

# Dartbrook Coal Mine—Modification 7

Aboriginal Heirtage and non-Aboriginal Heritage  
Dr Tim Owen, GML Heritage

## Key Heritage Matters

Matter 1: Heritage Has Not Been Adequately  
Assessed

Matter 2: Aboriginal Heritage is Constituted as  
Aboriginal Archaeology

Matter 3: Aboriginal Community Consultation &  
Social Impact Assessment

# **Matter 1: Heritage Has Not Been Adequately Assessed**

# OEH RTS

Hansen Bailey RTS 2018:36

“the upgrade of the unsealed road will not require any additional surface disturbance and therefore does not have the potential to encounter any Aboriginal heritage sites”

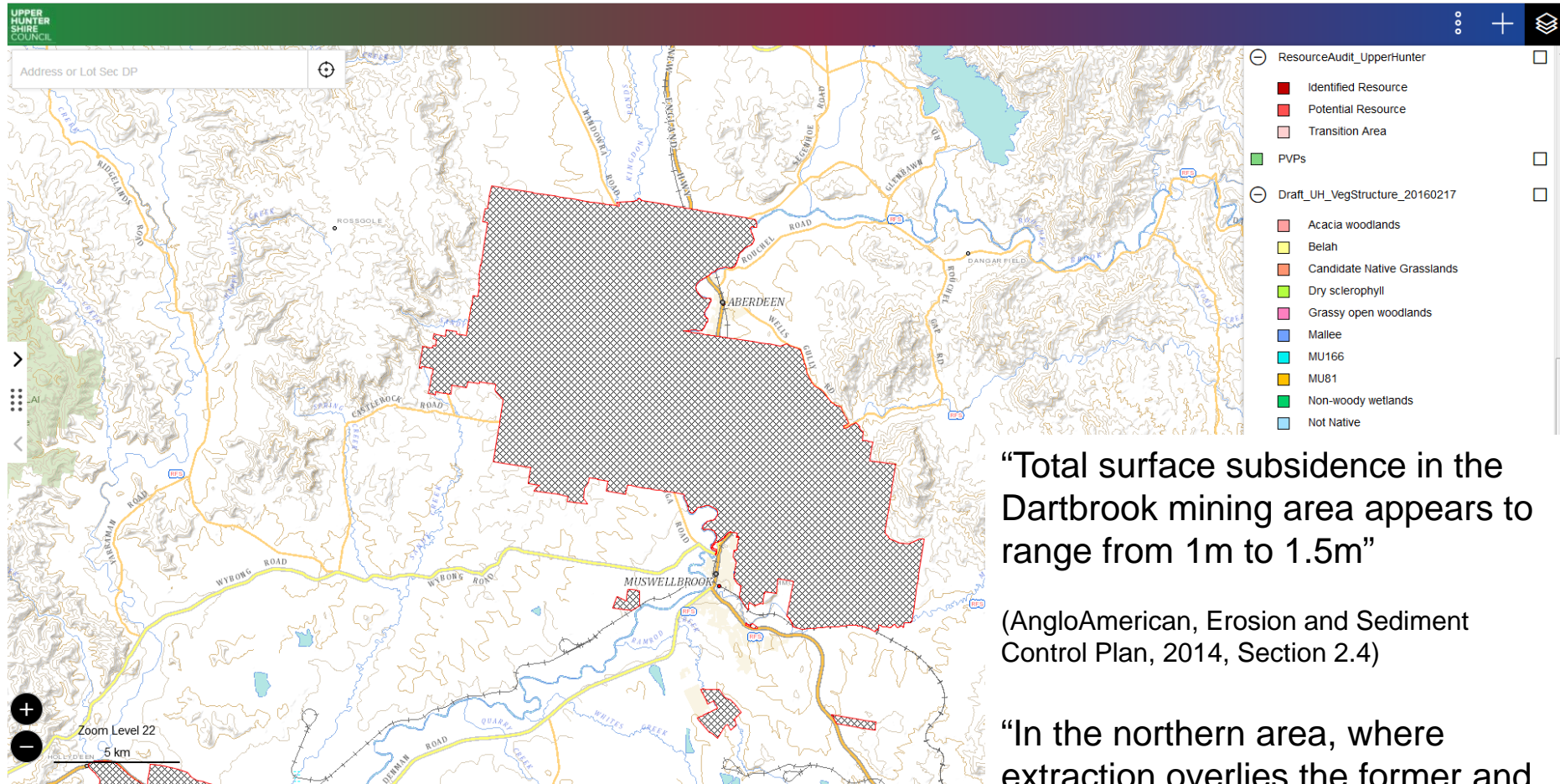
“OEH does not agree with this position and remains concerned by the lack of Aboriginal cultural heritage assessment in relation to this aspect of Modification 7...”

