

Donaldson Coal Pty Ltd

**Aboriginal Sites Management Plan,
Year 5: Donaldson Open Cut Coal
Mine, Beresfield near Newcastle**

November 2005

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1.0 INTRODUCTION

Donaldson Coal Pty Ltd (Donaldson) was granted Development Consent on 26 October 1999 to construct and operate an open cut coal mine. The mine, and associated coal preparation plant, is known as Donaldson Coal Mine (**Figure 1.1**). One requirement under the Development Consent is for an annual report to be written to guide the appropriate management of Cultural Heritage Sites located within the boundaries of the mine lease. This report is the fifth and last required annual Aboriginal Sites Management Plan (ASMP) for Donaldson. The aim of this ASMP is to:

- meet the requirements of development consent relevant to the fifth year of operation of Donaldson Coal Mine;
- foreshadow the completion of detailed Aboriginal sites management planning relevant to the operational life of the mine and for the period of rehabilitation thereafter;
- address Aboriginal cultural heritage issues in the mine operations area during the fifth year of operation of the mine; and
- maintain the protocol developed in the Year 4 ASMP to ensure Aboriginal objects will not be disturbed, destroyed, damaged or defaced without a Department of Environment and Conservation (DEC, formerly NPWS) Section 90 (s.90) Consent.

When development consent was granted Donaldson Coal Pty Ltd made a decision to prepare separate ASMPs for Years 1 to 5 of the mine operation. This decision was made on the basis that it provides a better opportunity to address specific issues each year, as well as an opportunity to review and address the management of Aboriginal sites both inside the proposed mine impact area and within the associated Conservation Area.

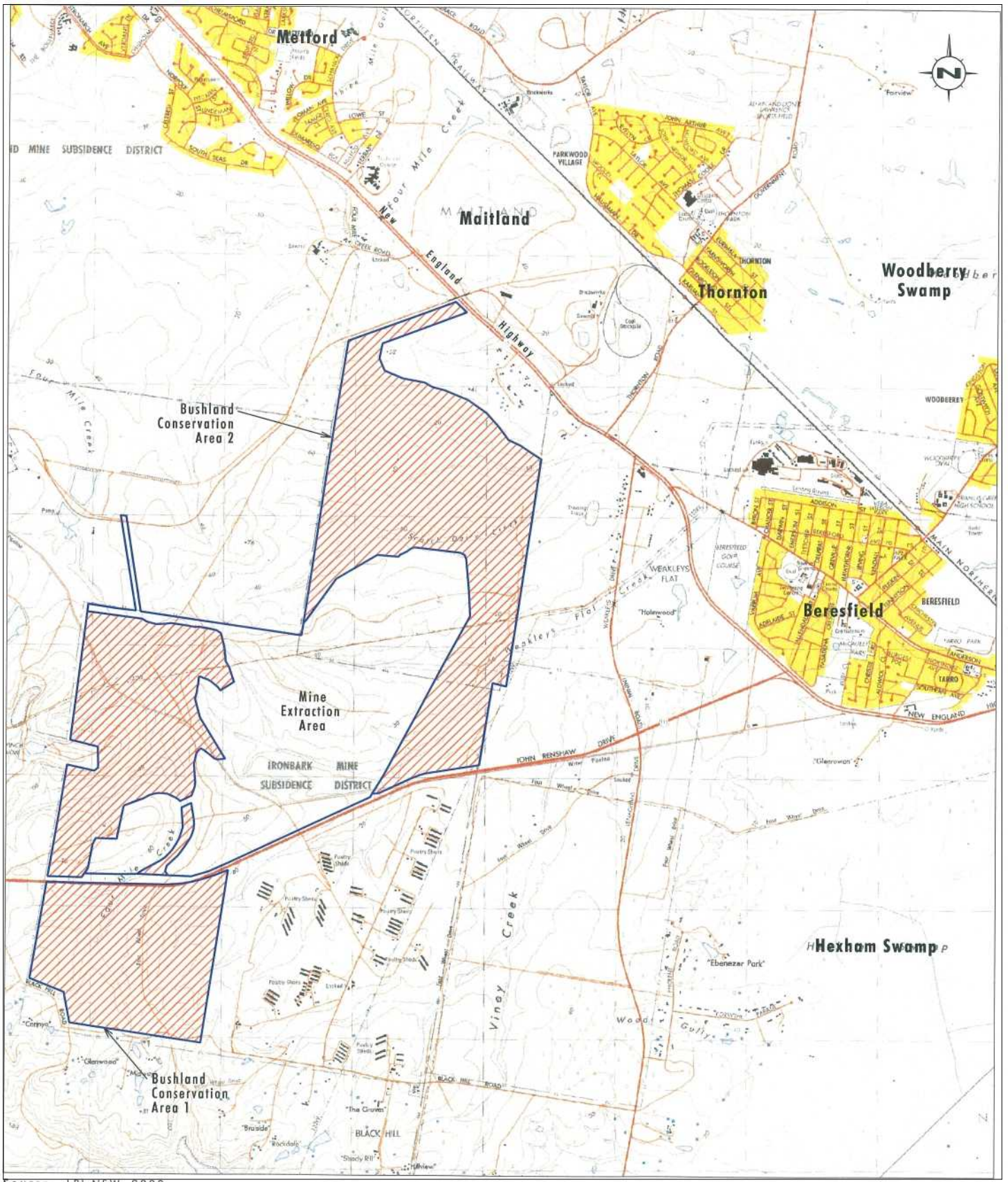
This document is the last annual ASMP required by Donaldson, and will therefore address the cultural heritage issues relating to the Year 5 mine activities and issues predicted for the forthcoming years, which Donaldson can incorporate into their long term planning strategy. The timing for the next ASMP will be determined by Donaldson in consultation with DEC and Mindaribba Local Aboriginal Land Council (MLALC).

1.1 CONDITIONS OF CONSENT

The specific requirements of the Aboriginal Sites Management Plan are contained in development consent conditions 84, 85 and 86 and are outlined in **Table 1.1**.

