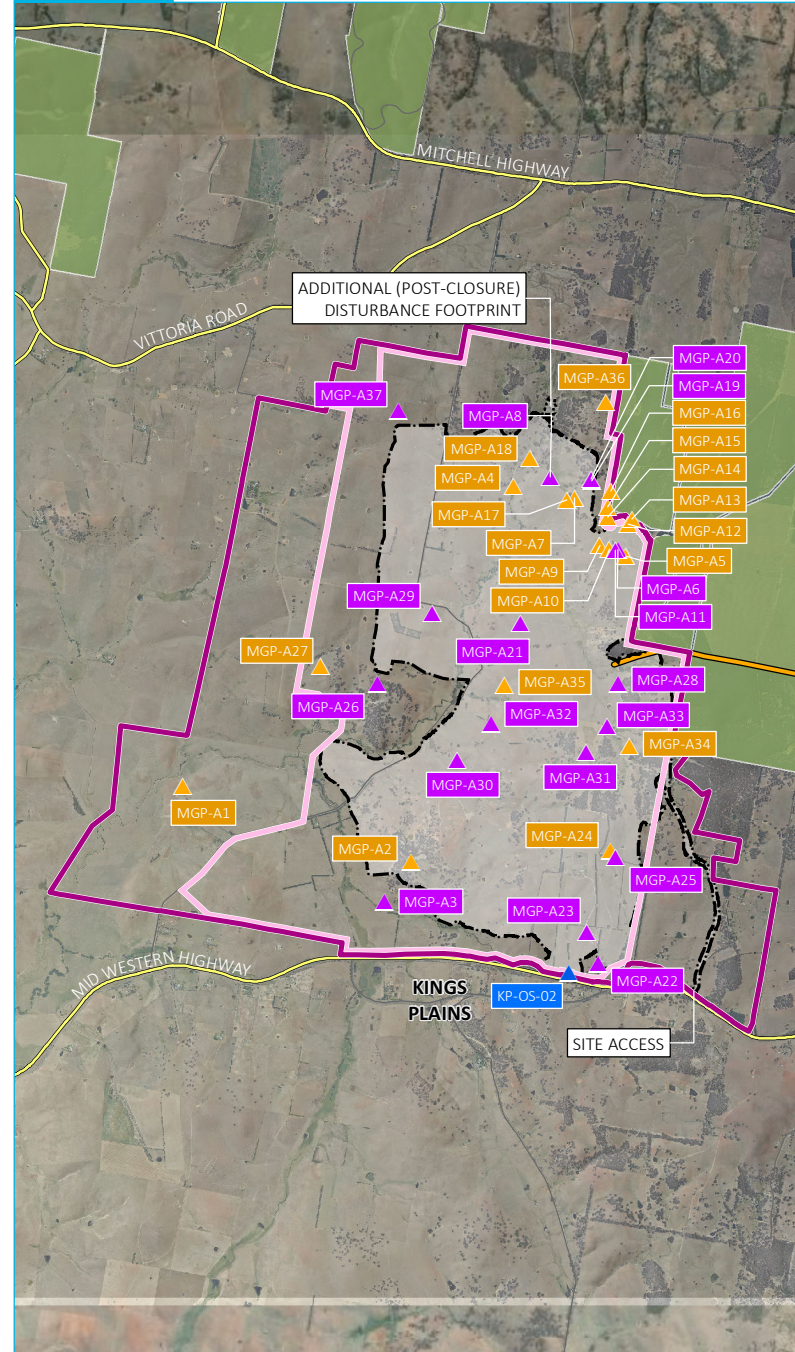
**Table 3.2 Comparison of potential impacts to Aboriginal cultural heritage in Amended Project**

<b>Site Name</b>	<b>Type</b>	<b>Significance</b>	<b>Potential Impacts – Amended Project</b>	<b>Potential Consequence – EIS</b>	<b>Potential Consequence – Amended Project</b>
KP-OS-02	Artefact scatter	Low (Scientific)	Direct	Direct Destruction of site	Destruction of site
MGP-A1	Artefact scatter	Low (Scientific)	None	None	None
MGP-A2	Artefact scatter	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A3	Isolated find	Low (Scientific)	None	None	None
MGP-A4	Artefact scatter	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A5	Artefact scatter	Low (Scientific)	Direct	None/possible harm to site	Destruction of site
MGP-A6	Isolated find	Low (Scientific)	Direct	None/possible harm to site	Destruction of site
MGP-A7	Artefact scatter	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A8	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A9	Artefact scatter	Low (Scientific)	Direct	None/possible harm to site	Destruction of site
MGP-A10	Artefact scatter	Low (Scientific)	Direct	None/possible harm to site	Destruction of site
MGP-A11	Isolated find	Low (Scientific)	Direct	None/possible harm to site	Destruction of site
MGP-A12	Artefact scatter	Low (Scientific)	Direct	None/possible harm to site	Destruction of site
MGP-A13	Artefact scatter	Low (Scientific)	None	None/possible harm to site	None
MGP-A14	Artefact scatter	Low (Scientific)	Indirect	Destruction of site	None/possible harm to site
MGP-A15	Artefact scatter	Low (Scientific)	Indirect	None/possible harm to site	None/possible harm to site
MGP-A16	Artefact scatter	Low (Scientific)	None	None/possible harm to site	None
MGP-A17	Artefact scatter	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A18	Artefact scatter	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A19	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A20	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A21	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A22	Isolated find	Low (Scientific)	Indirect	Destruction of site	None/possible harm to site
MGP-A23	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A24	Artefact scatter	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A25	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A26	Isolated find	Low (Scientific)	None	None	None
MGP-A27	Artefact scatter	Low (Scientific)	None	None	None
MGP-A28	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A29	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A30	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A31	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A32	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A33	Isolated find	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A34	Artefact scatter	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A35	Artefact scatter	Low (Scientific)	Direct	Destruction of site	Destruction of site
MGP-A36	Artefact scatter	Low (Scientific)	None	None	None
MGP-A37	Isolated find	Low (Scientific)	None	None/possible harm to site	None

# ENVIRONMENTAL IMPACT STATEMENT



# AMENDED PROJECT

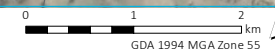


- KEY**
- Project application area
  - Mine development project area (EIS)
  - Mining lease application area (Note: boundary offset for clarity)
  - Disturbance footprint
  - Pipeline
  - Existing environment
  - Major road
  - Minor road
  - Vittoria State Forest
  - Aboriginal heritage site (Landsape, 2019)
  - Artefact scatter
  - Isolated find
  - Previously recorded site
  - Open artefact site

Aboriginal cultural heritage sites in the mine project area

McPhillamys Gold Project  
Addendum Aboriginal and historic  
heritage assessment  
Figure 3.1

Source: EMM (2019); Regis Resources (2019); Survey Graphics (2019); DPE (2018); Landsape (2019); DFSI (2017); GA (2011)



### 3.2. Historical cultural heritage sites with amended impacts

Descriptions of the historical cultural heritage site with amended impacts are summarised in **Tables 3.3** and **3.4**. A map of historical cultural heritage site locations is included as **Figure 3.2**.