“OEH is not satisfied that adequate consideration has been given to potential Aboriginal cultural heritage impacts of the proposed upgrade of the unsealed section of the western access road.”

OEH Response to Submissions, Appendix B.

# Upper Hunter Shire, mapping of the 'mine subsidence district'.

Source: Upper Hunter Shire online mapping tools



“Total surface subsidence in the Dartbrook mining area appears to range from 1m to 1.5m”

(AngloAmerican, Erosion and Sediment Control Plan, 2014, Section 2.4)

“In the northern area, where extraction overlies the former and already subsided (up to 1.6m) Wynn seam...”

(NSW Government Modification 7 Assessment Report, Jan 19, pp23)

# Dartbrook Mine 2001 Conditions of Consent

*Environmental consequences - The environmental consequences of subsidence impacts, including: damage to built features, loss of surface water flows to the subsurface, loss of standing pools, slope changes to streams, adverse water quality impacts, development of iron bacterial mats, cliff falls, rock falls, landslides, damage to Aboriginal heritage sites, impacts on aquatic ecology, and ponding.*

(Development Consent Conditions for the Dartbrook Extended Underground Coal Mine, Definitions, page 3)

## Performance Measures – Natural and Heritage Features

3(d) The Applicant must ensure that second workings do not cause any exceedances of the performance measures in Table 1.

Table 1: Subsidence impact performance measures – natural and heritage features etc

Aboriginal and Heritage sites:

- Negligible subsidence impacts or environmental consequences
- Negligible loss of heritage value

**“Negligible** - *Small and unimportant, such as to be not worth considering”*

# **Matter 2: Aboriginal Heritage is Constituted as Aboriginal Archaeology**

“The archaeological sensitivity of an area is related to the likelihood that the land was previously occupied by Aboriginal populations.

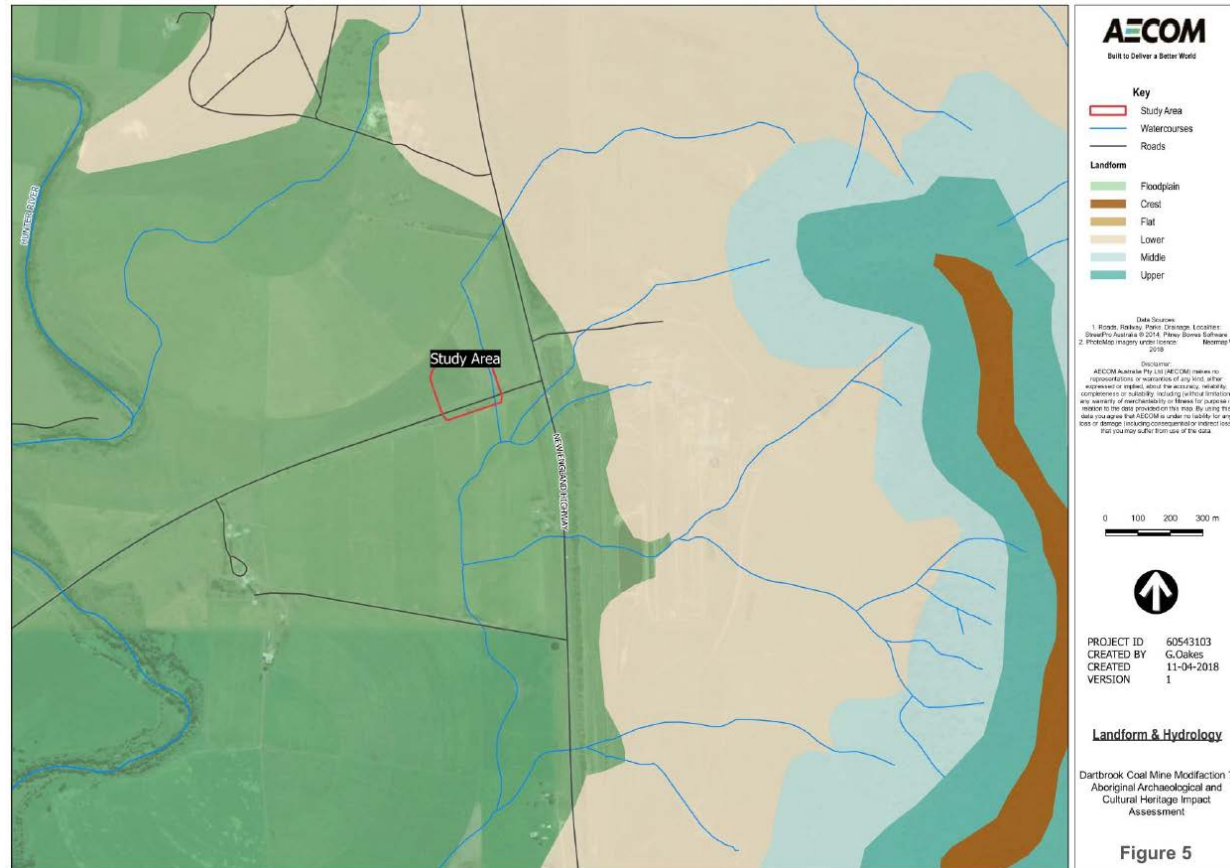
Past Aboriginal populations generally occupied areas that were close to a reliable source of water, such as a major stream.  
The nearest reliable source of water is the Hunter River, which is located more than 1 km from the Infrastructure Study Area.