Table 1.1 - Requirements of Aboriginal Sites Management Plan (ASMP)

Cond. #	Consent Requirement	Section of this Document
84	<p>Prior to the commencement of construction Donaldson Coal Pty Ltd:</p> <ul style="list-style-type: none">• will prepare and implement an ASMP:<ul style="list-style-type: none">- in consultation with the Aboriginal community, Councils, and DEC (formerly known as National Parks and Wildlife Service); and- to the satisfaction of the Director-General, DIPNR;• within 14 days of approval by DEC, copies of the ASMP will be made available to DIPNR, the Aboriginal community, Councils and the Community Consultative Committee.	2.5.1



Source: LPI NSW, 2000

- Legend**
- Mine Lease Boundary
 - Conservation Area

FIGURE 1.1
Location of the Project Area

Table 1.1 - Requirements of Aboriginal Sites Management Plan (ASMP) (cont)

Cond. #	Consent Requirement	Section of this Document
85	The ASMP shall include, but not be limited to: (i) documentation of consultation with the Aboriginal community, to identify its concerns about the project and how these concerns are to be addressed; (ii) identification of conservation objectives for the site as a whole and for conservation area(s); (iii) a program to monitor the impact of the development on conservation area(s) including a justification for monitoring locations and intervals; (iv) strategies to achieve conservation objectives, including an access policy; (v) the provision of fencing to permit faunal movement and the removal of fencing within six months of completion of mining; (vi) further investigations; (vii) long term management requirements upon completion of mining.	2.5.2 2.5.2 (i) 2.5.2 (ii) 2.5.2 (iii) 2.5.2 (iv) NA 2.5.2 (vii) 2.5.2 (viii)
86	Donaldson shall revise the ASMP as necessary and provide an updated plan five years after commencement of mining to DIPNR, the DEC, the Aboriginal community, Councils and the Community Consultative Committee.	2.5.3

1.2 THE MINE FOOTPRINT AND ASSOCIATED INFRASTRUCTURE: YEAR 5

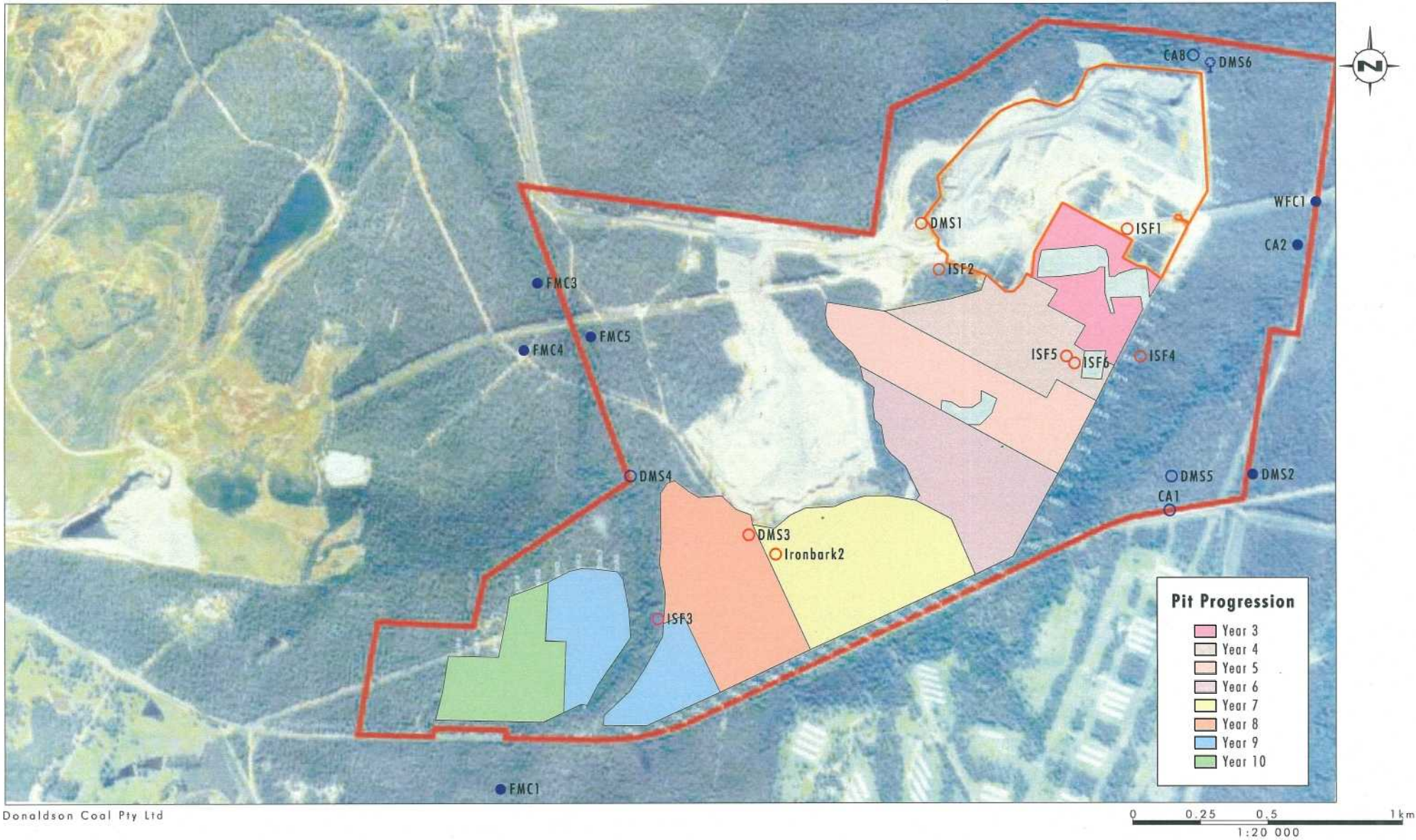
The pit progression for the forecasted life of the mine, including Year 5, is shown on **Figure 1.2**. **Figure 1.3** provides a detailed illustration of the areas that may be disturbed by associated infrastructure and environmental requirements. The mine plan will involve:

- the excavation of the active pit area for Year 5 of operations, including associated active and shaped truck spoil;
- the staged extension of the out of pit overburden emplacement area;
- revegetating disturbed areas; and
- the construction and maintenance of roads and infrastructure, including a haul road and relocation of the water pipeline.

1.3 OBJECTIVES AND SCOPE OF THE PLAN

The objectives and scope of the plan, as relevant to the fifth year of operation of Donaldson Coal Mine, are:

- to respond to the requirements of consent conditions summarised in **Table 1.1** which involve the establishment of:
 - protocols for consultation by Donaldson with the Aboriginal community and other stakeholders, and for recording of consultation;
 - conservation/management objectives for the Year 5 operation area;
 - protocols for monitoring in conservation areas and access generally;
 - strategies to achieve Year 5 conservation/management objectives; and
 - protocols for the development of long term management strategies;



Source: Donaldson Coal Pty Ltd

Legend

- Isolated Find
- Artefact Scatter
- ♀ Scarred Tree
- Sites located in Conservation Area
- Sites subject to Section 90 Consent
- Site requiring a Section 90 Consent

FIGURE 1.2

Donaldson 10 Year Pit Progression Plan and Aboriginal Sites

	Disturbed areas and dams	37.58ha
	Active Mining Area	27.62ha
	Waste Emplacements	14.28ha
	Shape Waste Emplacement	37.01ha
	Revegetated Areas	88.25ha

