



WHITEHAVEN COAL MINING PTY LTD

ARCHAEOLOGY AND CULTURAL HERITAGE MANAGEMENT PLAN

FOR THE

WHITEHAVEN COAL MINE

DECEMBER 2005

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1.0 Introduction

This Archaeology and Cultural Heritage Management Plan has been prepared by Whitehaven Coal Mining Pty Ltd (WCM):

- in accordance with condition 32 (Schedule 3) of DA 8-1-2005;
- in consultation with Red Chief Local Aboriginal Land Council; and
- represents an extension of the existing programme and procedures identified in a similar document prepared in accordance with DA 72-03-2000 and approved by Urban Affairs and Planning, on 8 August 2000.

A letter of acceptance of the Plan subject to the incorporation of amendments requested by Red Chief LALC is attached as **Appendix 1**. The amendments requested are incorporated in Section 3.5.

A copy of the Plan, including the letter of support from Red Chief LALC, was then forwarded to DEC for ratification, it being recognised that the satisfaction of the traditional owners with the Plan's contents and commitments would be a pre-requisite for DEC ratification. The recommended measures are also consistent with those nominated in the report prepared by Archaeological Surveys and Reports Pty. Ltd. in consultation with Red Chief LALC and entitled "The Archaeological Investigation for Sites of Indigenous Cultural Heritage Significance on the Site of the Proposed Canyon Extension to the Whitehaven Open Cut Coal Mine" which was included in the Canyon Extension SoEE as Appendix 1.

2.0 Archaeological Record

Archaeological investigations undertaken at the Whitehaven Coal Mine since 1999 have identified a total of four sites ("Whitehaven 1 to 4"), with a further site (No: 24-4-0013) having previously been identified on the MINARC (now AHIMS) databank.

Figure 1 shows the locations of each of the above sites. Of these sites, only two, "Whitehaven 3" and Whitehaven 4", occur within WCM's mining leases.



Figure 1 – Cultural Heritage Sites

3.0 Cultural Heritage Conservation

3.1 Introduction

WCM recognises the importance of Aboriginal relics and sites to the Red Chief community and its obligations under the National Parks and Wildlife Act 1974 (as amended), and will undertake all activities in a manner which conserves the cultural heritage values of the area. Central to satisfaction of this commitment will be the continuation of the existing open honest relationship between WCM management personnel and their contractors and the Red Chief LALC, regular consultation with the LALC and an involvement with community members.

The following sub-sections identify the management of sites identified during the investigations undertaken in association with DAs 72-03-2000 and 8-1-2005; the consultation protocol to be implemented for the remaining life of the mine; workforce education, and the management of as yet un-identified aboriginal sites, if any should be located.

3.2 Following the approval of DA 72-03-2000

Following the approval of DA 72-03-2000, the following procedures were adopted for sites “Whitehaven 1” and “Whitehaven 2” and No. 24-4-0013.

- Sites isolated from mining activities by maintenance of lease perimeter fencing;
- Restriction of agricultural activities to grazing;
- Assigning a ‘no go’ status to the area incorporating the sites except with the expressed permission of WCM’s Area Manager or environmental officer;
- The ‘no go’ status was explained to all employees and reinforced with signage to that effect.

Site “Whitehaven 3”, being located in an area removed from mining activity, was assigned a ‘no go’ status but no further protection was considered warranted by Red Chief LALC at the time.

3.3 Following the approval of DA 8-1-2005-12-19

With the approval of DA 8-1-2005 and the planned progression of the mine to within approximately 50m of site “Whitehaven 3”, this site (**Plate 1**) has been fenced to prevent inadvertent entry or damage and also assigned ‘no go’ status ie as nominated in the SoEE.



Plate 1 – Site “Whitehaven 3”

Site “Whitehaven 4”, an isolated artefact, is located within the area of approved disturbance. Destruction of this site is approved under Section 90 Permit (No: 2051 – see **Appendix 2**), subject to compliance with the conditions identified in the permit. Red Chief LALC representatives have been approached to salvage this artefact.

3.4 Consultation Protocol

WCM (and/or the contractors responsible for soil disturbing activities) will undertake the following.

- Consult regularly with the Red Chief LALC through the LALC Manager and invite representatives to be present for all soil stripping activities.
- At the request of the Red Chief LALC Manager or Site Monitor(s), the Mine Manager will avail himself to attend community meetings at the LALC office or to arrange site visits by interested LALC personnel or members.
- In the event that any possible archaeological sites are identified in the absence of the Site Monitor(s), the Mine Manager will notify the LALC Manager and/or Site Monitor(s) following the initiation of the procedures identified in Section 3.6.

3.5 Workforce Education

Prior to any person undertaking work on the Whitehaven Coal Mine site, he/she is required to undergo a general induction programme which incorporates environmental aspects including archaeological and cultural heritage sensitivities and management, procedures and obligations, with the form and detail of the overall induction determined by the nature of the work to be undertaken. The Cultural and Heritage awareness programme will be delivered by Red Chief LALC at a cost to Whitehaven Coal Mining Pty Ltd.