Figure 3 of the Aboriginal Archaeological and Cultural Heritage Impact Assessment (Appendix H of the EA) indicates the occurrence of a watercourse within the Infrastructure Study Area.

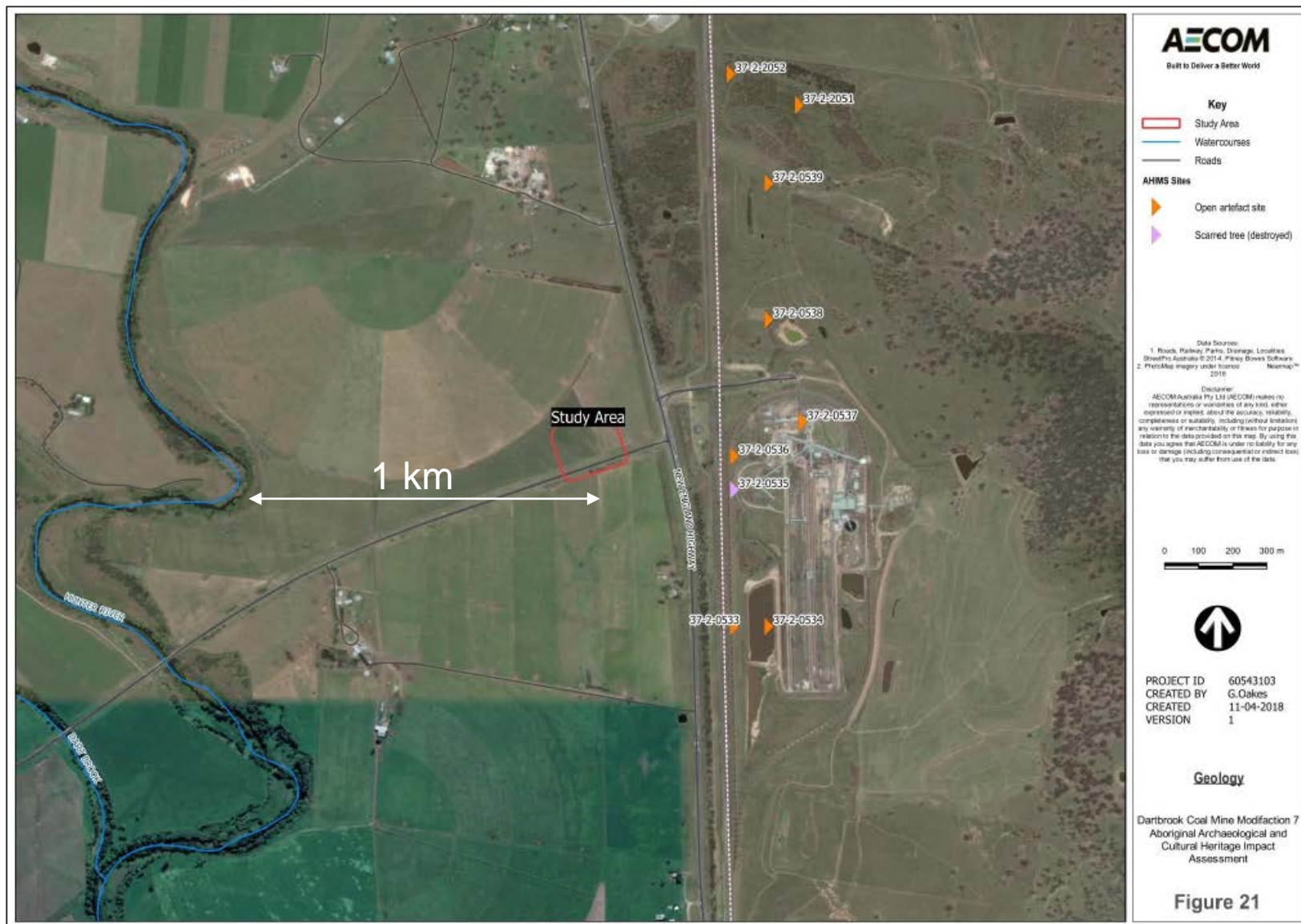
This watercourse is an ephemeral drainage line within the Hunter River catchment. This drainage line would not have provided a reliable source of water for past Aboriginal populations.