**Table 3.3 Historical cultural heritage sites at the project area with amended impacts**

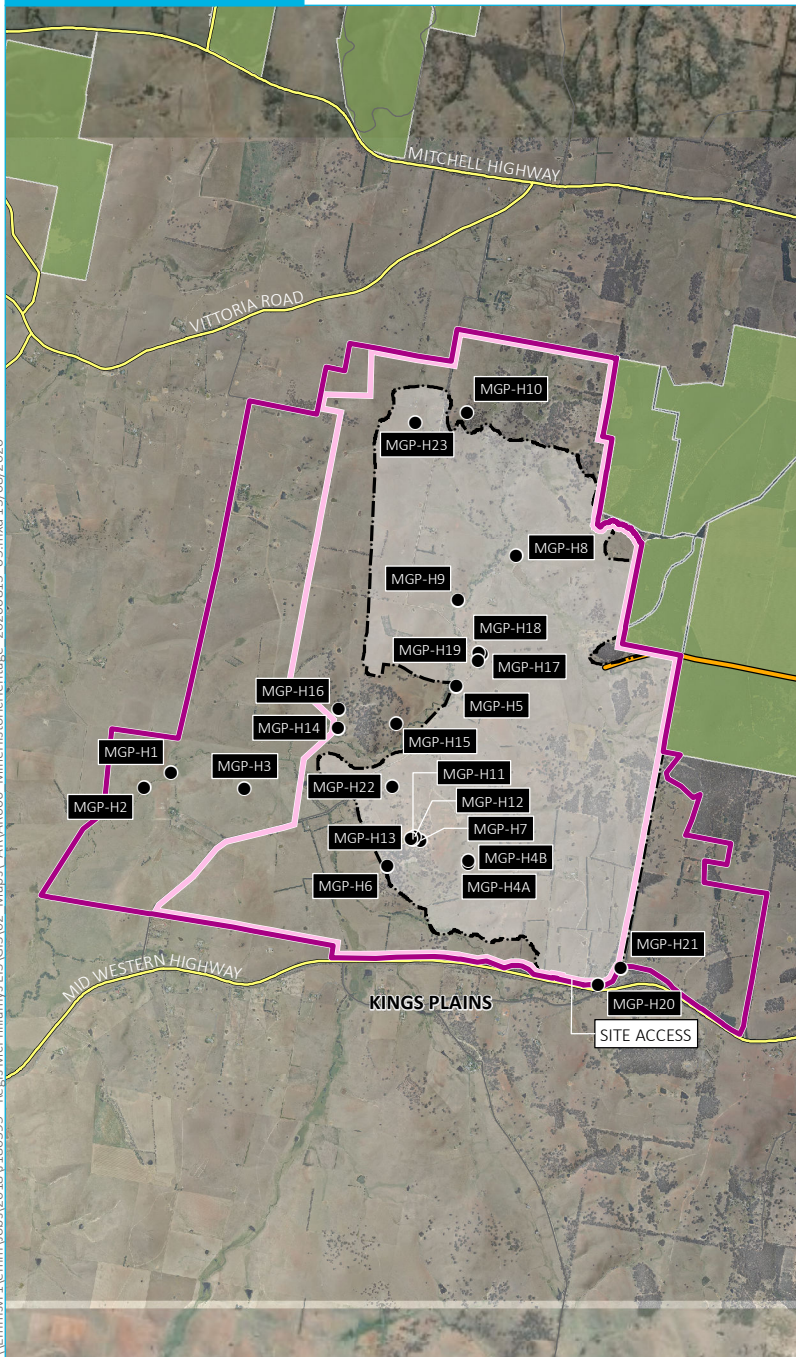
Site Name	Site Name	Location GDA94 mE (Zone 55)	Location GDA94 mN (Zone 55)
MGP-A4a	Ruin	716277	6292056
MGP-A4b	Ruin	716278	6292081
MGP-A19	Ruin	716362	6293933
MGP-A23	Hallwood Farm Complex	715787	6296136

**Table 3.4 Amended potential impacts to historical cultural heritage**

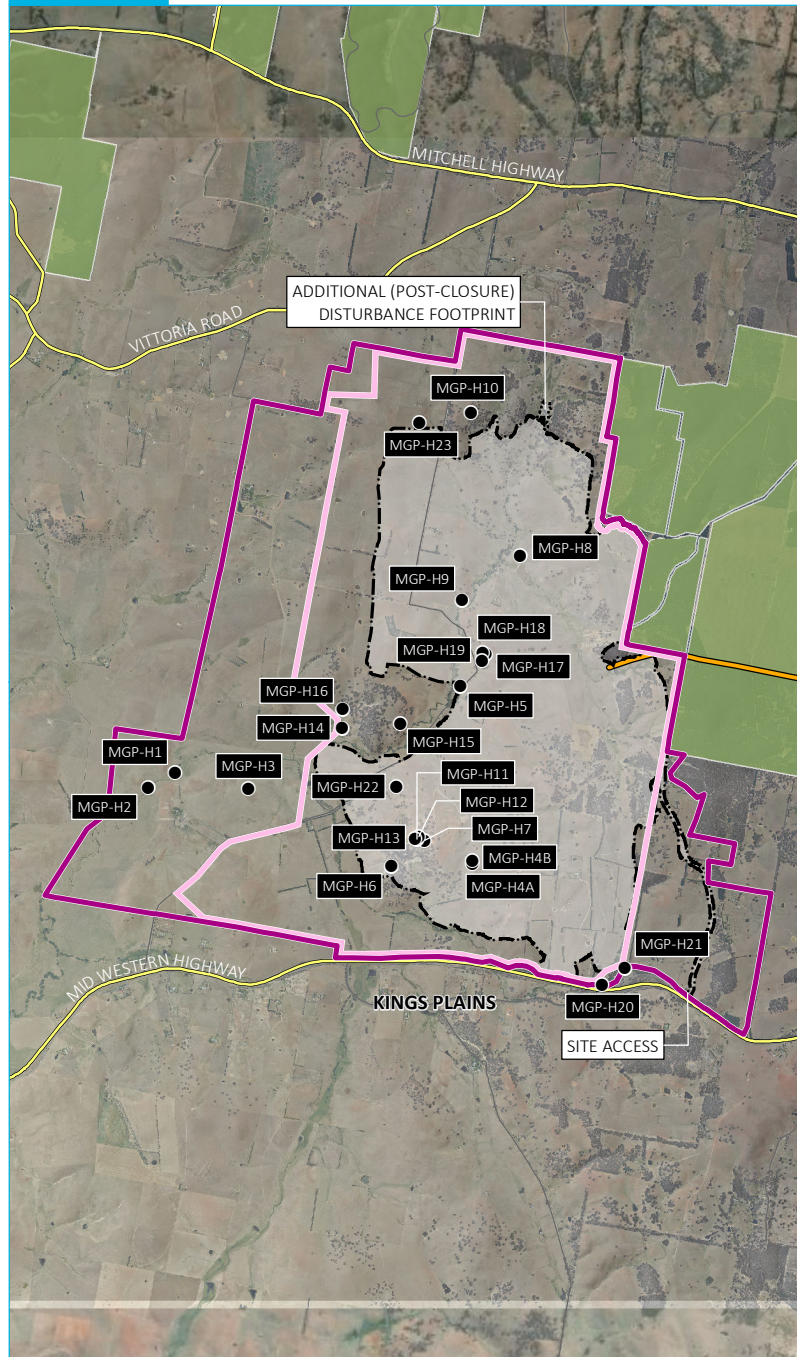
Site Name	Type	Significance	Potential Impacts – Amended Project	Potential Consequence - EIS	Potential Consequence – Amended Project
MGP-H1	Bridge Ruin	na	None	None	None
MGP-H2	Building Material Dump	na	None	None	None
MGP-H3	Building Material Dump	na	None	None	None
MGP-H4a	Ruin	Local (e, g)	Direct	None/possible harm to site	Destruction of site
MGP-H4b	Ruin	Local (e, g)	Direct	None/possible harm to site	Destruction of site
MGP-H5	Building Complex	Local (e,f,g)	None/Indirect	None/possible harm to site	None/possible harm to site
MGP-H6	Mine Shaft	Local (a)	Direct	Destruction of site	Destruction of site
MGP-H7	Survey Marker Tree	Local (b)	Direct	Destruction of site	Destruction of site
MGP-H8	Shed and Ruin	na	Direct	Destruction of site	Destruction of site
MGP-H9	Ruin	Local (e, g)	Direct	Destruction of site	Destruction of site
MGP-H10	Mine Benching	na	None	None	None
MGP-H11	Mineshaft and Dump	Local (a, b)	Direct	Destruction of site	Destruction of site
MGP-H12	Mineshaft and Dump	Local (a, b)	Direct	Destruction of site	Destruction of site
MGP-H13	Mineshaft	Local (a, b, g)	Direct	Destruction of site	Destruction of site
MGP-H14	Ruin	Local (e, g)	None	None	None
MGP-H15	Adit	Local (a, g)	None	None	None
MGP-H16	Stockyards	na	None	None	None
MGP-H17	Mined Quartz	na	Direct	Destruction of site	Destruction of site
MGP-H18	Ruin	Local (e, g)	Direct	Destruction of site	Destruction of site
MGP-H19	Ruin	Local (e, g)	Direct	None/possible harm to site	Destruction of site
MGP-H20	Bridge	na	None	None	None
MGP-H21	Ruin Complex	Local (e, g)	None	None	None
MGP-H22	Mine Subsidence	na	Direct	Destruction of site	Destruction of site
MGP-H23	Hallwood Farm Complex	Potential State (a,b,c,d,e, f, g)	None	Destruction of site	None



# ENVIRONMENTAL IMPACT STATEMENT



# AMENDED PROJECT



- KEY**
- Cultural heritage site (Landscape, 2019)
  - Project application area
  - Mine development project area (EIS)
  - Mining lease application area  
(Note: boundary offset for clarity)
  - Disturbance footprint
  - Pipeline
  - Existing environment
  - Major road
  - Minor road
  - Vittoria State Forest

Historical cultural heritage sites in the mine project area

McPhillamys Gold Project  
Addendum Aboriginal and historic  
heritage assessment  
Figure 3.2

## 4. Management strategies for cultural heritage

This section presents proposed strategies for the management of cultural heritage values within the project area that may be subject to direct impacts by the Project.

