

Austar Coal Mine Pty Ltd

**ADDENDUM TO ABORIGINAL
CULTURAL HERITAGE
MANAGEMENT PLAN:
AUSTAR MINING COMPLEX**

October 2013

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Prepared by
Umwelt (Australia) Pty Limited

on behalf of
Austar Coal Mine Pty Ltd

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Report No. **3264/R05/V2**
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Acknowledgement

Umwelt and Austar Coal Mine would like to acknowledge the Traditional Custodians of the Quorrobolong Valley and pay respect to their cultural heritage, beliefs and continuing relationship with the land.

Umwelt and Austar Mine would also like to acknowledge the post-contact experiences of Aboriginal people who have attachment to the Quorrobolong Valley.

We pay our respect to the elders – past, present and future – for they hold the memories, traditions, culture and hopes of Aboriginal people in the area.

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1.0 Introduction

Austar Coal Mine Pty Ltd (Austar) operates the Austar Mining Complex located approximately 10 kilometres south of Cessnock in the lower Hunter Valley of NSW. The Stage 3 mining area is located near the village of Kitchener. Underground longwall mining is currently progressing within the Stage 3 mining area in accordance with Project Approval 08_0111 issued under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An approved Aboriginal Cultural Heritage Management Plan (ACHMP) has been prepared by Umwelt (Australia) Pty Limited (Umwelt) as a condition of PA 08_0111 and development consent DA29/95 (Umwelt 2013a).

Austar submitted an application to modify PA 08_0111 under s75W of the EP&A Act on 16 October 2013 to allow for the extension of the western ends of longwalls A7 to A10 (refer to **Figure 1.1**). The extension of longwalls A7 to A10 is referred to as the LWA7-A10 Modification. This addendum is provided to specifically include the LWA7-A10 Modification into the Austar ACHMP which provides the Aboriginal cultural heritage management and mitigation strategies for Austar Coal Mine. Austar is required to manage any cultural heritage issues in accordance with the management protocols and procedures set out in the ACHMP, along with the approval conditions imposed by the Department of Planning and Infrastructure (DP&I).

At the time of preparation of this addendum, determination of the LWA7-A10 Modification was pending. However, due to timing constraints associated with maintaining continuity of longwall mining, Austar has prepared this addendum to the approved ACHMP for consultation prior to determination of the modification. If the modification is approved, Austar will seek approval to include this addendum in the ACHMP. If the modification is not approved, this addendum will not be included in the ACHMP.

A preliminary Aboriginal Cultural Heritage and Archaeological Assessment (ACHAA) report was developed to identify any changes that may result from the LWA7-A10 Modification to the cultural heritage management requirements specified in the ACHMP. The preliminary ACHAA was provided to the Registered Aboriginal Parties (RAPs) and the registered Native Title applicants on 16 October 2013 for consideration and all comments received will be subsequently included in the final ACHAA report (see Umwelt 2013b) and addressed, where appropriate, in this addendum to the ACHMP. This preliminary addendum to the ACHMP was also provided to all relevant Aboriginal parties on 29 October 2013 and all comments received will be provided in full in **Appendix 1**.

This addendum has been prepared to accompany the approved ACHMP for the Austar Mine Complex (Umwelt 2013a) in accordance with **Section 3.12** of the approved ACHMP, should the LWA7-A10 Modification be approved.

1.1 Project Description

The LWA7-A10 Modification of the Stage 3 mine plan will extend longwalls A7 to A10 between approximately 100 and 300 metres to the west and amend the starting position of longwall A8 (refer to **Figure 1.1**). The westerly extension to these four longwalls provides access to an additional 1.05 million tonnes of ROM coal.

No other changes to the approved Stage 3 mining operations are proposed as part of the LWA7-A10 Modification, including no change to the approved rate of extraction, life of the operation or to any interactions of the Stage 3 Project with the operations of the Austar Mining Complex.

