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Facsimile transmittal

To:	PlanningNSW	Fax:	02 9762 8707
Att:	Matt Andrews	Phone:	
From:	Ian Callow	Date:	25 July 2002
Re:	ABORIGINAL COMMUNITY CONSULTATION	Pages:	11
CC:	Margrit Koettig NPWS Fax: 02 9585 6325		

Urgent For Review Please Comment Please Reply Please Recycle

Matt

We refer to your fax dated 23 July 2002 concerning NPWS letter (Ref: 01/00608) dated 23 July 2002.

As requested, we herewith provide our response by way of the following attachments:

1. Letter from Dan Witter dated 25 July 2002;
2. Letter from the Upper Hunter Wonnarua Council in dated 23 July 2002; and
3. Copies of letters covering the forwarding of additional information to the Upper Hunter Wonnarua Council, Wanaruah Local Aboriginal Land Council, Wonnaruah Nation Aboriginal Corporation and Wonnarua Tribal Council dated 16 July 2002. We note this was the day after submitted to PlanningNSW and NPWS.

We believe the questions have been adequately covered and trust NPWS is now in a position to finalise their GTA's.

Regards

IAN CALLOW
Project Manager

Ian Callow
White Mining Limited
PO Box 699
Singleton, NSW 2330

Ashton Aboriginal Consultation: Response to NPWS Letter From Teresa Gay

A letter to Matthew Andrews of Planning NSW from Teresa Gay has been forwarded expressing concern about Aboriginal consultation for the proposed Ashton Coal Mine. The points in the letter are addressed here as follows:

Witter Report June 2002 Recommendations

The recommendations in the Witter 2002 report remain essentially unchanged after the Planning NSW meeting of 4 July 2002. The recommendations in the report were prepared after extensive on-site consultation and discussions with the proponent and representatives from the UWTC, WLALC and LWTC. The follow-up report provides detail about potential impacts to Aboriginal sites from subsidence, and explains how such impact is unavoidable. It also explains that such impact is unlikely to have an appreciable effect on site integrity. A discussion of the regional context is included. The additional information in the follow up report supplied to Planning NSW therefore does not change the original recommendations.

The exception is the proposal for longer term protection to the Glennies Creek Site conservation area by means of a gazettal under NPWS legislation and boundaries for the area were suggested. The proposal for a conservation area was included in the June 2002 recommendations, although without potential boundaries, and without mention of possible gazettal. This site is not under threat from mining and the main advantage of a gazetted conservation area is to provide protection after the mining is finished, as well as ensure Aboriginal access during and after mining. The chief threat to this site is from farming, such as new cultivation or tree clearing by bulldozer.

All of the Aboriginal Community representatives who visited the Glennies Creek Site urged immediate fencing and protection, and spoke hopefully of possible future access for them and their children. The proposal for long term protection is consistent with their stated wishes.

Aboriginal Community Response to the Witter 2002 Report

Two Aboriginal communities have responded to the current recommendations: the UWTC and the LWTC. The LALC and Wonnarua Nation were contacted during the week of 8th July and both gave assurances that they would have their comments in as soon as possible, probably within the week.

Aboriginal Community Response to the Follow-up Report.

The follow-up material was sent to four Aboriginal organisations on 16 July 2002 by HLA, as directed at the Planning NSW meeting on 4 July. Our understanding of Margrit Koettig's request regarding this was that the groups should receive this

material, and that if any Aboriginal organisation wished to respond with further comments based on the additional information, it was their option. Care was made to clarify this point at the meeting, since it would otherwise mean obtaining a second round of letters from Aboriginal community organisations. Therefore while comments were invited in the cover letters from HLA, further correspondence was not urged by telephone afterwards. White Mining however has contacted the WLALC and they indicated that they are hopeful of producing a response in due course.

Chronology of Community Consultation.