### 4.1. General recommendations

#### 4.1.1. Cultural Heritage Management Plan

The optimal means of co-ordinating and implementing the proposed management strategies is to integrate them into a single programme and document in the form of a *Cultural Heritage Management Plan* (CHMP). The CHMP would reflect the proposed management of the cultural heritage sites within the project area. The CHMP would cover all relevant actions and requirements to be conducted at the project area. The CHMP will remain active for the life of the mine development and define the tasks, scope and conduct of all cultural heritage management activities.

#### 4.1.2. Role of the local Aboriginal community

Regis is committed to involving the local Aboriginal community as an integral participant in the management of Aboriginal cultural heritage values in the project area. The strategies outlined in this report have incorporated the views of community representatives and the CHMP will be drafted following receipt of development consent in consultation with the local Aboriginal community.

The recording, collection, curation, storage and replacement of salvaged Aboriginal objects would occur with the invited participation of local Aboriginal community representatives.

#### 4.1.3. Site management and cultural awareness training

The effective application of the CHMP and its strategies is dependent on an appreciation of its content and function by on-site staff and employees.

It is proposed to provide training to all on-site personnel regarding the CHMP strategies relevant to their employment tasks.

### 4.2. Management of previously identified cultural heritage within the disturbance footprint

The area of disturbance for the proposed mine components, which would disturb the Aboriginal and historical cultural heritage sites is considered to be relatively inflexible. Engineering constraints mean that most mine components cannot be relocated away from the cultural heritage sites to avoid disturbance. Additionally, any such relocation would not remove threats to the sites from indirect disturbance.

It is recommended that Regis arrange for the salvage of the Aboriginal objects prior to the commencement of site activities (as per Table 4.1). Regis should engage a suitably qualified archaeologist and representatives of the registered Aboriginal stakeholders to record and collect the stone artefacts. These items should be properly curated and stored in an on-site “Keeping Place”. Artefacts should be replaced within rehabilitated areas in consultation with local Aboriginal groups and Heritage NSW.

Examination of the artefacts and their contexts should form an integral part of the recording programme in order to better understand and interpret local and regional patterns of past Aboriginal settlement and resource use. In

particular, this could involve investigating lithic technologies adopted at the Aboriginal cultural heritage sites. These strategies of information collection would complement the salvage programme.

Similarly, an archaeologist should be engaged to complete archaeological subsurface testing at the those historical cultural heritage sites in the amended disturbance footprint with a good potential for subsurface relics (MGP-H4a [Ruin], MGP-H19 [Ruin]). Salvaged items should be properly curated and archived at a location to be determined.

Archival recording should be undertaken, and a conservation management plan should be prepared for MGP-H23 (Hallwood Farm Complex).

Proposed amended site management strategies for the cultural heritage sites identified during the field survey are summarized in **Tables 4.1 and 4.2**.

The amended design would now avoid impact to one potential State-significant historical cultural heritage site (MGP-H23). Direct impacts would occur at an additional three historical cultural heritage sites of local significance (MGP- MGP-H4a, MGP-H4b, MGP-H19) to those assessed in the EIS.

To mitigate the likely or potential damage to these historical cultural heritage sites, it is recommended that prior to the commencement of the proposed works that following mitigation measures be completed:

1. MGP-H23 (Hallwood Farm Complex) is of potential State-significance. Archival recording should be completed and a conservation management plan must be devised for the site.
2. Sites MGP-H4a (Ruin), MGP-H4b (Ruin) and MGP-H19 (Ruin) would be directly impacted. These sites have been assessed to have good subsurface archaeological potential. Archaeological subsurface testing should be carried out at all locally significant historical cultural heritage sites that have been assessed to have subsurface archaeological potential that may be directly impacted by the project. The additional sites that should undergo subsurface testing to ascertain archaeological significance are: MGP-4a, MGP-4b, MGP-19. These sites should be archivally recorded and artefacts salvaged prior to development related impacts.

**Table 4.1 Proposed specific management strategies for Aboriginal cultural heritage sites**

Site Name	Type	Significance	Potential Impacts	Proposed Management Measures
KP-OS-02	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A1	Artefact scatter	Low (Scientific)	None	Avoid harm by protective barrier
MGP-A2	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A3	Isolated find	Low (Scientific)	None	Avoid harm by protective barrier
MGP-A4	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A5	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A6	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A7	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A8	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A9	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A10	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A11	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A12	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A13	Artefact scatter	Low (Scientific)	None	Avoid harm
MGP-A14	Artefact scatter	Low (Scientific)	Indirect	Salvage Aboriginal objects
MGP-A15	Artefact scatter	Low (Scientific)	Indirect	Salvage Aboriginal objects
MGP-A16	Artefact scatter	Low (Scientific)	None	Avoid harm by protective barrier
MGP-A17	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A18	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A19	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A20	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A21	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A22	Isolated find	Low (Scientific)	Indirect	Salvage Aboriginal objects
MGP-A23	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A24	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A25	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A26	Isolated find	Low (Scientific)	None	Avoid harm by protective barrier
MGP-A27	Artefact scatter	Low (Scientific)	None	Avoid harm by protective barrier
MGP-A28	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A29	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A30	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A31	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A32	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A33	Isolated find	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A34	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A35	Artefact scatter	Low (Scientific)	Direct	Salvage Aboriginal objects
MGP-A36	Artefact scatter	Low (Scientific)	None	Avoid harm by protective barrier
MGP-A37	Isolated find	Low (Scientific)	None	Avoid harm by protective barrier

**Table 4.2 Proposed amended specific management strategies for the historical cultural heritage sites**

Site Name	Type	Summary Significance	Potential Impacts	Proposed Management Measures
MGP-H1	Bridge Ruin	na	None	None
MGP-H2	Building Material Dump	na	None	None
MGP-H3	Building Material Dump	na	None	None
MGP-H4a	Ruin	Local (e, g)	Direct	Subsurface testing, archival recording and salvage
MGP-H4b	Ruin	Local (e, g)	Direct	Subsurface testing, archival recording and salvage
MGP-H5	Building Complex	Local (e,f,g)	None/Indirect	Avoid harm, or subsurface testing, archival recording and salvage
MGP-H6	Mine Shaft	Local (a)	Direct	Archival recording
MGP-H7	Survey Marker Tree	Local (b)	Direct	Archival recording and salvage
MGP-H8	Shed and Ruin	na	Direct	None
MGP-H9	Ruin	Local (e, g)	Direct	Subsurface testing, archival recording and salvage
MGP-H10	Mine Benching	na	None	None
MGP-H11	Mineshaft and Dump	Local (a, b)	Direct	Archival recording
MGP-H12	Mineshaft and Dump	Local (a, b)	Direct	Archival recording
MGP-H13	Mineshaft	Local (a, b, g)	Direct	Archival recording
MGP-H14	Ruin	Local (e, g)	None	Avoid harm
MGP-H15	Adit	Local (a, g)	None	Avoid harm
MGP-H16	Stockyards	na	None	None
MGP-H17	Mined Quartz	na	Direct	None
MGP-H18	Ruin	Local (e, g)	Direct	Subsurface testing, archival recording and salvage
MGP-H19	Ruin	Local (e, g)	Direct	Subsurface testing, archival recording and salvage
MGP-H20	Bridge	na	None	None
MGP-H21	Ruin Complex	Local (e, g)	None	None
MGP-H22	Mine Subsidence	na	Direct	None
MGP-H23	Hallwood Farm Complex	Potential State (a,b,c,d,e, f, g)	None/Indirect	Avoid harm, archival recording and conservation management



### 4.3. Management of previously unidentified cultural heritage within the disturbance footprint

In the event that a previously unidentified Aboriginal or historical cultural heritage site is encountered during construction or operation of the mine, work must stop immediately in the vicinity and the site protected from any further inadvertent impact and reported to a relevant specialist (e.g. a suitably qualified archaeologist).

A suitably qualified archaeologist should assess the significance of the site (in consultation with the registered Aboriginal stakeholders for Aboriginal cultural heritage).

Where impacts are proposed to an Aboriginal stone artefact scatter or isolated find, and avoidance of impacts is not feasible the Aboriginal objects should be recorded and collected.

Any newly identified historical cultural heritage sites of local significance should be avoided where possible. If disturbance cannot be avoided, the site should be subject to detailed archival recording.

Any newly identified State-significant historic relics or intact archaeological deposits should be reported to the NSW Heritage Council with the advice from the archaeologist for determination of further procedures.