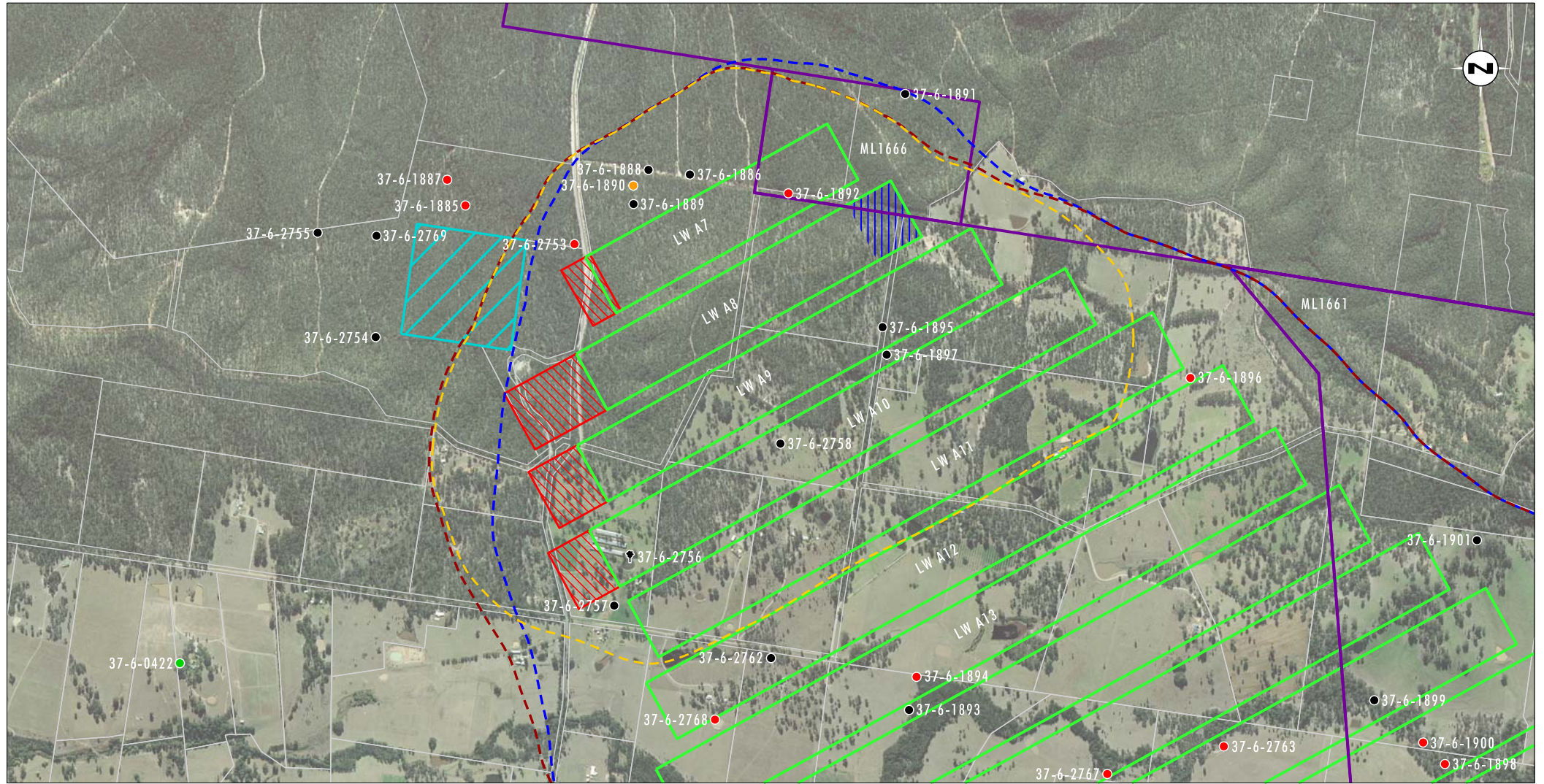


Image Source: AAM Hatch 2006

Data Source: Longwall Layout: Austar Coal Mine (2013), Cadastre: LPI NSW

0 0.25 0.5 1.0 km
1:20 000

Legend

- | | | |
|--|--|---|
| Approved Stage 3 Longwall Layout | Mining Lease Boundary | ● Artefact Scatter |
| 20mm Subsidence Contour for Approved Stage 3 Longwall Layout | Retraction of Longwall A8 Start Position | ● Open Camp Site |
| Revised 20mm Subsidence Contour for Modified Stage 3 Longwall Layout | Proposed Extension of Longwalls A7 to A10 Finish Position | ● Isolated Find |
| Proposed LW A7-A10 Modification Area | ● Isolated Find and Grinding Groove | ✦ Carved Tree |
| Approved Surface Infrastructure Site | | |

File Name (A4): R05/3264_051.dgn
20131023 13.48

FIGURE 1.1

LW A7 - A10 Modification Area

The LWA7–A10 Modification will result in a minor net increase (1.8%) in the area of land affected by subsidence, however, the maximum predicted subsidence parameters for the LWA7–A10 Modification are similar to those for the approved Stage 3 mine plan (MSEC 2013).