The chronology of Aboriginal consultation for the Ashton Coal Project is provided below:

- July 2001. Report by Victor Perry providing an Aboriginal cultural heritage assessment of an archaeological survey of the Ashton Coal Project conducted with Vanessa Hardy.
- February 2002. Report by Vanessa Hardy. This describes the original field work for the proposed Ashton mine, and the participation of Aboriginal people in the survey.
- May 2002. Preliminary draft report by Dan Witter, containing most of the archaeological information and the draft recommendations.
- May 29 2002. The preliminary draft report was given to Barry Anderson (LWTC), and Larry Van Veilt. (WLALC) in the field at Ashton, and the recommendations were discussed point by point. The preliminary draft report was also given to Rhoda Perry, UWTC, and the recommendations were discussed the following week by telephone with Victor Perry, UWTC. In addition, the preliminary draft was posted to Robert Lister, but repeated attempts to contact him by telephone for comment were unsuccessful.
- 4 June 2002. Written response from Barry Andrews, LWTC
- June 2002. Report by Dan Witter. This contained a chronology of Aboriginal involvement in the field work (see Attachment below), as well as the letter by Barry Andrews concerning the recommendations in the preliminary draft. No changes were made to the draft recommendations in the June report except to include protective measures for a proposed new farm road.
- 17 June. Report posted to Victor Perry UWTC, Barry Anderson LWTC, Noel Downs, Coordinator WLALC, and Robert Lister Wonnarua Nation.
- Week of 14th June 2002. Follow-up phone calls to Aboriginal community organisations requesting a response to the Witter June 2002 report.
- 27 June 2002. Letter from Victor Perry UWTC confirming that they had not changed their position on accepting the recommendations in the Witter June 2002 report.

Week of 8th July 2002. Robert Lister of the Wonnarua Nation, and Noel Downs Coordinator of the WLALC were contacted by telephone by Dan Witter, asking for a written response to the Witter June 2002 report. Assurances were given that this would be done as soon as possible.

16 July 2002. A follow-up report with additional information in relation to Archaeology for Ashton Coal mine sent by HLA to Victor Perry UWTC, Noel Downs WLALC, Tom Miller Wonnarua Tribal Council and Robert Lester Wonnarua Nation.

22 July 2002. Meeting with Victor Perry UWTC, Tom Miller Wonnarua Tribal Council and Ian Callow White Mining. The Aboriginal community organisation representatives both advised they had no changes to their recommendations.

23 July 2002. Letter from Victor Perry UWTC to Ian Callow White Mining confirming no changes to their letter of June 25th

Recommendations to Destroy Nationally Significant Sites.

There are no recommendations to destroy Nationally significant sites. Three sites were recorded which contain artefact assemblages which are not typical for the Central Lowlands of the Hunter Valley. The most important site in terms of size, intactness and integrity of setting is the Glennies Creek Site. This site is not threatened by mining. Moreover, the proponent is fully supportive in providing long term conservation for this site.

A large site with similar contents, the Oxbow Site, is in the subsidence zone. This site has already undergone some erosion. It has been calculated that subsidence would have little adverse effect, and it is considered that fencing and monitoring are suitable conservation options. A small part of this site at the extreme eastern end would be affected by the overburden dump. This site can be almost entirely conserved in spite of mining.

Another large site with similar contents is the Waterhole Site, which has already been severely impacted. The New England Highway runs through it and an RTA gravel crushing plant operated on the main exposure. A proposed haul road for the mine would cause a small amount of further impact, and a peripheral area to this site on the other side of the New England Highway would be destroyed. Thus, although previously severely damaged, most of the remaining site can be conserved. The axe grinding grooves at the waterhole are of special concern to the Aboriginal community representatives and they would be conserved and protected.

None of the other sites in the proposed mining area have been suggested to be of outstanding or National significance. The possibility of there being such sites present but undetected was discussed in the follow-up report. It was concluded that although such sites cannot be ruled out, extrapolation from elsewhere in the Hunter was very uncertain. Their likelihood of being within the subsidence zone is considered to be low.

Effectiveness of Ashton Mine Aboriginal Consultation

The representatives of the WLALC, LWTC and UWTC who have visited the Glennies Creek Site all recognised it as being of outstanding significance. All were extremely pleased about it not being under threat from mining. There also was general satisfaction concerning the conservation outcomes for the Oxbow and Waterhole Sites. Although of considerable interest, these were not considered to have the same significance as the Glennies Creek Site. The reaction of the Aboriginal community representatives to the setting of this site was consistent. It invited frequent reference to the ease of imagining past times in such a place, and the value of having the younger generation experience this. The grinding grooves also made the place special.