### 4.4. Summary recommendations

Based on the results of this cultural heritage investigation and consultation with representatives of the local Aboriginal community it is recommended that:

1. Regis arranges to salvage the relevant Aboriginal artefacts at the Aboriginal cultural heritage sites described in Table 4.2 above. A suitably qualified archaeologist and representatives of the local Aboriginal community must be engaged to record and collect the Aboriginal objects. These items must be properly curated and stored in a location to be determined. Following the relinquishment of the mining lease for the project, the stored Aboriginal artefacts should be replaced within rehabilitated areas in consultation with local Aboriginal groups and Heritage NSW.
2. Archaeological subsurface testing to ascertain archaeological significance must be completed at historical cultural heritage sites MGP-4a (Ruin), MGP-4b (Ruin), MGP-19 (Ruin) located within the proposed mine disturbance footprint. These sites must be archivally recorded and artefacts salvaged prior to development related impacts.
3. Archival recording to be completed on MGP-H23 (Hallwood Farm Complex) and a conservation management plan must be devised for the site.
4. In the event that a previously unidentified Aboriginal or historical cultural heritage site is encountered during construction or operation of the mine, work must stop immediately in the vicinity and the site protected from any further inadvertent impact and reported to a relevant specialist (e.g. a suitably qualified archaeologist). A suitably qualified archaeologist must assess the significance of the site (in consultation with the registered Aboriginal stakeholders for Aboriginal cultural heritage). Where impacts are proposed to an Aboriginal stone artefact scatter or isolated find, and avoidance of impacts is not feasible the Aboriginal objects must be recorded and collected. Any newly identified historical cultural heritage sites of local significance should be avoided where possible. If disturbance cannot be avoided, the site must be subject to detailed archival recording. Any newly identified State-significant historic relics or intact archaeological deposits must be reported to the NSW Heritage Council with the advice from the archaeologist for determination of further procedures.

5. In the unlikely event that human skeletal remains are encountered during the course of activities associated with the mine development, all work in that area must cease. Remains must not be handled or otherwise disturbed except to prevent further disturbance. If the remains are thought to be less than 100 years old the Police or the State Coroner's Office (tel: 02 9552 4066) must be notified. If there is reason to suspect that the skeletal remains are more than 100 years old and Aboriginal, Regis must contact Heritage NSW (tel: 131 555) for advice. In the unlikely event that an Aboriginal burial is encountered, strategies for its management would need to be developed with the involvement of the local Aboriginal community.
6. Regis must co-ordinate and implement these proposed management strategies by integrating them into a single programme and document in the form of a CHMP. The CHMP must remain active for the life of the mine development and define the tasks, scope and conduct of all Aboriginal and historical cultural heritage management activities. The CHMP must be developed in consultation with the local Aboriginal community. In particular, Regis in consultation with the Orange Local Aboriginal Land Council must commission a social and cultural mapping study with relevant traditional owners for the project area. Regis must also provide training to all on-site personnel regarding the CHMP strategies relevant to their employment tasks.
7. Regis must continue to involve the registered Aboriginal stakeholders and any other relevant Aboriginal community groups or members in matters pertaining to the mine development. In particular, the recording, collection, curation, storage and replacement of Aboriginal objects must occur with the invited participation of local Aboriginal community representatives. Aboriginal objects must be accessible to relevant Aboriginal community representatives for cultural and educational purposes subject to appropriate operational constraints.

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# Appendices

Appendix 1      Formal Responses from Aboriginal Stakeholders to EIS

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# Appendix 1

**Formal Responses from Stakeholders to EIS**

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Ms Elle Clémentine  
NSW Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2001

Via email: Elle.Clementine@planning.nsw.gov.au

Dear Ms Clémentine

**SSD 9505 – MCPHILLAMYS GOLD PROJECT – BLANEY SHIRE, CABONNE SHIRE,  
LITHGOW CITY AND BATHURST REGIONAL LGA – EIS – REQUEST FOR ADVICE**

I refer to an email dated 10 September 2019 from Planning, Industry & Environment requesting Heritage Council advice on the State Significant Development project (SSD 9505).

The SSD seeks consent for the development of an open cut mine and a water supply pipeline in relation to the proposed McPhillamys Gold Project.

The following documents have been reviewed:

- ENVIRONMENTAL IMPACT STATEMENT, McPhillamys Gold Project (EIS), prepared for LFB Resources NL by EMM Consulting, dated 27 August 2019.
- MINE DEVELOPMENT ABORIGINAL AND HISTORICAL CULTURAL HERITAGE ASSESSMENT, (AHCHA) McPhillamys Gold Project, prepared for LFB Resources NL by Landskape Natural and Cultural Heritage Management, dated July 2019 [Appendix P].

The SEARs for the Project were issued on 19 December 2018. It is noted that the site of the proposal does not include the curtilage of any State Heritage Register (SHR) items, nor is the site in the immediate vicinity of any SHR items.

A SEAR was included requiring a heritage impact assessment and an archaeology assessment prepared by a suitably qualified historical archaeologist in accordance with the Heritage Division, Office of Environment and Heritage Assessment Guidelines (1996), Assessing Significance for Historical Archaeological Sites and Relics (2009).

*Built Heritage*

It is noted that Hallwood Farm Complex is one of eleven sites located within the direct disturbance footprint and the only site to be identified that may be of State significance. The AHCHA found that except for Hallwood Farm Complex, the disturbance to the sites within the mine project area would not greatly impact the historic heritage value of the area or region or cause cumulative impact.

The EIS states both the AHCHA (Landskape 2019) and the Stage 1 Report by Christo Aitken and Associates (2019) [Appendix 5 of Appendix P], recommend that due to the potential state significance of Hallwood Farm Complex, harm must be avoided by modifying the



proposed ancillary water management facility footprint. A detailed assessment and conservation management plan is also recommended. This is considered appropriate.

- The mitigation measures outlined in Section 9.2 and Table 9.2 of Appendix P relating to built heritage are considered appropriate and should be included in any approval.

It is noted that in addition to the Mine development Project Area there is the pipeline corridor that traverses the LGAs of Lithgow, Bathurst and Blaney from the Blue Mountains to the mine development. The assessment of the historic heritage for the pipeline development found that of the 20 locally listed heritage items within 1km of the pipeline corridor. No Historic heritage items will be directly impacted by the pipeline development.

#### *Historical Archaeology*

The Historic archaeological potential and the impact of proposed works are addressed in the Aboriginal and Historical Cultural Heritage Assessment (AHCHA) at Appendix P of the EIS. The AHCHA makes notes that there are approximately 6 possible historical archaeological sites of potential local significance (MGP-H4a, 4b, 5, 9, 18 & 19) within the study area. The AHCHA then recommends the following:

- Archaeological subsurface testing at these sites to ascertain archaeological significance and
  - Archaeological salvage excavation and recording prior to development taking place if these sites will be impacted by the proposal.
- Based on the above it is recommended that the following conditions of consent be included to manage the potential archaeological resource:
    - a) Prior to test excavations taking place the Applicant shall submit an Archaeological Research Design and Excavation Methodology undertaken by a suitably qualified and experienced historical which outlines the nature of the archaeological programme, proposed artefact analysis and the research questions to be answered by the archaeological programme.
    - b) The Applicant shall submit the name of a suitably qualified and experienced Excavation Director to undertake the archaeological testing programme who is able to satisfy the Excavation Director Criteria of the Heritage council of NSW for the proposed activity and significance level.
    - c) Following the archaeological testing programme, the Applicant and Excavation Director must submit a report detailing the results of a testing programme which includes a re-evaluation of the significance of the archaeological sites and determines whether a salvage excavation is warranted.

The AHCHA also recommends:

- An unexpected finds protocol if previously unidentified Aboriginal or historical cultural heritage sites are encountered during construction;
- A skeletal remains protocol for if human skeletal remains are encountered during activities associated with the mine development; and
- That these management strategies are to be integrated into a single program and document in the form of a Cultural Heritage Management Plan (CHMP) for the project which must be prepared in accordance with the guidelines in the NSW Heritage Manual.

In addition, this CHMP must clearly indicate all heritage items in the vicinity of, and in the project area, provides a statement of significance for each item and a list of the agreed impact mitigation and management strategies that will remain active for the life of the mine development.

- The above three recommendations are considered appropriate and should be included as conditions of consent.

If you have any questions regarding this advice related to McPhillamys Gold Mine please contact James Quoyale, Senior Heritage Assessment Officer at Heritage NSW, Department of Premier and Cabinet on 9873 8612 or at [James.Quoyale@environment.nsw.gov.au](mailto:James.Quoyale@environment.nsw.gov.au).

Yours sincerely

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

**Cheryl Brown**  
Manager, Northern Region  
Heritage NSW  
Department of Premier and Cabinet  
**As Delegate of the NSW Heritage Council**

## **Submission for McPhillamys EIS by the Orange Local Aboriginal Land Council (OLALC)**

### ***Introduction***

This submission was prepared in response to the EIS prepared for the McPhillamys Gold Project, a State Significant Development. The OLALC objects to the proposed EIS on two grounds:

1. that the proposed project will detrimentally and irreversibly impact the Aboriginal (and shared) cultural heritage significance of the study area, and of Kings Plains and the broader region;
2. that consultation undertaken with the OLALC for the Cultural Heritage Assessment (Cupper 2019; Appendix 9 of the EIS) was inadequate, resulting in an inaccurate characterisation of the Aboriginal cultural heritage significance of the study area. The OLALC considers the study area to be a location of State and National significance, which is not reflected in Appendix 9 of the EIS.