Importantly, the previous archaeological and cultural heritage assessments undertaken within the Approved Stage 3 Area also included the area that is now the LWA7-A10 Modification Area (refer to Umwelt 2008, 2011).

1.2 Purpose and Scope

Conditions of PA 08_0111 require that an ACHMP is prepared (in consultation with the registered Aboriginal parties and the Office of the Environment and Heritage (OEH)) and implemented for the project. In recognition of the extent and detail incorporated within the approved Austar Coal ACHMP, this addendum seeks to supplement the existing ACHMP to satisfy the relevant requirements and to ensure that the ongoing management of Aboriginal cultural heritage at Austar Coal is implemented in accordance with the project approval conditions, the Statement of Commitments and relevant legislative requirements. The specific requirements detailed in this addendum is intended to be consolidated into the Austar Coal ACHMP as part of its next review, should the LWA7-A10 Modification be approved.

2.0 Aboriginal Community Consultation

Archaeological and Aboriginal cultural heritage assessments conducted for the Approved Stage 3 Area have been compliant with the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2004b) and relevant policies and guidelines of the NPW Act as they have been developed (i.e. NSW NPWS 1997). In the period between the 2008 and 2011 surveys, new regulations under the NPW Act were introduced and recent assessments have also been compliant with the NPW Regulation 2009.

Appendix 1 presents the results of the consultation process undertaken with the Registered Aboriginal Parties in preparation of the LWA7-A10 Modification preliminary ACHAA (Umwelt 2013b) as well as consultation undertaken for the provision of this preliminary addendum to the ACHMP.

3.0 Aboriginal Cultural Heritage Management Strategy

3.1 Change to Subsidence Predictions and Potential Impacts at Known Archaeological Sites

A total of eleven known Aboriginal archaeological sites are located within the LWA7-A10 Modification Area. Revised subsidence predictions prepared by Mining Subsidence Engineering Consultants (MSEC 2013) for the LWA7-A10 Modification indicate that of the eleven sites located within the LWA7-A10 Modification Area, only five are located in areas expected to experience a change in the level of subsidence. The revised subsidence predictions and impacts for these five sites are similar to those previously approved under PA 08_0111, and importantly, the likelihood of impact to any of the sites within the LWA7-A10 Modification Area remain the same as previously approved and is in accordance with the impacts described in the approved ACHMP (Umwelt 2013a).

There is no change to the predicted subsidence levels and impacts at the remaining six known Aboriginal archaeological sites within the LWA7-A10 Modification Area, including no change to impacts on the grinding groove site, ACM6 (37-6-1980).

3.2 Management of Known Archaeological Sites

As the level of subsidence to known Aboriginal archaeological sites within the LWA7-A10 Modification Area is predicted to be similar to that of the approved mine plan, and unlikely to result in any change to the approved impact on archaeological sites, no change to the existing management strategies outlined in the Austar ACHMP (Umwelt 2013a) are proposed as a result of the LWA7-A10 Modification. These management strategies and protocols will continue to be implemented for the LWA7-A10 Modification in accordance with the Austar ACHMP (Umwelt 2013a).

The eleven sites within the LWA7-A10 Modification Area are listed in **Table 3.1** including the management recommendations from the approved ACHMP. Sites shown in **bold type** in **Table 3.1** are those sites located within the areas where there is a change in predicted subsidence.