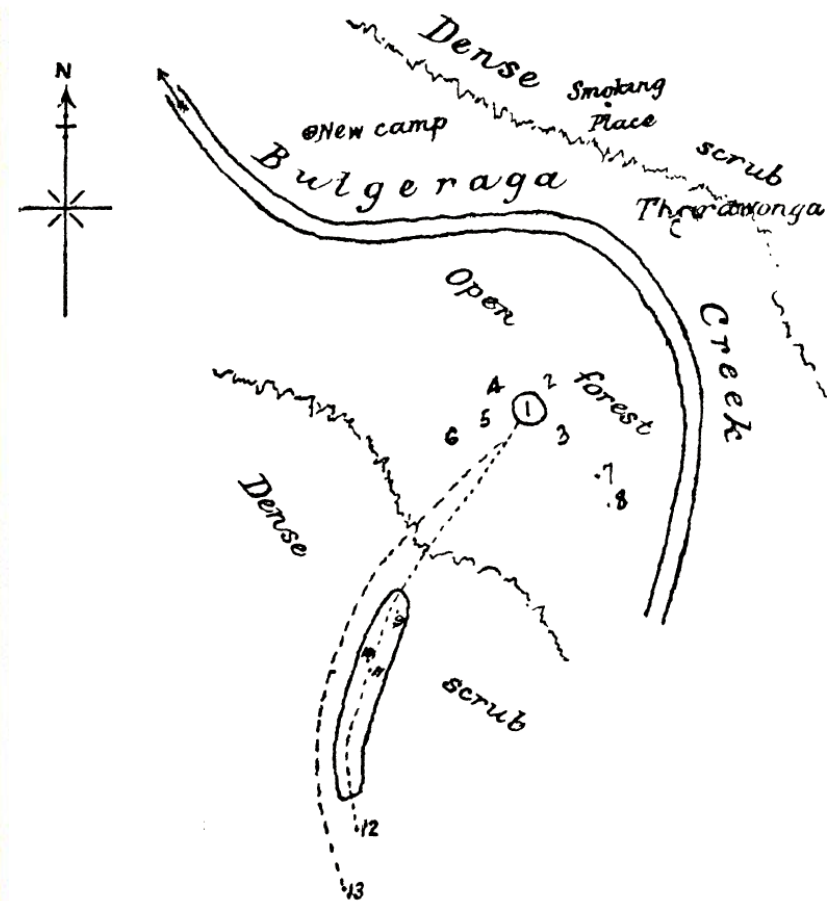
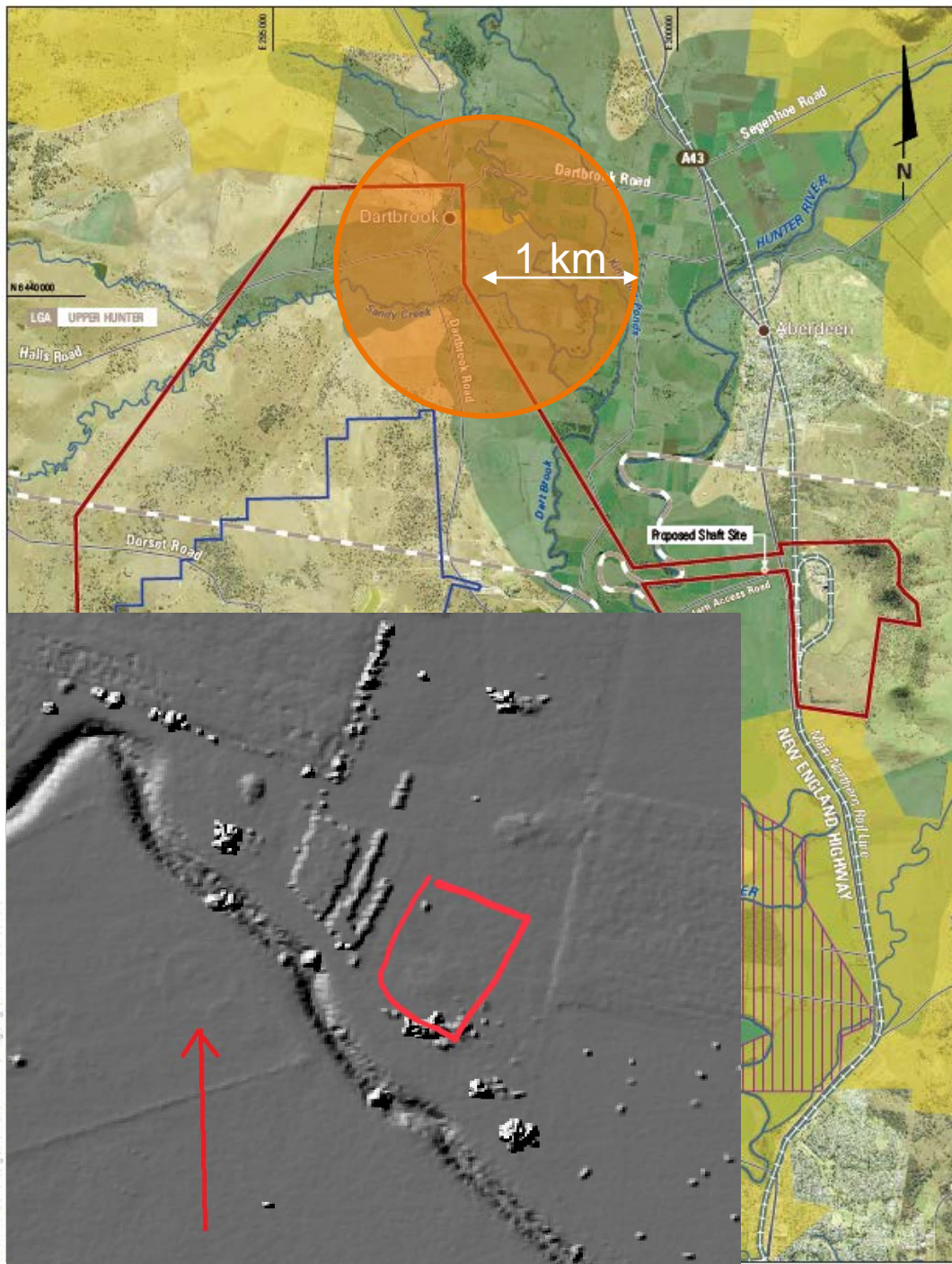
Therefore, the existence of this drainage line does not raise the archaeological sensitivity of the Infrastructure Study Area.”