The impacts to the Aboriginal cultural heritage significance of the study area are discussed in more detail below in relation to the:

- broader Aboriginal cultural landscape, including Kings Plains and the Belubula River;
- Aboriginal Ancestral Remains and an ochre quarry that are present within the study area but are not addressed in the Cultural Heritage Assessment; and
- Kings Plains Frontier Wars Landscape.

The final part of this submission details concerns regarding inadequate consultation with the OLALC in relation to the Cultural Heritage Assessment.

### ***Impacts to Aboriginal cultural heritage landscape***

#### ***Kings Plains area and Belubula River***

Kings Plains is an important part of the Aboriginal cultural landscape within the Orange region, an area with a long history of occupation (Pardoe and Brown 1986; Pearson 1981). A rich array of sites has been documented in Kings Plains and the immediate vicinity, including stone artefact scatters, stone quarries, stone arrangements, culturally modified trees, rock art, burials and potential archaeological deposits. Each individual site is important as a direct link to the past and for what its activity traces reveal about a past event, or events, that took place at that particular location. For the Wiradjuri people, however, these sites cannot be viewed in isolation as they form part of the broader Aboriginal cultural landscape or Country (earth, water and sky), forming the basis of their everyday life including subsistence, dreaming stories, and connections to the past. This “landscape” approach is also

established in the field of archaeology, as traces of past human activities at any one location are part of a broader system that extends across the landscape (Rossignol and Wandsneider 1992; Schiffer 1972).

The proposed development would irreversibly devastate the headwaters of the Belubula River (“stony river” or “big lagoon”), a significant Aboriginal waterway for the Wiradjuri people. Waterways were, and continue to be, central to the lives of the Wiradjuri people as sources of subsistence, travelling routes, markers of clan boundaries, locations of dreaming stories, and connections to past ancestors (Australian Human Rights Commission 2008: Chapter 6; Water Act 2007 (Cwlth)). The Belubula River is the dominant waterway in the southern part of the OLALC boundary, running approximately east-west, with its origins located in the study area. Traditionally, this waterway is associated with the *Billabearra* (Belubula tribe) (Pearson 1984: 65), including “Tibaroo – Chief of the Bellubla” who is mentioned on a copper plate presented to him by the New South Wales Government some time during the 19<sup>th</sup> century (Peak Hill Express 6 September 1907: 6). The headwaters of the Belubula were frequented by the *Muc-are* (Kings Plain tribe) at the time of contact (Pearson 1984: 65), who likely occupied the study area. The Belubula River and its upper catchment continue to be extremely significant to the Aboriginal community, who maintain “strong spiritual and cultural connections with this area” (Greg Ingram and Ian Sutherland, OLALC pers. comm.; Appendix P in EIS: 14):

“I call the lovely area where I live the valley of the Bilabula, which is the Wiradjuri way of naming our river. The entire Cultural landscape of this area is in my soul and in the soul of all Wiradjuri people and the wider community who are here now and have always been... It is an area of huge Cultural significance... Our beloved Bilabula rises near the Ochre site, it wends it's way through the valley to eventually join the Bila Galari (Lachlan River), the Bila Marrambidya (Murrumbidgee River) then on to the Murray and ultimately to the sea. It may be tiny to start with but it is part of a very significant river system and many Dreaming stories follow it's path and no one has the right to destroy this. No one... The Bilabula is like an artery through our land as shown by this painting I did to be permanently displayed in Blayney Hospital. I have used Wiradjuri symbols to tell the story of the Bilabula. The river is the life blood to animals along the way and to the people who grow food and use it for recreation. This river sustains life. It will not sustain life if the headwaters are poisoned, and that is not acceptable in any sense of fairness.” (Aunty Nyree Reynolds, Wiradjuri Elder; Appendix 1)

“Kings Plains was a big gathering area – people were brought through from other parts of Country, from the north, south, east and west. Songlines all come into that area there... The Belubula River was part of a travel route and Songline. The headwaters and Kings Plains was the main gathering area before they [Wiradjuri men] took the boys onto Wahluu [Mount Panorama].” (Uncle Bill Allen, Wiradjuri

Elder and descendent of Wiradjuri Warrior Windradyne/Saturday; pers. comm. October 2019)

Archaeological studies undertaken previously in the Kings Plains area and to the west reinforce that waterways, including the Belubula River, were the focus of occupation for the Wiradjuri people, with most Aboriginal sites situated within close proximity of a waterway (Austral Archaeology 2004; Gresser 1961-1964; Kelton 1994, 1995, 1999, 2000a, 2000b; Paton 1993; Pardoe and Brown 1986). The results of the Cultural Heritage Assessment undertaken in the study area also confirm this, with most of the 38 sites identified in the study area during the field survey centred around the stream bank/channel and drainage lines associated with the Belubula River – particularly the headwaters in the northeast of the study area (Appendix 9 of EIS: Table 6.3; Figure 6.3). These 38 sites comprise 20 stone artefact scatters and 18 isolated finds of stone artefacts. This relatively high number of Aboriginal sites must also be considered within the context of the poor ground surface visibility conditions that were encountered during the field survey, which resulted in low effective coverage of the study area (i.e. only 10% of the total study area was surveyed effectively, meaning that the remaining 90% of the study area was in effect unsurveyed) (Appendix 9 of EIS: Tables 6.1-6.2). The OLALC does not consider that the Aboriginal sites identified in the study area during the Cultural Heritage Assessment (Cupper 2019; Appendix 9 of EIS) reflect the true nature and extent of Aboriginal cultural heritage that is present at this location, which is likely to be significantly greater and richer, and to extend into subsurface deposits. This impacts the characterisation of Aboriginal cultural heritage and its significance in the study area (Appendix 9 in EIS).

#### *Aboriginal Ancestral Remains within study area*

The OLALC are deeply concerned that Aboriginal Ancestral Remains have been identified previously within the study area, yet this is not addressed in the Cultural Heritage Assessment (Appendix P in EIS). The *Dubbo Liberal and Macquarie Advocate* reported the presence of these remains at the 'The Dungeon' property on Friday 15<sup>th</sup> November 1912 (p. 6) – which is located within the study area. The discovery was reported to the Blayney Police and a police report was filed subsequently. These bones were assessed at the time as belonging to an Aboriginal person. No further action was taken at the time, and these remains were left at the property. A copy of the newspaper article detailing the discovery is presented in Figure 1, and the location of 'The Dungeon' property is shown in Figure 2.

Concerns regarding these remains were discussed with Matthew Cupper during consultation for the Cultural Heritage Assessment (Appendix P of EIS: Appendix 4), but are not addressed adequately in Appendix 9 of the EIS, and remain unactioned (see below).

### *Pigment rock source within study area*

The OLALC are also deeply concerned that a source of rock traditionally used as pigment by the Wiradjuri is located in the study area in Pounds Lane, but is not mentioned in the Cultural Heritage Assessment (Appendix P in EIS). This source of pigment rock is highly significant as it contains yellow, white, red and blue varieties with a deep history of use for a range of traditional purposes by the Wiradjuri, which continues today (Figure 3):

“The ochre was used for healing, ceremonies, and burial ceremonies to heal the spirit as it goes into the next side. You have yellow, white, red and blue ochre. Men used blue for wars, women used red, everyone used white for protection, and women used yellow for healing as mainly women were healers.” (Uncle Bill Allen, Wiradjuri Elder, pers. comm. October 2019)

“It is an area of huge Cultural significance and for many, many years I have used the Ochre site to obtain the Ochre to use with the children I work with in dance and art. I use the Ochre in my paintings which links my art to it's place of origin. I am following on from the practices of our ancestors over many thousands of years.” (Aunty Nyree Reynolds, Wiradjuri Elder; Appendix 1)

### ***Kings Plains Frontier Wars Landscape***

The OLALC and several scholars consider the study area to be of State and National Significance due to the events that occurred there between 1822-1824, which played a critical role in the subsequent Bathurst Wars and ultimately set a template for future Frontier Wars beyond the settlements in the rapidly expanding pastoral occupation of Aboriginal lands. The events that occurred at Kings Plains are also of critical importance for Wiradjuri post-contact history, shaping the way that their lives were transformed and upheaved. However, the Cultural Heritage Assessment makes no mention of the Kings Plains events and their significance (Appendix P in EIS). This impacts the characterisation of Aboriginal cultural heritage significance of the study area, and the proposed specific management strategies.

The Frontier Wars is a collective term describing the violent conflicts that occurred between Aboriginal people and white settlers after 1788, resulting in the deaths of thousands of Aboriginal people and well as white settlers. The earliest documented conflicts occurred in the late 18<sup>th</sup> century and early 19<sup>th</sup> century, when white settlers began to establish farms to the west of Sydney in the Hawkesbury Valley and in Parramatta and other areas (Gapps 2018).