Notwithstanding the invitation to Aboriginal monitors to be present during all soil disturbing activities, all operators engaged in soil disturbing / soil stripping activities will be given additional training in the recognition of Aboriginal sites and artefacts by Red Chief LALC

In addition to the induction and task specific training, a poster identifying the types of cultural heritage material that may be located on the site during mining operations as well as basic actions / responses has been prepared in consultation with WCM's consultant archaeologist (see **Appendix 3**) and is exhibited within the employees crib room. Laminated copies of the sheet are also retained within each item of equipment which undertakes soil-disturbing activities.

3.6 Management of Other Aboriginal Sites

The area within ML 1472 still to be disturbed, the majority of which has been significantly altered by clearing and agricultural activity over the last 100 years, was examined by representatives of the Red Chief LALC during the preparation of the Canyon Extension SoEE, with "Whitehaven 4" the only additional site identified. It was also considered that there was only a very low potential for the area to contain any other archaeological material and, even if present, would likely only constitute very small isolated artefacts.

Notwithstanding, in the event of the discovery of a potential site or artefact, the following procedure will be followed.

1. Work will cease in the area of the discovery.
2. If the area of discovery is in deposited material then work will also cease in the area where the material has come from.
3. The person discovering the artefact will notify their supervisor who will ensure that work has ceased and the area(s) is(are) cordoned off with tape.
4. The supervisor will notify the Mine Manager or senior WCM person on site.
5. The Mine Manager will:
 - a. request a qualified archaeologist to attend the site and advise on its archaeological significance;

- b. request the Site Monitor for Red Chief LALC, if not already present, to attend and advise on its cultural significance in consultation with the qualified archaeologist; and
 - c. if the find is determined to be a site, notify DEC with the advice from the archaeologist and Red Chief LALC for determination of further procedures.
6. The Mine Manager will implement the procedures issued by DEC.

3.7 Contingency Plan

In the event that damage occurs to any Aboriginal site or place within the Whitehaven Coal Mine leases, eg the disturbance of a site during soil stripping activities, the activities causing the damage will cease immediately and procedures identified in Section 3.6 followed. Subject to the nature of the damage, appropriate professional advice in addition to that provided by WCM's consultant archaeologist may be sought.

3.8 Ongoing Consultation, Monitoring and Reporting

3.8.1 Consultation

Ongoing consultation will continue as outlined in Section 3.4.

3.8.2 Monitoring and Reporting

The Company will report annually in the AEMR on the measures implemented to preserve and protect Aboriginal Cultural heritage.

Appendix 1 – Letter of support from Red Chief LALC



PO BOX 745
GUNNEDAH, NSW 2380

Phone: (02) 6742 3602
Fax: (02) 6742 3815

RED CHIEF
LOCAL ABORIGINAL
LAND COUNCIL

Attention
Mr Chris Burgess
Area Manager
Whitehaven Coal Mining Pty Ltd
PO BOX 600
GUNNEDAH NSW 2380

Dear Chris

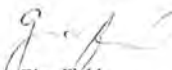
We would be happy to accept Whitehaven Cultural & Heritage Management Plan with the following changes.


3.5 Workforce Education: (to read as)

Prior to any person undertaking work on the Whitehaven Coal Mine site, he/she is required to undergo a general induction programme which incorporates environmental aspects including archaeological and cultural heritage sensitivities and management, procedures and obligations, with the form and detail of the overall induction determined by the nature of the work to be undertaken. The Cultural & Heritage awareness programme will be delivered by Red Chief LALC at a cost to Whitehaven Coal Mine.

Notwithstanding the invitation to Aboriginal monitors from Red Chief LALC to be present during all soil disturbing activities, all operators engaged in soil disturbing/soil stripping activities will be given additional training in the recognition of Aboriginal sites and artefacts by Red Chief LALC.

Regards


Gina Field
Manager


Robert Horne
Curator

Appendix 2 – Consent to Destroy No: 2051



Department of
Environment and
Conservation (NSW)

CONSENT #: 2051
(HO use only)

**NATIONAL PARKS AND WILDLIFE ACT 1974
SECTION 90**

C O N S E N T

**CONSENT TO CARRY OUT THE DESTRUCTION OF AN
ABORIGINAL OBJECT**

WHEREAS the Aboriginal objects described in Schedule "A" are situated upon the land described in Schedule "B", and which constitute objects within the meaning of Section 90 of the National Parks and Wildlife Act 1974, and WHEREAS application has been made by:

Mr Christopher Burgess
Area Manager
Whitehaven Coal Mining Ltd
Level 20 Amp Place
10 Eagle Street
Brisbane QLD 4001

Postal Address:
PO Box 600
Gunnedah NSW 2380

FOR CONSENT to destroy those objects described in Schedule A.

NOW I, Lisa Corbyn, Director-General of the Department of Environment and Conservation, in pursuance of Section 90 of the said Act, and subject to the Conditions hereunder set out DO HEREBY CONSENT to the destruction of the said objects by the said applicant

TERMS AND CONDITIONS OF THIS CONSENT

This Consent is issued subject to General Terms and Conditions covering all archaeological Permits and Consents, as well as the Specific Terms and Conditions pertaining to Consents to destroy Aboriginal objects all of which conditions are detailed in the attached pages.