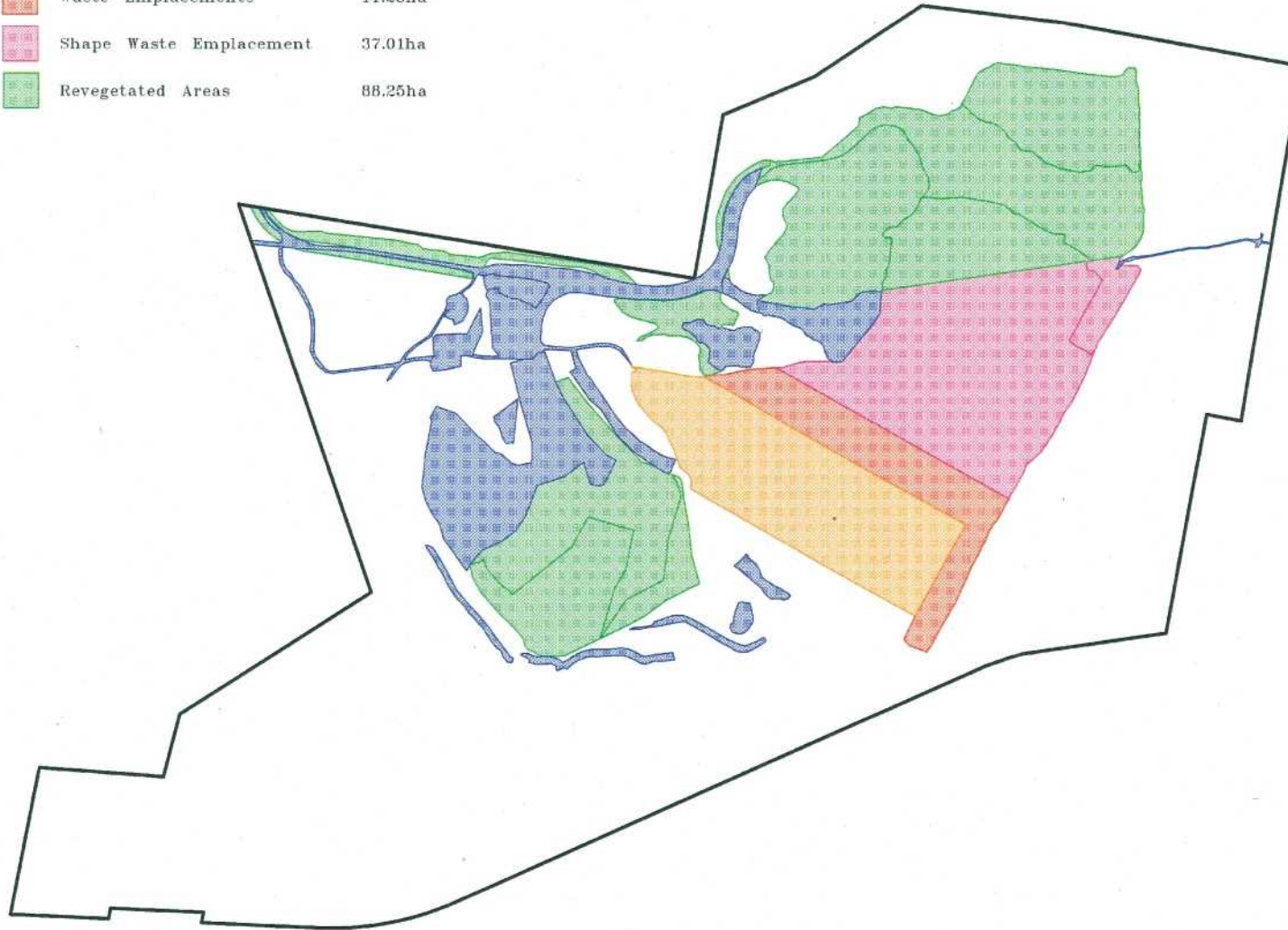


FIGURE 1.3

Forecasted Year 5 Disturbance
and Infrastructure Requirements

-
- review the protocols and criteria for the induction of employees and operational area visitors in the identification, management and significance of Aboriginal cultural heritage;
 - establish a timetable and the protocols for the revision of the Aboriginal Sites Management Plan prior to the end of Year 5 mine operation; and
 - foreshadow the process for ongoing revision of the Aboriginal Sites Management Plan.

2.0 ABORIGINAL CULTURAL HERITAGE MANAGEMENT

2.1 IDENTIFIED ABORIGINAL SITES AND MANAGEMENT ISSUES

The Donaldson mine lease has been the subject of six archaeological studies since 1998. The principal aims of these studies were to:

- consult and involve the Aboriginal community at every stage of the investigation and to provide a continuous opportunity for the Aboriginal community to participate in the interpretation and decision-making process;
- develop a predictive model of its former use by Aboriginal people and to interpret from modelling the likelihood of the identification on the study area of different types of Aboriginal material culture;
- identify and record by field survey the material evidence of Aboriginal cultural heritage or locations of potential evidence within the study area;
- interpret from both modelling and field study the nature and range of former Aboriginal occupation on and activity in the study area;
- assess the archaeological significance and understand the Aboriginal significance of the material evidence of Aboriginal cultural heritage of the study area;
- assess the impacts of the proposed mine development on Aboriginal cultural heritage; and
- formulate recommendations appropriate for the management of Aboriginal cultural heritage.

After an archaeological study undertaken by *Prisma Heritage* (Effenberger 1997) over the period late 1997 to mid-1998, comprehensive Aboriginal archaeological assessments were conducted of the mine impact area by Umwelt (Australia) Pty Limited (Umwelt), as follows:

- for the Primary Submission to the Commission of Inquiry (Umwelt 1998), a general survey of the whole of the area proposed to be impacted by the mine, in late 1998; and
- to comply with consent condition 81(ii) (Umwelt 2001a), a targeted survey of the slopes component within the mining impact area, in mid-2000.

Following the commencement of the mine, and to comply with consent condition 70, another assessment of the Conservation Areas adjacent to the mine impact area was undertaken by Umwelt in July 2001 (including the creek line conservation areas).

The numerous archaeological surveys conducted in the project area over a 20 year period have identified 29 sites located in Donaldson's Conservation and planned impact areas (refer to **Table 2.1**), and one additional site outside Donaldson's boundaries. Ongoing archaeological monitoring has been undertaken since commencement of open cut mining at Donaldson.

Additionally, a number of datum points within the Donaldson Conservation Areas have been monitored since 2002. A further six new sites have been located during the conservation monitoring inspections.

In total, ten Aboriginal sites have been recorded in the proposed mine impact area and 19 have been recorded in the adjacent Conservation Areas. The location of the sites in and around the active mine are shown on **Figure 1.2**.