The Bathurst Wars began in 1824, less than a decade after white settlers expanded into inland New South Wales, following Surveyor George Evan's successful crossing of the Blue Mountains in 1815. Initial encounters between the Wiradjuri and Europeans were relatively peaceful, however they deteriorated with the expansion of





Orange Local Aboriginal Land Council  
79 – 81 Kite St, Orange NSW 2800  
PO Box 10, Orange NSW 2800  
Ph: 02 6361 4742  
F: 02 6361 9119  
E: [admin@olalc.com.au](mailto:admin@olalc.com.au)

agriculture and pastoralism in the early 1820s. From 1822, a series of violent encounters occurred between the Wiradjuri and European stockmen at several different locations including Kings Plains, many of which were led by Wiradjuri warrior Windradyne/Saturday.

Dr Stephen Gapps (Historian, Author, MPHA, President of History Council of NSW, Curator at the Australian National Maritime Museum, Lecturer at the University of Technology Sydney) has provided the OLALC with an overview of the events at Kings Plains and their historical significance for both Aboriginal and non-Aboriginal people:

“I am currently researching and writing a history of the Bathurst War and note that the Kings Plains area is an extremely prominent and important part of this conflict. Previous warfare in the Sydney region was very much a state sanctioned affair with the colonial authorities firmly in control of the military, and use of Magistrates and settler ‘militias’. In Bathurst, the template for future Frontier Wars beyond the settlements in the rapidly expanding pastoral occupation of Aboriginal lands was laid out.

The conflict at Bathurst set a pattern – initial encounters between settlers and Wiradjuri were for several years peaceful, but then as traditional economic resources became reduced due to massive numbers of sheep and cattle, Wiradjuri began to kill stock and this spiraled into reprisal attacks. The lessons of occupying Aboriginal land far beyond the firm reach of colonial authorities were learned at Bathurst, arguably culminating in the Myall Creek and other massacres of the 1830s.

Existing research into the Bathurst War is limited and only written about quite generally in several local histories. Much of the information concerning conflict is based on work by local historians, most prominently Salisbury and Gresser, in the 1970s.

Many local histories suggest conflict in the region erupted in 1824, however my initial detailed research in the NSW State Archives suggests it commenced in 1822, firstly around George Cox’s Cudgegong River station in February and then in late 1822 raids were reported elsewhere.

By 1823, conflict was escalating. In August Judge Advocate Wylde received a letter from his overseer Andrew Dunn about the situation and Wylde wrote to Colonial Secretary Goulburn ‘again to report the depositions sometimes since transmitted to you by L<sup>t</sup> Lawson Commandant & Magistrate at Bathurst, the black Natives of the place having killed some, injured others and widely dispersed the Herds of horned stock belonging to myself and Mr George Thomas Palmer at our stations on Kings Plains beyond Bathurst...’. Wylde wrote to reiterate the earlier incidents and to notify



of another, more serious one. He was clear that in late July, 'further mischief has been done and more is it expected to arise from renewed similar Incursions'.<sup>1</sup>

On the 20<sup>th</sup> of July, at Wylde's 'further Station', Henry Alsop was armed but alone in a hut when it was attacked. According to Wylde's overseer Andrew Dunn Alsop was 'cut in a most shocking manner'. Then, 'one of the natives got the loaded Gun, which was discharged at — Booth and — Butcher two other Stockmen coming soon after to the Hut. A general severe affray took place amongst them, during which one of the blacks was shot dead on the spot. Some of the blacks, while others were engaged with the Stockmen plundered the Hut of everything' before they made off 'for the time gave way thinking to come again'.<sup>2</sup>

This incident is important as one of the few documented cases of Aboriginal warriors using firearms, another factor in the desperate European response to Wiradjuri attacks and resistance. Wylde believed 'the loss of all the Stockmen at the Station' would occur with such a massed attack of hundreds of warriors. He begged 'to appeal to the colonial government, that some measures may be adopted for the personal protection of the station - or rather of the men there - either by a small military or even civil party of defence station[ed] for a time in the spot - or by some other means ... suitable to the emergency'. If soldiers could not be spared from Sydney, Wylde requested a militia force be raised and sent to Bathurst. For Wylde this was an 'emergency' as 'at present the men are afraid to go into the bush so as to collect the cattle for removal to any other station'.

Wylde urged Goulburn that his plea for help was more than just a case of 'a private nature' and suggested that if the raids and attacks went unchecked, it would affect the entire district.<sup>3</sup>

The seeds of Governor Brisbane's 1824 declaration of martial law – the only time this was declared in response to Aboriginal attacks on Europeans in Australian history – were sown in Wylde's plea. In November, Wylde once more wrote to Colonial Secretary Goulburn about 'renewed incursions of the Natives upon our horned stock on Kings Plains'. Both he and George Palmer had suffered cattle killed in August by 'incursion of the Blacks' (as Goulburn replied to him). On 21 November Goulburn wrote to Wylde that 'the appointment of Major Morisset to the Commandant at Bathurst' would be a 'vigorous step in the determination of His excellency to pursue [the] protection of distant property for the future'. During 1823, Wylde and Palmer had been petitioning the Governor for action against what seems

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<sup>1</sup> 'Re: inquest into death of Peter Bray' NRS 897; [4/1798] Reel 6065 SRNSW, 312-14

<sup>2</sup> 'Re: inquest into death of Peter Bray' NRS 897; [4/1798] Reel 6065 SRNSW, 312-13

<sup>3</sup> 'Re: inquest into death of Peter Bray' NRS 897; [4/1798] Reel 6065 SRNSW, 313-14

to have been many and regular raids on their stock that were not reported in detail. The broader picture of these attacks is yet to emerge.<sup>4</sup>

Judge Advocate Wylde's 'first station' on 'Kings Plains, Djyawong', was raided three times in September and October. On the 20<sup>th</sup> of September Charles Booth 'Stockman to M Palmer' was 'out with his cattle and a black Native by the name of (Scrammy) and a number of other natives took and drove his Cattle away from him'. According to Booth's testimony to Magistrate Lawson on 9 October, 'early the next Morning they killed a fat Cow out of the same Herd which they had driven away'. Then 'about 2 miles from the place where they had taken the cattle from him' Booth 'found the skin and head only left, the whole of the meat being carried away. On examining the hide there appeared a great number of Spear Holes, with pieces of Broken spears laying about', as well as another Cow killed belonging to the same Herd'. Booth then 'came upon the natives, finding in their possession a quantity of beef which they were roasting'. As he was 'armed with a Musket, the natives ran away, and as they did 'shouted "murra gerund white fellows"'.

It seems Booth reported the incident to his overseer Dunn, and then ventured out again to search for the cattle. He then found a 'native in the act of skinning a Steer the property of the Judge Advocate'. Booth 'approached very near to them unperceived, and fired at them, and wounded one that was in the act of chopping open the hinder quarters'. He then saw 'two of the natives leading him off' and as they left, they said 'they wanted tumble white man down'.<sup>5</sup>

This response to Dunn, to 'tumble down' (kill) 'white man', is in my mind an open declaration of the war that was escalating in the region. The various raids and attacks at Kings Plains were central to this series of events." (Stephen Gapps pers. comm. 20 October 2019)

The violent encounters between the Wiradjuri and white settlers on Kings Plains led to several retaliation attacks on either side, playing a key role in the Bathurst Wars, the declaration of martial law by Governor Thomas Brisbane on 14 August 1824, and the dispatchment of military troops to quash Wiradjuri resistance. The events at Kings Plains, and ultimately the Bathurst Wars, established a template for how the Government responded to Aboriginal resistance outside of settled areas. The descriptions of the events above also illustrate the types of activity traces that resulted from these conflicts in Kings Plains. The Kings Plains Frontier Wars Landscape is therefore significant both at a State and National level for its critical role in the Frontier Wars. However, the proposed development covers most of the Kings Plains area and would irreversibly destroy this important landscape (Figure 4).

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<sup>4</sup> Wylde to Goulburn Re incursion of Aborigines upon his cattle at Kings Plains, 21 November 1823, SRNSW; NRS 897; [4/1766 p.70] Reel 6057

<sup>5</sup> 'Re cattle killed by natives', NRS 897, Reel 6065, [4/1798], SRNSW, 339-44

### ***Inadequate consultation with the OLALC***

The OLALC notes that the concerns detailed above, which were raised during consultation for the Cultural Heritage Assessment (Appendix P of EIS: Appendix 4), have not been addressed adequately, resulting in an inaccurate assessment of the Aboriginal cultural heritage significance of the study area in the Cultural Heritage Assessment (Appendix P in EIS), which does not reflect the views of the OLALC. It has also resulted in inappropriate proposed specific management strategies for Aboriginal cultural heritage, which the OLALC does not endorse (Appendix P of EIS: Table 9.1). The inadequate consultation, and the failure to action the concerns raised by the OLALC during this process adequately, go against the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Part 6 of the National Parks and Wildlife Act 1974 (NSW)).