Hansen Bailey, 2018, RTS Section 3.2.16









Top left—orange zone was potentially connected with bora grounds and associated ceremonial activities

Bottom left—LIDAR survey showing bora rings

Top right—RH Matthews 1896, recorded layout of a bora ground (near PCWP claim area).  
1 = bora circles, camps located at a distance from this area

# **Matter 3: Aboriginal Community Consultation & Social Impact Assessment**



# Social Impact Assessment

*[Hansen Bailey 2018: Section 3.6]. An Aboriginal Archaeological and Cultural Heritage Impact Assessment was undertaken by AECOM Australia as a component of the EA for the Modification. This assessment included consultation with the Registered Aboriginal Parties (Table 3).*

*[Section 4.3.1] The SIA has drawn on the findings of ongoing consultation conducted by AQC and Hansen Bailey, including data from landholder consultation, the Dartbrook Community Consultative Committee (CCC), consultation with Registered Aboriginal Parties and data from the complaints and feedback lines.*

*[Section 6.2] The Modification involves bord and pillar mining. The proposed coal pillars will be designed to remain stable. By maintaining long-term pillar stability, vertical subsidence associated with bord and pillar mining will be limited to less than 100 mm. These low levels of subsidence do not have the potential to affect heritage items.*

# NSW Land and Environment Court, [2019] NSWLEC7, 8 February 2019

Findings 340-346, describe:

- ‘Social impact related to culture includes shared beliefs, customs, values and stories, as well as connections to land, places and buildings. Culture includes both Aboriginal and European culture and heritage’.
- An SIA should contain information about Aboriginal socioeconomic status, their way of life, or their fears and aspirations about the future.
- Social values are embedded in the Country and landscape. ...’ there has been an inadequate acknowledgement of the importance of Country and landscape to the Aboriginal people. Heritage value lies not merely in particular Aboriginal sites but in the landscape as a whole.’
- Inadequate heritage survey could lead to a direct social impact on the Aboriginal community. ...‘uncertainty as to whether unidentified Aboriginal sites might be impacted itself causes social impact on the Aboriginal community’