Table 2.1 - Descriptions of Sites in the Mine Lease Boundary and Conservation Area

	Site Name	Recorded By	Site Description	Significance Level	Site Status
1	Four Mile Creek 1 (FMC1), 38-4-139	Brayshaw (1985)	Artefact Scatter	Moderate	In conservation area
2	Four Mile Creek 2 (FMC2), 38-4-140	Brayshaw (1985)	Artefact Scatter	Moderate	In conservation area
3	Ironbark 2, (38-4-339)	Ruig (1993)	Isolated Find	Low	s.90 #1902, April 2004
4	Four Mile Creek 3 (FMC3)	Effenberger (1997)	Artefacts & axe grinding groove	Moderate	In conservation area
5	Four Mile Creek 4 (FMC4)	Effenberger (1997)	Artefacts Scatter	Moderate	In conservation area
6	Four Mile Creek 5 (FMC5)	Effenberger (1997)	Artefacts Scatter	Moderate	In conservation area
7	Four Mile Creek 6 (FMC6)	Effenberger (1997)	Artefacts Scatter	Low	In conservation area
8	Four Mile Creek 7 (FMC7)	Effenberger (1997)	Artefacts Scatter	Low	In conservation area
9	Four Mile Creek 8 (FMC8)	Effenberger (1997)	Scarred Tree	High	In conservation area
10	Weakleys Flat Creek 1 (WFC1)	Effenberger (1997)	Artefacts Scatter	Low	In conservation area
11	ISF1	Effenberger (1997)	Isolated Find	Low	s.90 granted Destroyed, 2002
12	ISF2	Effenberger (1997)	Isolated Find	Low	s.90 granted Destroyed, 2002
13	ISF3	Umwelt (1998)	Isolated Find	Low	Will be impacted in Year 8 of mine lease
14	ISF4	Umwelt (2001)	Isolated Find	Low	s.90 #1902, April 2004
15	ISF5	Umwelt (2001)	Isolated Find	Low	s.90 #1902, April 2004
16	ISF6	Umwelt (2001)	Isolated Find	Low	s.90 #1902, April 2004
17	Conservation Area 1 CA1	Umwelt (2001)	Isolated Find	Low	In conservation area
18	Conservation Area 2 CA2	Umwelt (2001)	Artefact Scatter	Low	In conservation area
19	Conservation Area 3 CA3	Umwelt (2001)	Isolated Find	Low	In conservation area
20	Conservation Area 4 CA4	Umwelt (2001)	Isolated Find	Low	Site not in mine lease boundary
21	Conservation Area 5 CA5	Umwelt (2001)	Isolated Find	Low	In conservation area

Table 2.1 - Descriptions of Sites in the Mine Lease Boundary and Conservation Area (cont)

	Site Name	Recorded By	Site Description	Significance Level	Site Status
22	Conservation Area 6 CA6	Umwelt (2001)	Isolated Find	Low	In conservation area
23	Conservation Area 7 CA7	Umwelt (2001)	Isolated Find	Low	In conservation area
24	Conservation Area 8 CA8	Umwelt (2001)	Isolated Find	Low	In conservation area
25	DMS1	Umwelt (2002)	Isolated Find	Low	s.90 granted Destroyed, 2002
26	DMS2	Umwelt (2002)	Artefact Scatter	Low	In conservation area
27	DMS3, 38-4-0620	Umwelt (2002)	Isolated Find	Low	s.90 #1902, April 2004
28	DMS4, 38-4-0640	Umwelt (2002)	Isolated Find	Low	In conservation area
29	DMS5	Umwelt (2002)	Isolated Find	Low	In conservation area
30	DMS6	Umwelt (2002)	Scarred Tree	High	In conservation area

NB: Sites shaded blue have a s.90 Permit granted by DEC which is valid until March 2006, the site shaded orange is expected to be impacted during the 8th year of the mine lease: Not all sites listed are shown in Figure 1.2 as they are located further from the impact area.

The evidence from the sites has been used to suggest that Aboriginal people used the area for short term hunting and gathering activities. These activities took advantage of the floral and faunal resources available and occurred across all landform elements of the area but particularly in the vicinity of creek lines which offered reliable fresh water. Stone tools or material to manufacture stone tools were brought to the area for use during such activities.

The type and density of evidence located in the area is consistent with the results of other archaeological studies undertaken in the region. The dominant types of site are the artefact scatter and isolated find. These increase in density, size, and complexity closer to the wetland areas (less than three kilometres to the east of the project area) and major waterways (the Hunter River is approximately five kilometres east of the project area). Occupation focused around these areas and a wide range of activities were undertaken. It is likely that people moved from these areas to the rolling hills and riparian corridors of the project area in order to undertake hunting and gathering activities over the course of one or two days, and then returned to more long term campsites close to Woodberry Swamp, Hexham Swamp, or the Hunter River.

Two scarred tree sites, FMC8 and DMS6 have been assessed as having high significance, because of the rarity of this site type in the region. Sites FMC1, FMC2, FMC3, FMC4 and FMC5 are artefact scatters and have been assessed as having moderate archaeological significance. The remaining sites have been classified of low archaeological significance because of their lack of complexity and integrity. The importance of the sites to the local Aboriginal community is discussed in **Section 2.4**.

2.2 DEVELOPMENT IMPACTS AND MANAGEMENT ISSUES: YEAR 5

The Year 4 management plan outlined sites to be impacted by development activity for that year. Within the Year 4 mine impact footprint a DEC Section 90 Consent was granted for ISF4, ISF5, ISF6, DMS3 and Ironbark 2. The s.90 is valid for two years (March 2006), and covers the period relating to this Year 5 ASMP.

As outlined in **Section 1.2**, the Year 5 mine plan will involve the continued excavation of the active pit; the staged extension of the overburden emplacement area; and the construction and maintenance of roads and infrastructure (a haul road and a water pipeline). The mine plan for extraction involves the clearing of timber using heavy earthmoving plant and equipment for the extraction area, the overburden emplacement area, and the areas affected by roads and infrastructure. The extension of the overburden emplacement area involves clearing the existing vegetation, removing and stockpiling the topsoil resource and dumping overburden material.

Within the last six months of the Year 5 activities in the mine and extending to the first six months of the Year 6 activities, Donaldson require a haul road, a light vehicle track to commence construction and a new section of water pipe to be linked into an existing pipeline. The haul road will be constructed along an existing track and commence at the spoil dump. There are no sites located along this track, but FMC5 (an artefact scatter) is located approximately 50 metres to the west of this track (**Figure 1.2**), therefore Donaldson will not construct the haul road any further to the west of the existing track. If the proposed haul road must cross the western side of the existing track, Donaldson will need to consult with MLALC and the DEC and apply for a s.90 Consent.

The upgrade to the current water pipeline within the lease consists of 900 mm wide lead pipe that will join the existing pipeline on the north of the Year 8 impact area and run in a south easterly direction between the Year 7 and Year 8 impact area before turning in a north easterly direction, and parallel to John Renshaw Drive, here it will connect further down the existing pipeline (**Figure 1.2**). The pipeline is within already disturbed areas, and will not impact any known or potential sites.