The OLALC strongly objects to the following assessment of the Aboriginal cultural heritage significance of the study area:

“This assessment has concluded that the Aboriginal cultural heritage sites that would be impacted by the activity are not of high scientific or cultural significance. Most of the historical cultural heritage sites similarly do not meet thresholds of State-significance. Therefore, it can be concluded the mine and ancillary infrastructure disturbance footprint is located in areas where significant impacts on highly-important cultural heritage would be avoided.” (Appendix P of EIS: E.12)

In particular, the OLALC draw attention to ‘Section 3.2.4. Aboriginal involvement following the field assessment’ (Appendix 9 of EIS: 11-14; Appendix 4), and notes the following:

- OLALC Submission 1 – State Heritage register: the response to this submission states that the Aboriginal sites identified during the Cultural Heritage Assessment are registered on the Aboriginal Heritage Information Management System, but do not meet the threshold for inclusion on the State Heritage Register. The OLALC argues that the study area, and the Kings Plains area more broadly, meet several criteria for inclusion on the State Heritage Register – and even a national listing;
- OLALC Submission 2 – Aboriginal Ancestral Remains: the response states that non-destructive geophysical subsurface investigative techniques, such as Ground Penetrating Radar, would be unsuitable and impractical to detect burials in the shallow soils of the study area. The OLALC notes that 1) Copper made no attempt to investigate documentary evidence that describes the location of these remains (see above), or to undertake an archaeological survey of the specified area; 2) it is illegal to harm or desecrate an Aboriginal place or object (National Parks and Wildlife Act 1974 (NSW)); and 3)

geophysical techniques would indeed be one appropriate technique to pinpoint the location of these remains more accurately;

- OLALC Submission 3 – sites of Frontier Wars: the response states that no known sites relating to conflict between Aboriginal people and non-Aboriginal people occur in the project area. The OLALC argues that 1) Cupper made no attempt to investigate documentary sources which make plain the events that occurred at Kings Plains, and which also allude to the types of activity traces that were left behind consequently (see above); 2) the Kings Plains Frontier Wars Landscape is critical for our understanding of how the Frontier Wars evolved beyond early settlement areas; and 3) it is illegal to harm or desecrate an Aboriginal place or object (National Parks and Wildlife Act 1974 (NSW));
- OLALC Submission 4 – government records of burial sites related to Frontier Wars: the response states that no known government records relating to conflict between Aboriginal people and non-Aboriginal people occur in the project area. The OLALC refers to the response for OLALC Submission 3, above;
- OLALC Submission 9 – Aboriginal spiritual connections to Kings Plains/Belubula River: the response states that the OLALC was invited to provide information about the Aboriginal social and cultural values of the project area. The OLALC argues that insufficient opportunity was given for investigating and discussing these values with the Aboriginal community (e.g. EIS: Table 14), including a telephone call from a Hansen and Bailey Queensland-based company commissioned by Regis to Lisa Paton (OLALC) in July 2019 asking for information about the social and cultural values of the study area by the end of the same day, which Lisa stated was totally inadequate in the same conversation (L. Paton pers. comm. October 2019). In fact, the process of gathering this information is extremely time-intensive, involving several face-to-face meetings with Elders and other community members on Country to document this information. This process should have been incorporated from the very outset of the study;
- OLALC Submission 13 – inter-site analysis in study area: the response states that the local and state significance of Aboriginal sites in the study area is examined in sections 7.1 and 7.2 of the Cultural Heritage Assessment. The OLALC argues that the current analysis is totally inadequate, particularly given the problems outlined above;
- OLALC Submission 14 – impacts of proposed site disturbance on Wiradjuri wellbeing etc. The response states that the OLALC was invited to provide information about the Aboriginal cultural and social values of the project area. The OLALC refers to the response for OLALC Submission 9, above; and

- OLALC Submission 15 – appointment of archaeologist for future proposed investigations. The response states that the archaeologists commissioned for the cultural heritage assessment were appropriately qualified and that the assessment was completed to regulatory standards. The OLALC argues that the archaeologists commissioned to undertake this study did not undertake the appropriate due diligence necessary to identify the Aboriginal cultural heritage significance of the study area (see above), and that the inadequate consultation in fact goes against the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Part 6 of the National Parks and Wildlife Act 1974 (NSW)). The OLALC again requests that any future archaeological investigations are undertaken by a suitably qualified archaeologist appointed by the OLALC.

### **Conclusion**

In summary, the OLALC believes that the proposed McPhillamys Gold Project is entirely unsuitable for the proposed study area, which has deep Aboriginal cultural significance for the Wiradjuri – and plays a critical role in Wiradjuri post-contact history, the Bathurst Wars, and our shared history generally. The OLALC also believes that the Cultural Heritage Assessment was insufficient and did not involve adequate research and consultation to identify these important cultural values.

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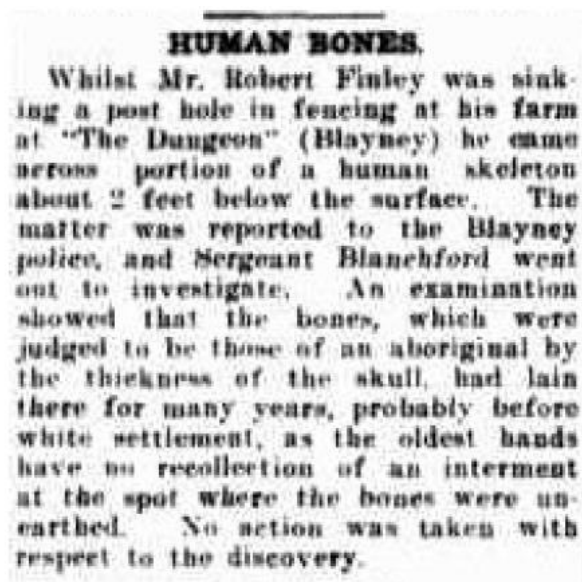
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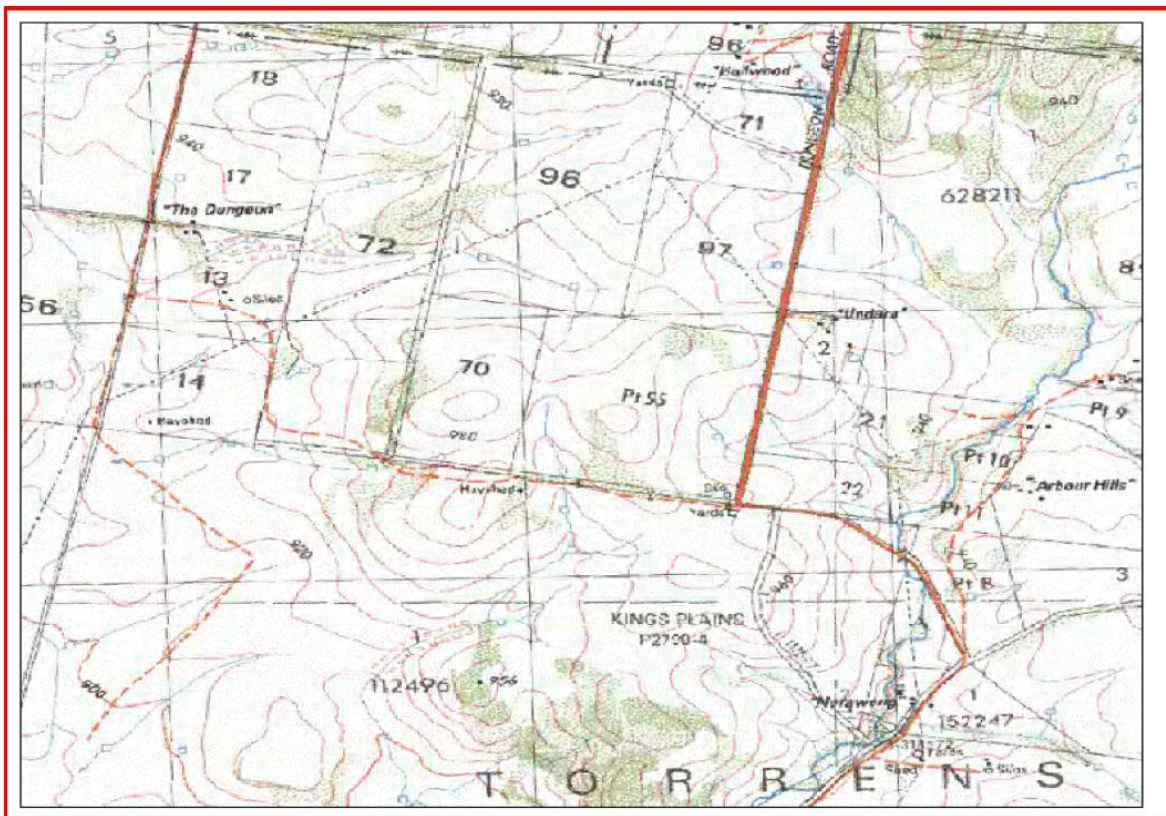
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## ***Figures and Tables***