It is my opinion that the Aboriginal organisations of the Hunter Valley have been satisfactorily involved in the development of the recommendations for site conservation and mitigation for the Ashton Coal Project. All Aboriginal conservation suggestions and concerns (eg fencing of Glennies Creek Site and the Waterhole Site grinding grooves as a high priority, monitoring the bulldozing the top soil layer of the ridge areas) were included in the recommendations in the report. No recommendations contrary to stated Aboriginal suggestions were made. I feel that the representatives from these organisations have been able to form opinions from first hand experience on the sites, and extensive discussions with myself and with the proponent, both in the field and in conference at the White Mining Office; have provided informed advice about the conservation issues; and that this advice was included without exception in the recommendations.

Dr. Dan Witter
Witter Archaeology
Sedgemere DD 3
Leeston, New Zealand

25 July 2002

Attachment

The chronology of Aboriginal consultation from page 9 of the Witter June 2002 report is attached as follows:

- A meeting on 25 March was held with Victor, Rhonda and Laurie Perry of the UWTC. As a part of the original survey a report had been prepared which outlined their recommendations (Perry 2002 pages 34-35). Victor indicated that he was satisfied with his report, and unless this survey produced hugely different results, no modification of it would be necessary. He did not want to resurvey the area, but wanted to be kept notified of progress.
- On 3 April Barry French and John Matthews were fortuitously met in the study area carrying out work for NPWS. They were shown the grinding grooves at the Waterhole Site and impacts from mining were discussed. They expressed special concern not only in the preservation of the grinding grooves but in the integrity of the waterhole itself.
- A field inspection on 10 April was conducted with Victor Perry and Tracy Miller representing the UWTC of the known sites in the study area to address concerns about preservation and mitigation for the report recommendations. This was followed on the same day by a meeting

with Ian Callow of White Mining to clarify some of the potential impacts and the prospects of site conservation.

- Another field inspection on 16 April was carried out with Barry Anderson of the LWTC and Larry Van Vleit of the Wanaruah LALC in the study area. The main known sites were examined, and the proposed development and management options were discussed in detail. This was followed by a meeting with Ian Callow in which conservation and mitigation issues were extensively discussed.
- On 20 April Victor Perry again came out to the field area to inspect new sites which had been found, particularly the large Glennies Creek Site, and discuss his concerns about conservation and management issues.
- Alison Witter met with Barry Anderson, and Larry and Bev Van Vleit on the 22nd April to examine and discuss the new sites, particularly Glennies Creek. Ian Callow also inspected the Glennies creek site at this time. Larry and Bev had independently discovered a second set of grinding grooves at the Bowmans Creek Waterhole, and these were also inspected.



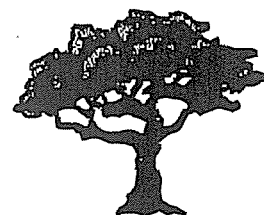
Upper Hunter Wonnarua Council Inc

PO Box 184

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SINGLETON NSW 2330

PH: 02 6571 4888

FX: 02 6571 4889



ABN: 24 070 620 198

Ian Callow
White Mining
Ashton Coal Mine Project

23rd July 2002

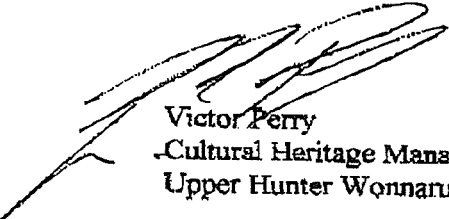
**RE: ADDITIONAL ARCHAEOLOGICAL Information concerning the
Ashton Coal Mine project**

Dear Ian

Thank you for sending the second report regarding the above project.

This subject was discussed at a meeting held on the 22nd of July 2002.

Our understanding and position have not changed from the previous recommendations that were made on the 27th of June 2002, concerning the Ashton Coal Mine Project.