A comparison of the Year 5 mine plan with the location of known Aboriginal sites indicates no sites will be impacted by the planned coal extraction or associated infrastructure in the forthcoming year, providing the haul road remains to the east of the existing track. **Figure 1.2** shows the status and placement of known sites within the Donaldson active mine and conservation area boundaries.

2.3 DEVELOPMENT IMPACTS AND MANAGEMENT ISSUES: YEAR 6 - 10

Within Year 6 activities the haul road and water pipeline will finish construction, and must ensure that the site FMC5 is not impacted without prior consent. According to the current mine plan, the only site which has not been subject to a DEC Section 90 Consent and remains within the pit impact area is the site ISF3. The ISF3 site is an isolated find of low scientific significance, but is of value to the Aboriginal community (refer to **Section 2.4**).

Donaldson will need to prepare a Section 90 application for the ISF3 site during Year 7 of the operation in consultation with MLALC if the pit progresses as planned (**Figure 1.2**). Donaldson should allow two weeks for the s.90 application to be prepared, and a further eight to twelve weeks for DEC to process and approve the submission. However, between Years 6 to 8, Donaldson will need to ensure planned works will not inadvertently impact ISF3 by the placement of infrastructure and/or ground disturbance, and seek a s.90 if impact is inevitable.

2.4 ABORIGINAL CONSULTATION

Donaldson has conducted all the consultation with MLALC since it was granted development consent in 1998, and regularly consult with MLALC throughout the year. Donaldson ensure consultation with MLALC is conducted whenever there are any significant changes expected to be made to the mine plan that affect cultural heritage issues. Donaldson also will consult with MLALC if they require any advice on cultural heritage management, representatives to participate in the field inspections for the conservation areas, and/or to attend any pre-clearing or development surveys.

All sites are significant to the local Aboriginal community because they represent evidence of use and occupation of the area by Aboriginal people prior to European settlement. As such, they are a link with the past and symbolise a successful way of life prior to the changes and destruction forced upon Aboriginal people and the landscape by European settlers. All of the sites recorded in the area are therefore of cultural significance to Aboriginal people. The scarred trees (FMC8 and DMS6) in the general area are of particular significance to the Aboriginal community because of the rarity in the area (Umwelt 2002).

In previous ASMPs, MLALC have raised the issue that any artefactual material salvaged during the Donaldson mine operation should be given to MLALC and stored in their keeping place. The only DEC Section 90 application remaining for the life of the Donaldson mine is ISF3 in Year 8. Donaldson in consultation with MLALC will prepare a s.90 application to be submitted to the Director-General of DEC in advance of the Year 8 works. MLALC must complete a “Care” form (formally a *Care and Control* form) to be submitted in conjunction with any DEC Section 90 application, otherwise any artefactual material salvaged will fall under the jurisdiction of the Crown, and be sent to the Australian Museum.

MLALC provided a written response to the draft report (22 November 2005) stating they were very happy with the Year 5 Donaldson Aboriginal Management Plan and agree with the recommendations. MLALC stated they would like to continue the annual monitoring with Donaldson, and that an archaeologist would conduct every second monitoring with MLALC and the Donaldson Environmental Officer. A copy of the letter is provided in full in **Appendix 1**.

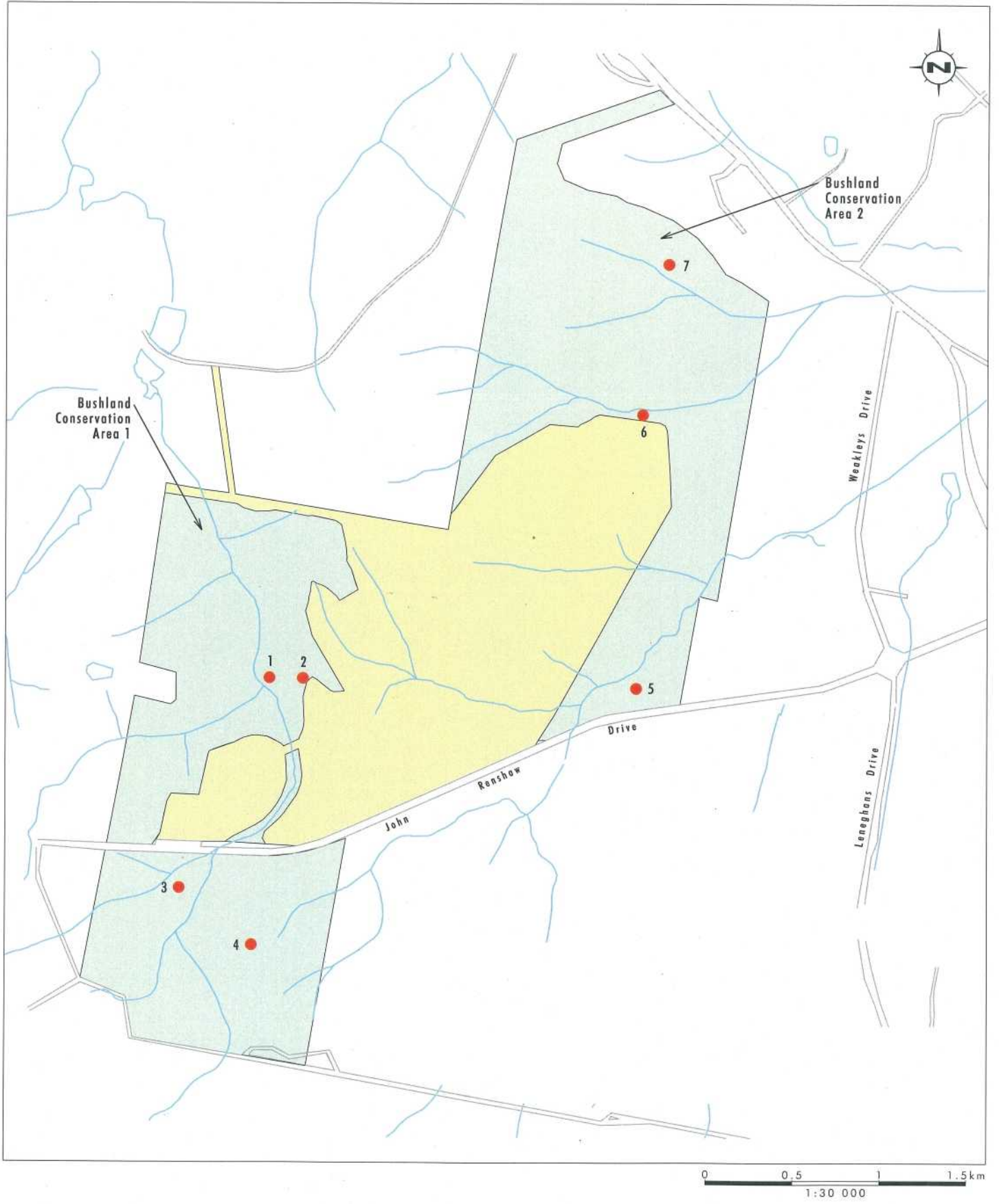
2.5 ABORIGINAL CULTURAL HERITAGE MANAGEMENT

The Aboriginal heritage evidence recorded within the mine lease area is protected under the terms of the *National Parks and Wildlife Act 1974*. Umwelt (1998: 47–51) discussed the issues to be addressed by management options and/or strategies, and the objectives that guided the development of management strategies. The studies recommended that the essential strategies for management of Aboriginal cultural heritage in terms of these issues and objectives should focus on:

- the definition of a clear decision-making process in connection with on-going heritage management;
- the continuing participation of the Aboriginal community in the administration, management and decision-making processes for its heritage;
- a high level of conservation management of any Aboriginal heritage sites that are assessed as being of regional significance or higher; and
- *in-situ* conservation of significant Aboriginal heritage rather than on salvage of sites/artefacts.

