

## **Presentation to the Planning Assessment Commission— Aboriginal Heritage—Drayton South Coal Project—November 2016**

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Members of the PAC, ladies and gentlemen.

My name is Tim Owen, I am a Senior Associate at GML Heritage. I have a PhD in Aboriginal archaeology, am a senior research fellow at Flinders University, and have 16 years' professional experience in Aboriginal heritage, cultural landscapes and management.

I have reviewed the Aboriginal heritage technical reports prepared for Drayton South. Today I provide a summary regarding the key findings.

The Upper Hunter Valley is a cultural landscape with natural, Aboriginal and non-Aboriginal heritage values. These values are historic, aesthetic, social, spiritual and scientific—as well as both physical and non-physical. This reflects what is defined as 'cultural significance' under the Burra Charter.

The project area and surrounding landscape contains significant Aboriginal song lines, travelling routes, traditional resources, aesthetic and spiritual values, including view corridors and associated places and archaeological sites. These are all connected to the long term continuing use of this cultural landscape by Aboriginal people.

The previous review PAC and the government, through the project's SEARs, noted the heritage values of this landscape. Indeed, some aspects of the surrounding Aboriginal heritage landscape are formally protected on the State Heritage Register and as Aboriginal Places.

The SEARs required an assessment of both cultural and archaeological Aboriginal heritage values—and the likely impacts to these values. There were also specific requirements for further consultation.

Findings of the previous review PAC acknowledged the value of Aboriginal heritage, the combination of tangible and intangible heritage values and that existing open cut mining has had:

“significant impacts on the wider landscape and associated Aboriginal cultural heritage values of the valley” (page 60).

The previous review PAC strongly and directly recommended a suite of further Aboriginal heritage and impact assessment be undertaken. Despite these recommendations, Planning & Environment’s 2016 report re-asserted the adequacy of the original EIS and its findings.

*Succinctly no further Aboriginal heritage investigation, consultation or assessment has occurred.*

Planning & Environment cite management of Aboriginal heritage through the establishment and funding of the *Upper Hunter Aboriginal Cultural Heritage Trust*.

In 2016, through the Trust, they commissioned Tocomwall to prepare intangible cultural landscape mapping.

In their current review of Aboriginal heritage, Planning & Environment has not sought new information, reviewed other readily available information, *or consulted with the Aboriginal company they commissioned to undertake regional cultural mapping*. The absence of an updated review and analysis, given the available information relating to Aboriginal cultural heritage values, contradicts the Department’s statement relating to Aboriginal heritage management.

In addition to these recent events, five-key Aboriginal heritage issues remain outstanding:

**1. The current EIS has not adhered to relevant OEH Guidelines for Aboriginal consultation**

The project application area is entirely within a registered NT claim area. I understand the registered Native title claimants have not been consulted in respect to Aboriginal heritage values, or the impacts of the

proposal on their culture and traditions, as identified in their Native Title application.

## **2. The extent of known Aboriginal cultural heritage values has not been identified, mapped or assessed during the EIS process.**

The SEARs required the project's EIS to identify the range and extent of documented Aboriginal cultural heritage values. This has not occurred.

Emphasis has been placed on archaeological significance at the expense of intangible cultural values. As the OEH guidelines state 'all aspects of significance should be given the same weight and assessed equally by the proponent'. Despite this absence being identified by the previous review PAC, it has not been addressed (refer to page 68).

## **3. Aboriginal Archaeology is inadequately identified and assessed**

The SEARs and other government policy require a program of archaeological test excavation, so that the nature of subsurface archaeology within the Drayton South area can be understood and assessed.

Only the surface based archaeological resource has been the subject of assessment and impact analysis. No assessment of the nature and extent of Aboriginal archaeological subsurface deposits has been made.

## **4. Cumulative impact on Aboriginal heritage values has not been recognised or assessed.**

To date there has been no assessment or analysis by the proponent of the cumulative impacts associated with social, historical, aesthetic or spiritual values as they relate to Aboriginal cultural heritage.

Open cut mining has already removed significant areas associated with Aboriginal traditions, dreaming, initiation and creation stories.

Despite this absence being identified by the previous review PAC, it has not been addressed (refer to page 68).

## **5. Review PAC recommendation 7 has been ignored.**

The previous review PAC required:

“Strategic consideration of Aboriginal cultural heritage landscapes and places... not only the physical artefacts that have tended to form the focus of mining assessments, but also the wider cultural landscape connections and the interplay between these elements.”

This recommendation has been ignored.

## **Conclusion**

In conclusion, given the omissions in the significance assessments for Aboriginal cultural heritage, at this time it is not possible to make sound well-informed decisions about future management of heritage within or in the vicinity of the Drayton South Coal mine.

This project would generate a range of risks and adverse impacts on the heritage significance of the Aboriginal cultural landscape that cannot be managed through any conditions of consent. The scale and magnitude of the mine is not reversible and a cautious approach in line with Article 3 of the Burra Charter, and the application of OEH’s precautionary principle, is required.