Victor Perry
Cultural Heritage Manager
Upper Hunter Wonnarua Council



HLA-Envirosiences Pty Limited

ABN 34 080 204 702

16 July 2002

U909

Mr Victor Perry
Upper Hunter Wonnarua Council
PO Box 184
SINGLETON NSW 2330

Additional information in relation to Archaeology for the Ashton Coal Mine Project

Dear Victor

Please find enclosed additional information submitted to the National Parks and Wildlife Service and Planning NSW in relation to the above project. Could you please review and forward any comments to:

Ms M Koettig
National Parks and Wildlife Service
PO Box 1967
Hurstville NSW 2220

Your assistance in this matter is appreciated.

Yours faithfully
HLA-ENVIROSCIENCES PTY LIMITED


Alan Wells
Regional Manager

U909/Additional Info Let 16.07.02/AW:lg

Enclosures

cc: Mr Tom Miller – Wonnarua Tribal Council
Mr Noel Downes – Wonnarua Local Aboriginal Land Council
Mr Robert Lester – Wonnarua Nation Aboriginal Corporation

Newcastle Office: 18 Warabrook Boulevard Warabrook NSW 2304

All Mail Should Be Addressed To: PO Box 73 HRMC NSW 2310 Ph: (+61 2) 4988 0044 Fax: (+61 2) 4988 0005

Email: mail@hla-enviro.com.au

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ABN 34 060 204 702

16 July 2002

U909

Mr Noel Downes
Wanaruah Local Aboriginal Land Council
PO Box 127
Muswellbrook NSW 2333

Additional information in relation to Archaeology for the Ashton Coal Mine Project

Dear Noel

Please find enclosed additional information submitted to the National Parks and Wildlife Service and Planning NSW in relation to the above project. Could you please review and forward any comments to:

Ms M Koettig
National Parks and Wildlife Service
PO Box 1967
Hurstville NSW 2220

Your assistance in this matter is appreciated.

Yours faithfully
HLA-ENVIROSCIENCES PTY LIMITED

Alan Wells
Regional Manager

U909/Additional Info Let - Downes - 16.07.02/AW:lg

Enclosures

cc: Mr Victor Perry - Upper Hunter Wonnarua Council
Mr Tom Miller - Wonnarua Tribal Council
Mr Robert Lester - Wonnaruah Nation Aboriginal Corporation

Newcastle Office: 18 Warabrook Boulevard Warabrook NSW 2304

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16 July 2002

U909

Mr Robert Lester
Wonnarua Nation Aboriginal Corporation
2 Waring Avenue
Emu Plains NSW 2750

Additional information in relation to Archaeology for the Ashton Coal Mine Project

Dear Robert

Please find enclosed additional information submitted to the National Parks and Wildlife Service and Planning NSW in relation to the above project. Could you please review and forward any comments to:

Ms M Koettig
National Parks and Wildlife Service
PO Box 1967
Hurstville NSW 2220

Your assistance in this matter is appreciated.

Yours faithfully
HLA-ENVIROSCIENCES PTY LIMITED

Alan Wells
Alan Wells
Regional Manager

U909/Additional Info Let - Lester - 16.07.02/AW:lg

Enclosures

cc: Mr Victor Perry - Upper Hunter Wonnarua Council
Mr Tom Miller - Wonnarua Tribal Council
Mr Noel Downes - Wonnarua Local Aboriginal Land Council

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16 July 2002

U909

Mr Tom Miller
Wonnarua Tribal Council
51 Bowden Street
Heddon Greta NSW 2321

Additional information in relation to Archaeology for the Ashton Coal Mine Project

Dear Tom

Please find enclosed additional information submitted to the National Parks and Wildlife Service and Planning NSW in relation to the above project. Could you please review and forward any comments to:

Ms M Koettig
National Parks and Wildlife Service
PO Box 1967
Hurstville NSW 2220

Your assistance in this matter is appreciated.

Yours faithfully
HLA-ENVIROSCIENCES PTY LIMITED

Alan Wells
for Alan Wells
Regional Manager

U909/Additional Info Let - Miller - 16.07.02/AW:lg

Enclosures

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