These recommended strategies are read in conjunction with the consent conditions summarised in **Table 1.1**. With regard to Year 5 mine operation, this plan:

- confirms the definition and archaeological assessment of the conservation management areas as shown on **Figure 2.1**, pursuant to consent condition #83;
- addresses the requirements of consent condition #84;
- makes provision for the individual matters itemised at consent condition #85; and
- specifies the review and revision process consequent upon the adoption of this plan.



- Legend**
- Conservation Areas
 - Mine Extraction Areas
 - Datum Monitoring Points

FIGURE 2.1

Conservation Areas in Mine Lease and Datum Monitoring Points

2.5.1 Consent Condition 84

This plan relates operationally to the development of the mine during Year 5.

- Following consultation with MLALC, copies of the Plan will be sent to the relevant local council and the NPWS for comment. A copy of the correspondence from the LALC will be attached as **Appendix 1** of this ASMP.
- In accordance with Development Consent Condition 84, within 14 days of approval of the ASMP by the NPWS, copies of the plan will be circulated to Director-General of DIPNR, the Aboriginal community, the local council, and the Community Consultative Committee.
- In relation to the preparation of the ASMP relevant to Year 5 and subsequent years of operation of the mine, Donaldson will:
 - maintain continued liaison and facilitate continued participation by the Aboriginal community, and will invite the participation of Councils and the NPWS in the process;
 - submit the draft ASMP for the consideration of the Aboriginal community in August 2005;
 - submit the final ASMP to DIPNR for its approval; and
 - circulate copies of the final ASMP to the Director-General of Planning NSW, MLALC, the local council, and the Community Consultative Committee within 14 days after approval by NPWS.

2.5.2 Consent Condition 85

Having regard to its limited period of application, this plan provides:

- i) that the MLALC, as the representative of the Aboriginal community, will be consulted on a continuing basis to ascertain its concerns, if any, concerning the mine development and to obtain its participation in the ongoing process of assessment. The MLALC will be:
 - notified of any significant changes to the mine plan;
 - invited to participate in the ongoing monitoring and recording of the condition of Conservation Areas; and
 - invited to participate in pre-clearing surveys and monitoring the removal of topsoil from areas subject to mine excavation, cut and fill earthmoving and surface facility, building and road construction.

In previous years, MLALC has been asked to monitor ground disturbance works conducted within the Donaldson mine lease, however recent changes in the way the DEC view the NPW Act (1974) have meant that monitoring is only permitted if the proponent first obtains a DEC Section 87 permit. Therefore any ground disturbance works believed to impact areas retaining potential artefactual deposits that require monitoring must not proceed until Donaldson have consulted with MLALC and DEC and a Section 87 Permit has been granted.

A record will be made of all consultations and minutes made in respect of meetings, site meetings and formal consultations. The original of such minutes will be maintained by Donaldson and copies will be circulated to the MLALC. The minutes will be made available for perusal by the Community Consultation Committee upon request.

- ii) With regard to the impact on known heritage resources during Year 5 of mine development, the principal management objective for the period of the plan is to ensure that both known and

previously unrecorded Aboriginal cultural heritage sites that are exposed in the mine development are identified and appropriately managed within the framework of the *National Parks and Wildlife Act 1974* and the needs of the Aboriginal community.

- iii) A first survey of the Conservation Areas was undertaken in July 2001. A number of datum points within these areas have been identified for use during regular monitoring of the condition of the Aboriginal heritage and environment. The locations of the seven datum points are shown on **Figure 2.1** and are described in **Table 2.2**. The datum points were chosen as references of environmental change in the mine lease boundary as they are considered to be representative of particular landforms and/or Aboriginal sites within the Conservation Areas; and most likely to reflect any environmental degradation.

Table 2.2 - Monitoring Datum Points within Conservation Areas

Datum point No.	Datum point location (AMG)	Justification
1	368585E, 6368203N	Located on a lower slope, within 50 metres of Four Mile Creek, and adjacent to a confluence. This is an archaeologically sensitive area and is relatively undisturbed. This datum will provide information on any human or natural impacts which may be affecting such locations in the conservation areas.
2	368778E, 6368204N	Located on an upper slope. This area is relatively undisturbed and is within 50 metres of the active mine area. This datum will provide information regarding the impact of mining operations on adjacent conservation areas.
3	368089E, 6366977N	Located on the bank of Four Mile Creek. This datum is the location of an artefact scatter recorded by Brayshaw in 1985 (38-4-139). The site could not be relocated during a recent survey (Umwelt 2001b), probably due to dense vegetation cover and low visibility. This datum will provide information on any human or natural impacts which may be affecting such locations in the conservation areas.
4	368513E, 6366656N	Located on a mid slope typical of this environment. This datum will provide information on any human or natural impacts which may be affecting such locations in the conservation areas.
5	370699E, 6368184N	Located on a vehicle track on a mid slope at site DMS5. This is a typical site location within the Bushland Conservation Areas. This datum will provide information on any human or natural impacts which may be affecting Aboriginal cultural heritage sites and/or their context.
6	370704E, 6369768N	Located on a stream channel bank, within 100 metres of a mine impact area. This is an archaeologically sensitive area and is relatively undisturbed. This datum will provide information on any human or natural impacts which may be affecting such locations in the conservation areas.
7	370837E, 6370639N	Located on a vehicle track on a lower slope. This datum will provide information on any human or natural impacts which may be affecting such locations in the conservation areas.

An annual (in August) field inspection survey will be undertaken by Donaldson's Environmental Manager, an archaeologist, and representative(s) of the MLALC. A short report will detail the results of the monitoring and will include:

- date of monitoring and names of those who participated;
- exposure and visibility data;

-
- the condition of the environment and any Aboriginal cultural heritage material with comparisons drawn from the previous years report;
 - natural and/or human impacts to the environment or Aboriginal cultural heritage material (if any);
 - the condition of the markings and signs defining the boundary of relevant areas of the Conservation Areas (ie. those areas adjacent to current mine operations and/or infrastructure construction); and
 - concerns regarding management of the Conservation Areas (if any).