**Table 3.1 – AHIMS Registered Sites within the LWA7-A10 Modification Area:
Archaeological Significance, Potential Impacts and Management Recommendations based on
Subsidence Predictions Developed for the Approved Stage 3 Project Area**

AHIMS #	Site Name	Type	Archaeological Significance	Potential Impact Approved under 08_0111 (MSEC 2011)	Approved Management Recommendation (Umwelt 2013)
37-6-1886 ¹	ACM2 (Quorrobolong)	Artefact Scatter	Low	Little or no impact from potential surface cracking. Potential for increased erosion of the landform is expected to be minimal.	<ul style="list-style-type: none"> • manage <i>in situ</i>; • undertake baseline monitoring where access is approved by landholder; • subsidence monitoring inspection where access is approved by landholder; and • mitigate potential damage from maintenance or remediation works if required (refer ACHMP 2013).
37-6-1888	ACM4 (Quorrobolong)	Isolated Find	Low	As above	• As above
37-6-1889	ACM5 (Quorrobolong)	Isolated Find	Low	As above	• As above
37-6-1892	ACM8 (Quorrobolong)	Artefact Scatter	Low	As above	• As above
37-6-1895	ACM11 (Quorrobolong)	Isolated Find	Low	As above	• As above
37-6-1897	ACM13 (Quorrobolong)	Isolated Find	Low	As above	• As above
37-6-2753	ACM18 (Quorrobolong)	Artefact Scatter	Low	As above	• As above
37-6-2757	ACM22 (Quorrobolong)	Isolated find	Low	As above	• As above
37-6-2758	ACM23 (Quorrobolong)	Isolated find	Low	As above	• As above
37-6-2756	ACM21 (Quorrobolong)	Scarred tree	Low (High cultural)	No impact on tree due to subsidence, however, some impact is possible if location (dam wall) requires remediation works.	• As above

**Table 3.1 – AHIMS Registered Sites within the LWA7-A10 Modification Area:
Archaeological Significance, Potential Impacts and Management Recommendations based on
Subsidence Predictions Developed for the Approved Stage 3 Project Area (cont.)**

AHIMS #	Site Name	Type	Archaeological Significance	Potential Impact Approved under 08_0111 (MSEC 2011)	Approved Management Recommendation (Umwelt 2013)
37-6-1890	ACM6 (Quorrobolong)	Grinding Groove & Isolated Find	Low-moderate (High cultural)	Subsidence impacts possible (in the range of 10–30% likelihood of occurrence). Possible cracking of rock shelf.	<ul style="list-style-type: none"> • manage <i>in situ</i>; • undertake baseline monitoring; • subsidence monitoring inspections; • mitigate potential damage from maintenance or remediation works; and • This site is subject to a cultural offset program.

Note 1: It is noted that isolated-find **Site AHIMS 37-6-1886** (GDA 347652E, 6359360N) is incorrectly labelled ACM 2 in the Austar Mine Complex ACHMP (Umwelt 2013: Figure 1.2, Table 2.1). The site name for AHIMS 37-6-1886 is ACM 3 (as detailed on the AHIMS database 2013). Importantly, ACM 3 is located inside the 20mm subsidence boundary of LWA7. Additionally, artefact scatter **Site AHIMS 37-6-1887** (GDA 346773E, 6359341N) is incorrectly labelled ACM 3 in the Austar Mine Complex ACHMP (Umwelt 2013: Figure 1.2, Table 2.1). The site name for AHIMS 37-6-1887 is ACM 2 (as detailed on the AHIMS database 2013). Importantly, ACM 2 is located outside of the 20mm subsidence boundary of LWA7.

4.0 Review

The updated information detailed in this addendum will be consolidated into the Austar ACHMP as part of its next review, should the LWA7-A10 Modification be approved.

5.0 References

Department of Environment and Conservation 2005 *Interim Community Consultation Requirements for Applicants*.

Mine Subsidence Engineering Consultants (MSEC) 2013. *Austar Coal Mine: Stage 3 – Longwalls A7 to A10: The Effects of the Proposed Modified Commencing End of LWA8 and Modified Finishing Ends of LWA7 to LWA10 in Stage 3 at Austar Coal Mine on the Subsidence Predictions and Impact Assessments*.

Umwelt (Australia) Pty Limited 2008. Aboriginal Heritage Assessment: Austar Coal Mine Project, Stage 3.

Umwelt (Australia) Pty Limited 2011. Austar Coal Mine Project: Stage 3 Modification Environmental Assessment.