**Figure 1.** 'Human Bones', in *Dubbo Liberal and Macquarie Advocate* on Friday 15<sup>th</sup> November, p. 6

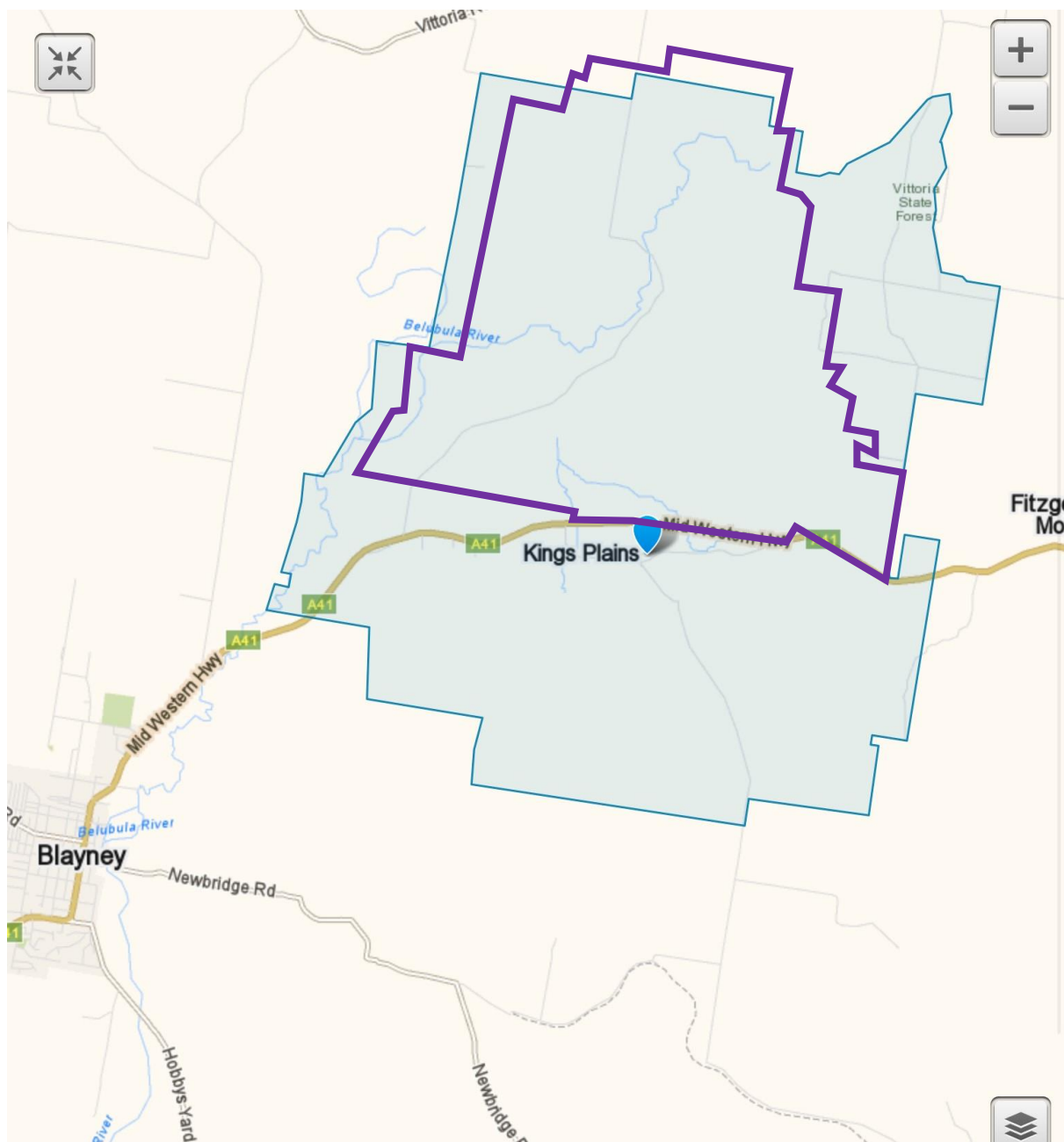




**Figure 2.** Location of 'The Dungeon' property (source: AHIMS)



**Figure 3.** Source of pigment rock on Pounds Lane, in the study area, with this rock visible in the non-vegetated area on the right



**Figure 4.** Map showing proposed mine development project area in relation to Kings Plains, NSW



Orange Local Aboriginal Land Council  
79 – 81 Kite St, Orange NSW 2800  
PO Box 10, Orange NSW 2800  
Ph: 02 6361 4742  
F: 02 6361 9119  
E: [admin@olalc.com.au](mailto:admin@olalc.com.au)

## ***Appendices***

Appendix 1. Statement of Aboriginal cultural significance by Aunty Nyree Reynolds,  
Wiradjuri Elder



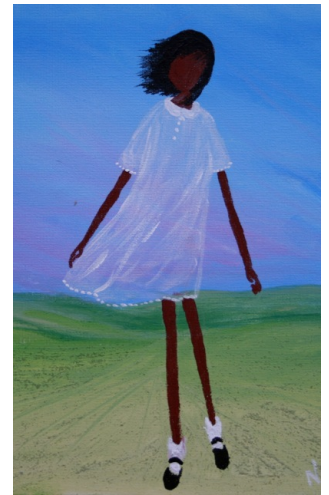
## Statement of Significance.

To whom it may concern.

I am Nyree Reynolds, a proud Wiradjuri Elder who has lived in Blayney for 33 years. I am an award winning visual artist and author whose work is in Government and private collections in Australia, Germany, USA, Switzerland, Hong Kong, New Zealand, Canada and the UK. I teach art and Wiradjuri language in schools and share my love of my Aboriginal Culture and Heritage through stories within my art. I was appointed Blayney Woman of the Year for 2018.

I call the lovely area where I live the valley of the Bilabula, which is the Wiradjuri way of naming our river. The entire Cultural landscape of this area is in my soul and in the soul of all Wiradjuri people and the wider community who are here now and have always been. You don't need to have First Nation's blood flowing through your veins to have a soul connection to where you live. My paintings are all based on this beautiful part of Wiradjuri Country. I can't bear to think of the desecration of this land and its ancient heritage if the McPhillamy proposal were to go ahead.

This painting was a NSW Parliamentary Aboriginal Art Award Finalist and I call it 'Reclaiming her'. She is a proud Wiradjuri girl walking through the Blayney landscape. She is not proud about the proposal to potentially destroy her Country. Once again she will lose what belongs and has always belonged to her people. History is being repeated. She is a Stolen Generations child, now her land and her water is being ravaged. It, too, is being stolen.



It is an area of huge Cultural significance and for many, many years I have used the Ochre site to obtain the Ochre to use with the children I work with in dance and art. I use the Ochre in my paintings which links my art to its place of origin. I am following on from the practices of our ancestors over many thousands of years.

Our beloved Bilabula rises near the Ochre site, it wends its way through the valley to eventually join the Bila Galari ( Lachlan River), the Bila Marrambidya ( Murrumbidgee River ) then on to the Murray and ultimately to the sea. It may be tiny to start with but it is part of a very significant river system and many Dreaming stories follow its path and no one has the right to destroy this. No one. The salinity that could be caused by the 15 million litres of contaminated water Per Day will not help this river system. The Bilabula is like an artery through our land as shown by this painting I did to be permanently displayed in Blayney Hospital. I have used Wiradjuri symbols to tell the story of the Bilabula. The river is the life blood



to animals along the way and to the people who grow food and use it for recreation. This river sustains life. It will not sustain life if the headwaters are poisoned, and that is not acceptable in any sense of fairness.

I have written a small childrens' story set in Carcoar in the 1820's where a Wiradjuri girl and an English girl meet on the banks of the Bilabula as it flowed through Carcoar. The river sustained life then as it should be allowed to do now.

As aforementioned I strongly oppose the development of the proposed McPhillamy's Gold mine due to the irreversible damage it will do to our river especially, and to the Aboriginal Cultural History that is part of us all here in Wiradjuri Country.

In 2007 I was a Finalist in the Drawing Together Art Award in Canberra. The title of the painting was The Spirits are Leaving the Land and it told a small part of the Murray / Darling Basin story. Malcolm Turnbull bought the painting when he was Minister for the Environment. The painting spoke to him as art can do.

This painting tells the story of the Spirits of the Land, our Ancestors, who are saying this country belongs to us all, to nurture, to care for it as it cares for us. Please listen to our submissions, they are all heartfelt, they are important and they need to be heard and understood.



Yours sincerely,

Nyree Reynolds

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