The report shall be written for the Donaldson Coal Environmental Manager and a copy provided to MLALC. Any concerns should be addressed immediately by both parties. A copy of the letter or response to this ASMP from MLALC is in **Appendix 1** and summarised in **Section 2.4**.

It is accepted that the seven monitoring datum points now set up will provide an adequate check of the condition of the Aboriginal heritage and environment within the Conservation Areas throughout the life of the mine.

iv) The broad strategies to achieve the objectives of the plan are that:

- The Conservation Areas have been defined and reserved by Donaldson and are shown on **Figure 2.1**.
- Prior to the adoption of the plan, Donaldson will take a representative[s] of the MLALC on a familiarisation tour of the planned mine operation areas and areas to be impacted by infrastructure during Year 5 and will orient these areas against mine operations plans.
- No Aboriginal cultural heritage sites have been identified within the planned Year 5 mine operations area, however one site ISF3 is located within the Year 8 planned pit.
- It is usual for an Internal Disturbance Permit (IDP) to be completed and signed off by the Environmental Officer and Management prior to the commencement of any clearing activities at the mine. Amongst other environmental issues, the permit expressly requires the person responsible for the clearing first considers the presence of any archaeological sites, by undertaking a pre-clearing survey. The pre-clearing survey and IDP will need to be conducted in advance of any further work in the area surrounding ISF3. A copy of this IDP is attached as **Appendix 2**.
- If there are any areas with potential for archaeological deposits, Donaldson will consult with MLALC and DEC to obtain a Section 87 permit, which would permit MLALC to conduct monitoring in the Donaldson mine lease.
- The MLALC will be consulted and invited to advise concerning any potential evidence of Aboriginal cultural heritage that may be identified in the course of mine development and operation.
- Representatives of the MLALC will be provided access to Year 5 operational areas and to Conservation Areas subject to the requirements for their safety and security such as:
 - observance of Donaldson’s standard regulation of site visitors for reporting;
 - participation in Donaldson’s standard safety and operational induction;

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- the wearing of protective clothing, headgear, eye protection and footwear;
 - temporary restriction of access to hazardous areas;
 - limitation of access to particular areas without a conducting officer provided by Donaldson; and
 - such other conditions as may be necessary from time to time.
- Donaldson will invite the MLALC to participate in the preparation and updating of documentary material for that part of the induction of all employees and visitors that relates to the identification, importance and management of elements of Aboriginal cultural heritage and to participate in the conduct of induction sessions.

Donaldson will require all employees of the mine development areas (both permanent and contractors) to undertake an induction into the Aboriginal cultural heritage of the Year 5 mine operation area and to acknowledge their participation in the program.

- Donaldson acknowledges that in accordance with the *NPW* Act generally, and Section 90 of that Act, it is illegal to knowingly deface, damage or destroy an Aboriginal object without the prior written consent of the Director-General, NPWS. In the event that any object within the meaning of the Act is discovered or identified in the course of mine development or operation, all work in that area will cease immediately and will not be resumed until the requirements of the Act have been satisfied (ie. until all requirements of the s.90 Consent have been satisfied).
- v) The Conservation Area will not have any pegs located within it, as it would contravene the aim of minimising disturbance.
- vi) Warning notices that have been affixed to the fence of the Conservation Area in previous years will be regularly checked to ensure they are maintained, and the signs warn against any entry that might cause damage or result in degradation of the environment.
- vii) An annual monitoring program within Conservation Areas has been established and incorporated in the ASMPs. Further investigations are not considered necessary as the entire mine lease area has now been the subject of numerous archaeological investigations (Brayshaw 1985, Ruig 1993, Effenberger 1997, Umwelt 1998, Umwelt 2001a, Umwelt 2001b).
- viii) The consideration of long-term management requirements upon completion of mining will be undertaken in consultation with the MLALC during Year 5 of mine operations and provisional protocols will be stated in ensuing ASMPs, subject to further refinement and revision, in similar consultation, during the course of mine operations.

2.5.3 Consent Condition 86

Donaldson advises that an ASMP will be compiled for each year of the Donaldson Coal Mine Year 1 to 5 mine plan in terms of **Section 2.5.1** and **Section 2.5.2** (ii) above. Each ASMP takes into account:

- the monitoring surveys of the Conservation Areas (**Section 2.5.2** [iii]);
- reports of broad environmental performance;
- the development of long-term conservation objectives relevant to operational areas and to Conservation Areas (**Section 2.5.2** [iv]). This will include the identification of the location of monitoring datum points relevant to that year's operation mine plan; and

- the consideration of long-term management strategies upon completion of mining activities (**Section 2.5.2** [viii]).

The Year 5 ASMP has been developed in consultation with the Aboriginal community and DEC with a draft revised ASMP provided to the MLALC prior to 31 August 2005, for their information and formal response (refer to **Section 2.4** and **Appendix 1**).

3.0 MANAGEMENT PROCESSES TO TRANSFER NECESSARY DATA FOR APPROPRIATE SITE MANAGEMENT

NPWS requested Donaldson Coal Pty Ltd devise a process whereby if the role of Environmental Officer were to change again during the life of the mine, the necessary information relating to Aboriginal cultural heritage management of sites in the lease and Conservation Areas was conveyed. The following are process management options available to Donaldson Coal Pty Ltd which would aid the current and any future Environmental Officers.

1. Create a Process Outline which lists all the steps necessary for the appropriate management of Cultural Heritage sites for a typical year in Donaldson Coal. Copies of all the relevant documentation listed in the process outline (eg. Internal Disturbance Permit, s.90's and future ASMP) should be compiled with the outline.
2. The process outline and checklist will be filed in the Environmental Files.
3. Additionally, for as long as Umwelt has an active account with Donaldson, the key dates and Process Outlines can be integrated into their system to initiate reminders to Donaldson Coal by various media (phone, fax, post or email) which overcomes the issue of lost information in the event of staff changes.

4.0 ARCHAEOLOGY MANAGEMENT ACTION PLAN

A summary of the actions for implementation of this management plan is contained in **Table 4.1**.