Umwelt (Australia) Pty Limited 2013a. Aboriginal Cultural Heritage Management Plan: Austar Mining Complex.

Umwelt (Australia) Pty Limited 2013b. Aboriginal Cultural Heritage and Archaeological Assessment: Austar Coal Mine LWA7-A10 Modification – Stage 3 Area.



APPENDIX 1

Aboriginal Consultation

Appendix 1 – Aboriginal Consultation

1.1 Prior Aboriginal Community Consultation

Consultation with Aboriginal parties is an integral part of identifying and assessing the significance of Aboriginal objects and/or places, and determining and carrying out appropriate strategies to mitigate impacts upon Aboriginal heritage.

Consultation in relation to the LWA7-A10 Modification was undertaken in accordance with Section 80C (2-11) of the NPW Regulation. Initial consultation for the Austar Mine Complex was undertaken with the Registered Aboriginal Parties (RAPs) listed in **Table 1**.

Table 1 – Registered Aboriginal Parties for the Austar Coal Mine

Stakeholder
Aboriginal Native Title Consultants
Wonn1 Consulting
Giwiirr Consultants
Hunter Valley Cultural Surveying
Lower Hunter Wonnarua Council
Lower Wonnarua Tribal Consultancy Pty Ltd
Mindaribba Local Aboriginal Land Council
Mingga Consultants
Tracey Skene (Culturally Aware)
Wanaruah Custodians
Wattaka Wonnarua Cultural Consultants Services
Wonnarua Culture Heritage
Upper Hunter Heritage Consultants
Yarrowalk (now Tocomwall)
Hunter Valley Cultural Consultants
Yinarr Cultural Services
Deslee Talbott Consultants
Wonnarua Elders Council

Ongoing consultation has occurred at regular intervals with RAPs since 2010, including during the development of the ACHMP (Umwelt 2013a) to manage impacts on identified sites within the Stage 3 area. The consultation process for the LWA7-A10 Modification Area involved the abovementioned 18 parties and the registered Native Title applicant (refer to **Section 1.2**) as detailed in **Section 1.3**.

1.2 Native Title

A search of the NNTTs National Native Title Register, Register of Native Title Claims, Unregistered Claimant Applications and Register of Indigenous Land Use Agreements was undertaken on 17 September 2013 with the geographic parameters set to the Cessnock LGA. The search returned no registered native title claims, but did list four registered native title applications and one unregistered native title application within the broader Cessnock LGA (refer to **Table 2**).

Table 2 – NNTT Register Search (September 2013)

Register Type	NNTT Reference Number	Incorporates LWA7-A10 Modification Area
National Native Title Register	Nil	N/A
Register of Native Title Claims	NCS2012/003 (Awabakal People)	No
	NCS2013/002 (Awabakal and Guringai People)	Yes
	NCS2013/003 (Wonnarua Traditional Custodians)	No
	NCS2013/004 (Plains Clan of the Wonnarua People)	No
Unregistered Claimant Applications	NC2013/006 (Scott Franks and Anor on behalf of the Plains Clan of the Wonnarua People)	Yes
Register of Indigenous Land Use Agreements	Nil	N/A
Notified Indigenous Land Use Agreements	Nil	N/A

Of the four native title applications, only two include all or part of the LWA7-A10 Modification Area. The application NC2013/002 from *Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People* (registered 13 June 2013) incorporates the majority of the LWA7-A10 Modification Area on the eastern side of Quorrobolong Road. The one unregistered native title application (NC2013/006) from *Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People* covers the entirety of Stage 2 and 3 of Austar Coal Mine. This unregistered claim application is currently identified for a registration decision.

Mr Franks' organisation (Tocomwall) is amongst the registered Aboriginal parties for the Austar Coal Mine (refer to **Table 1**) and is therefore included in consultation process established for the LWA7-A10 Modification. It is noted that representatives from the NC2013/002 registered native title application (*Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People*) have not previously registered an interest in the Austar mine project. Given that native title application NC2013/002 was registered prior to the approval of the LWA7-A10 Modification, and to ensure adequate consultation with all relevant Aboriginal parties, an opportunity to register an interest in the project was afforded to the representatives of the registered native title application NC2013/002.

1.3 LWA7-A10 Modification Aboriginal Consultation

The LWA7-A10 Modification Area is contained within an area previously assessed for the Approved Stage 3 Project. This area has been previously surveyed for an Aboriginal Heritage Assessment in 2007 (Umwelt 2008b) and an Aboriginal Cultural Heritage and Archaeological Assessment in 2010 (Umwelt 2011a). Additional archaeological surveys of the LWA7-A10 Modification Area were therefore not considered necessary for the completion of the ACHAA report. During both the 2007 and 2010 assessments, the registered Aboriginal parties were given the opportunity to provide information in relation to the Aboriginal cultural values of the area, and the Aboriginal significance of the sites it contained.

Consultation for the LWA7-A10 Modification Area was therefore limited to the provision of the preliminary Aboriginal Cultural Heritage and Archaeological Assessment to the registered Aboriginal parties to allow the opportunity for the provision of any further information.

A copy of the preliminary ACHAA was provided to the registered Aboriginal parties and the registered Native Title applicant NC2013/002 on 16 October 2013 for review and comment. In accordance with Clause 80C, Sub-clause (7) of the NPW Regulation, the registered Aboriginal parties were requested to comment on:

- a) Whether there are any Aboriginal objects of cultural value to Aboriginal people in the LWA7-A10 Modification Area;
- b) Whether there are any places of cultural value to Aboriginal people in the LWA7-A10 Modification Area; and
- c) Any general comments regarding the LWA7-A10 Modification Area.

All feedback provided by the relevant Aboriginal parties will be summarised in **Table 3** below and all formal responses and communication records regarding this draft report will be contained in this appendix.

In addition, all feedback provided by the relevant Aboriginal parties on this ACHMP Addendum report will be summarised in **Table 4**.

Table 3 – Record of Aboriginal Stakeholder Consultation on Preliminary ACHAA Report for LWA7-A10 Modification Area

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
16 October 2013	Provision of preliminary Aboriginal Cultural Heritage and Archaeological Assessment Report requesting the identification of any additional Aboriginal cultural heritage information related to the LWA7-A10 Modification Area.	Aboriginal Native Title Consultants	TBA
		Wonn1 consulting	TBA
		Giwiirr Consultants	TBA
		Hunter Valley Cultural Surveying	TBA
		Lower Hunter Wonnarua Council	TBA
		Lower Wonnarua Tribal Consultancy Pty Ltd	TBA
		Mindaribba Local Aboriginal Land Council	TBA
		Mingga Consultants	TBA
		Tracey Skene (Culturally Aware)	TBA
		Wanaruah Custodians	TBA
		Wattaka Wonnarua Cultural Consultants Services	TBA
		Wonnarua Culture Heritage	TBA
		Upper Hunter Heritage Consultants	TBA
		Tocomwall Pty Ltd	TBA
		Hunter Valley Cultural Consultants	TBA
		Yinarr Cultural Services	TBA
		Deslee Talbott Consultants	TBA
		Wonnarua Elders Council	TBA
		Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People	TBA

Table 4 – Record of Aboriginal Stakeholder Consultation on ACHMP Addendum

Date	Type of Consultation	Authorities/Aboriginal Parties Contacted	Outcome
29 October 2013	Provision of preliminary Addendum to the approved Austar Mine Complex Aboriginal Cultural Heritage Management Plan.	Aboriginal Native Title Consultants	TBA
		Wonn1 consulting	TBA
		Giwiirr Consultants	TBA
		Hunter Valley Cultural Surveying	TBA
		Lower Hunter Wonnarua Council	TBA
		Lower Wonnarua Tribal Consultancy Pty Ltd	TBA
		Mindaribba Local Aboriginal Land Council	TBA
		Mingga Consultants	TBA
		Tracey Skene (Culturally Aware)	TBA
		Wanaruah Custodians	TBA
		Wattaka Wonnarua Cultural Consultants Services	TBA
		Wonnarua Culture Heritage	TBA
		Upper Hunter Heritage Consultants	TBA
		Tocomwall Pty Ltd	TBA
		Hunter Valley Cultural Consultants	TBA
		Yinarr Cultural Services	TBA
		Deslee Talbott Consultants	TBA
		Wonnarua Elders Council	TBA
		Kerrie Brauer & Ors on behalf of the Awabakal and Guringai People	TBA



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