Table 4.1 – Summary of Management Actions

Management Action	Timing	Responsibility
Conduct a familiarisation tour of the planned mine operation areas and areas to be impacted by infrastructure during Year 5 with a representative(s) of MLALC.	By August 2005	Donaldson Coal Pty Ltd
Consult with MLALC regarding mine development and any significant changes to the mine plan (including the haul road if it is placed on the western side of the existing access track).	Ongoing	Donaldson Coal Pty Ltd
Whenever mine plans are developed, compare their placement against the location of the site ISF3 to ensure it will not be impacted.	Ongoing	Donaldson Coal Pty Ltd
Use electronic maps showing the placement of the sites, to overlay mine plans to ensure sites are not inadvertently impacted.	August 2005	Donaldson Coal Pty Ltd in consultation with Umwelt (Australia) Pty Limited
Prepare a DEC Section 90 application at least 6 months prior to impact.	Annually	Donaldson Coal Pty Ltd

Table 4.1 – Summary of Management Actions (cont)

Management Action	Timing	Responsibility
Submit DEC S.90 Consent application for the last remaining site (ISF3).	3 months in advance of any infrastructure required here.	Donaldson Coal Pty Ltd in consultation with MLALC.
Obtain a Care Permit for artefact(s) salvaged from ISF3.	In conjunction with the s.90 application.	MLALC
Ensure the boundaries of the relevant areas of Conservation Areas are fenced and that signs are maintained with clear warning notices.	During the Conservation Area datum points inspection.	Donaldson Coal Pty Ltd with Mindaribba and an archaeologist
Identify and mark all old growth trees within the remainder of the mine operation areas (Years 6 – 10).	During the Year 5 development.	Donaldson Coal Pty Ltd
Invite MLALC to observe the old growth trees in the Years 6-10 areas.	Ongoing. Notice should be provided to MLALC at least one week prior to commencement of works.	Donaldson Coal Pty Ltd
Undertake field investigation of the Conservation Area datum points.	Every July/August between 2005 and 2010.	Donaldson Coal Pty Ltd, MLALC and an archaeologist
Report on the results of monitoring survey of Conservation Areas and provide copy to MLALC.	August 2005.	Donaldson Coal Pty Ltd
Discuss the incremental period for further Aboriginal Sites Management Plan with Donaldson and consult with MLALC and DEC.	By 31 August 2005.	Donaldson Coal Pty Ltd and MLALC
Submit draft Year 5 Aboriginal Sites Management Plan for the consideration of MLALC.	By August 2005.	Donaldson Coal Pty Ltd
Submit revised and final Year 5 ASMP to DEC, MLALC, DIPNR and other relevant authorities for approval.	Prior to 31 August 2005.	Donaldson Coal Pty Ltd

5.0 REFERENCES

Brayshaw, H 1985. *Archaeological Survey, Ironbark Colliery, Hunter Valley, NSW.*

Effenberger, S 1997. *Donaldson Coal Project (west of Beresfield) Archaeological Sample Survey, Maitland, Newcastle, and Cessnock LGAs.* Report to PPK Environment & Infrastructure Pty Ltd.

Ruig, J L 1993. *An Archaeological Survey of the Proposed Optic Fibre Cable Route between East Maitland and Benwerrin.* Report to Telecom Australia.

Umwelt (Australia) Pty Limited 1998. *Primary Submission to Commission of Inquiry, Proposed Donaldson Open Cut Coal Mine: Archaeological Assessment.* Report to Wootmac Pty Ltd.

Umwelt (Australia) Pty Limited 2000. *Aboriginal Sites Management Plan, Year 1: Donaldson Open Cut Coal Mine, Beresfield Near Newcastle.* Report to Wootmac Pty Ltd.

Umwelt (Australia) Pty Limited 2001a. *Report of a Supplementary Archaeological Study of the Mine Impact Area: Donaldson Open Cut Coal Mine, Beresfield Near Newcastle*. Report to Wootmac Pty Ltd.

Umwelt (Australia) Pty Limited 2001b. *Aboriginal Archaeological Assessment: Bushland Conservation Areas, Donaldson Mine, Beresfield*. Report to Donaldson Coal Pty Ltd.

Umwelt (Australia) Pty Limited 2002. *Aboriginal Sites Management Plan, Year 2: Donaldson Open Cut Coal Mine, Beresfield Near Newcastle*. Report to Donaldson Coal Pty Ltd.

Umwelt (Australia) Pty Limited 2003. *Aboriginal Sites Management Plan, Year 3: Donaldson Open Cut Coal Mine, Beresfield Near Newcastle*. Report to Donaldson Coal Pty Ltd.

APPENDIX 1

Correspondence from Mindaribba LALC

49348544

Mindaribba Local Aboriginal Land Council



Phone: 49348511

Fax: 49348544

PO Box 401
East Maitland NSW 2323

1A Chelmsford Dr.
Metford NSW 2323

A.B.N 8282 6020 881

Mr Phillip Brown
Donaldson Mine PTY LTD
P.O.Box 2278
Greenhill's
NSW 2323

Dear Phillip

Re: Conservation Monitoring, Donaldson Coal Year 5

This letter is to confirm that Mindaribba Local Aboriginal Land Council were present during the monitoring process and supplied with copy of report by Umwelt (Australia).

Mindaribba L.A.L.C was happy with report from consultants and agrees with the conclusion.

The position of M.L.A.L.C that this process should continue on yearly basis however we believe there is the need for the archaeologist to be involved on a biannual basis.

Should Donaldson agree to this it would require negotiations between the environment officer and M.L.A.L.C to monitor the project

We congratulate Donaldson on the excellent work being conducted, the fact that all cultural heritage and environmental concerns raised are being adequately address.

Please phone the writer on numbers provided should you wish to discuss this letter.

Rick Griffiths

A handwritten signature in black ink that reads "Rick Griffiths". The signature is written in a cursive style with a large initial "R".

General Manager
M.L.A.L.C
22/11/2005

APPENDIX 2

Internal Disturbance Permit

Donaldson Coal Pty Ltd Internal Disturbance Permit

OFFICE USE ONLY	
	Date/Initial
Cooks	
EO	
GM	

Sections 1 & 2 to be completed by applicant

1. Contact Details

Name:
 Date: Name of Person Responsible for Clearing:
 Contact Number:

2. Area Details

Location (attach a plan):
 Total Area (ha):
 Reason for Clearing:

 Date Clearing Proposed:/...../.....

Sections 3 & 4 to be completed by the Donaldson Environmental Officer

3. Environmental Considerations

The following items have been considered and meet the requirements of the appropriate Management Plan:

<i>Issue:</i>	<i>Completed</i>	<i>N/A</i>	<i>Issue:</i>	<i>Completed</i>	<i>N/A</i>
Aboriginal/Heritage sites requirements			Pre-clearing Fauna & Flora Survey		
Habitat Tree Identification			<i>Tetratheca juncea</i> area.		
Erosion/Sediment Control in place			Groundwater Monitoring Bores		
Placement for Topsoil Determined			Dust Impacts (Controls in place)		
Noise Impacts (Controls in place)			Not in Bushland Conservation Area		
Disturbance of watercourses			Management of Green Waste in place		
Timber Resources Removed			Seed Collection Investigated		

4. Special Conditions

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ENVIRONMENTAL OFFICER: (Signature): Date:

**Umwelt (Australia) Pty Limited
2/20 The Boulevard
PO Box 838
Toronto NSW 2283**

**Ph. 02 4950 5322
Fax 02 4950 5737**