DATED at Dubbo this 6 day of, DECEMBER 2004

for Director-General of
The Department of Environment and Conservation



SCHEDULE A:

Newhaven 4 -Isolated Artefact – Site no 20-4-0091

SCHEDULE B:

Whitehaven 4, Isolated Artefact at 229250E 6594910N on 1:50,000 map sheet Boggabri 8936-IV-S

SPECIAL & SPECIFIC CONDITIONS APPLYING TO CONSENTS TO DESTROY ABORIGINAL OBJECTS

1. The permit does not cover human skeletal remains. Should human remains be uncovered all work at the particular location shall cease and the NPWS archaeologist at Dubbo shall be notified immediately.
2. The Consent covers only those objects described in the instrument of Consent and in any Schedules thereto.
3. In the case of Consents granted to cover development activities, the Consent is granted to cover only those circumstances described in the Schedules, and subject to there not being discovered in the course of further operations, in the progress of that development requiring the Consent, any other objects which will be damaged or destroyed by the continuation of the operation. (Destruction of such objects would require the granting of a separate Consent).
4. This consent is valid for a period of six months from the date of authorisation.
5. Should any Aboriginal objects contained within the sites listed in Schedule 'A' above remain at the date of the lapse of this Consent, any destruction of the Aboriginal objects will be unlawful unless authorised by a new consent granted under section 90 of the *National Parks and Wildlife Act 1974*
6. The object may be destroyed without formal collection or curation by disposal at time of soil stripping activity for extension of the Open Cut.
7. Should the objects listed in schedule A above remain in existence beyond the expiration date nominated above the consent shall be deemed void, and any further damage to the objects shall require the preparation of a new consent document.
8. Wherever the word "destroy" is used in this consent it includes destroy, deface, damage or desecrate. Wherever the word "destruction" is used in this consent it includes destruction, defacement, damage or desecration.
9. The Consent holder must notify the Western Aboriginal Heritage Unit of Department of Conservation and Environment in writing when the works allowed by this consent have been completed.

GENERAL TERMS AND CONDITIONS

1. Permits and Consents are not transferable.
2. A Permit covers only that area stated in the Permit.
3. A Consent covers only that area stated in the instrument of Consent and in any Schedules thereto.
4. Permits may be revoked at any time at the discretion of the Director-General.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General.



6. The Person to whom the Permit is issued or the Consent granted shall be responsible for the manner in which the work covered by the Permit or Consent is performed.
7. An officer of the Department of Environment and Conservation Service, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit or Consent.
8. Permits and Consents are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.
9. The holder of the Permit or Consent shall furnish, when required to do so, an undertaking to indemnify the Department of Environment and Conservation Service against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit or Consent.
10. All reports received in connection with work carried out under a Permit or Consent shall be treated as confidential but the Department of Environment and Conservation Service shall have the right to copy all such reports, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit or Consent, the holder of the Permit or Consent may refuse to allow the Department of Environment and Conservation Service and The Australian Museum, if such information is held by those institutions, to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons. After this period of five years from the date of issue of the Permit or Consent, the Service and The Australian Museum shall have the right to use and authorise the use of information contained in all reports submitted under the Permit or Consent, except where specifically requested by the holder of the Permit or Consent.
12. Upon publication of any information relating to work done under a Permit or Consent, a copy of such publication(s) shall be forwarded to the Department of Environment and Conservation, The Australian Museum, Sydney, and the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, unless permission to do otherwise has been obtained from the Service.
13. The holder of the Permit or Consent shall consult with the local Aboriginal community regarding the work covered by the Permit or Consent and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The Department of Environment and Conservation and The Australian Museum may supply copies of relevant reports as furnished by the holder of the permit or Consent to local Aboriginal communities. Upon request by the Service, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interest local groups.
15. The holder of the Permit or Consent shall keep field records and a copy of all such records shall be lodged with the Department of Environment and Conservation at the termination of each field work period. A copy of all field records shall be lodged with The Australian Museum at the time the archaeological materials are deposited with the Museum.
16. The holder of the Permit or Consent shall notify the local District office of the Department of Environment and Conservation at the commencement and completion of fieldwork, and shall supply to District officers details of field work programs and results if requested.
17. In the event of a Permit being revoked -



- a) The Person to whom that Permit was issued shall
- (i) Furnish an undertaking to indemnify the Department of Environment and Conservation against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
 - (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the Department of Environment and Conservation within two weeks from the date of revocation of that Permit;
 - (iii) furnish the Department of Environment and Conservation within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered;
 - (iv) deposit any Aboriginal objects removed during work associated with the Permit, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, after these objects have been fully examined, or within six months from the date of revocation of that Permit whichever occurs sooner.
- (b) The Department of Environment and Conservation and The Australian Museum shall have the right to use and authorise the use of information collected under the Permit.

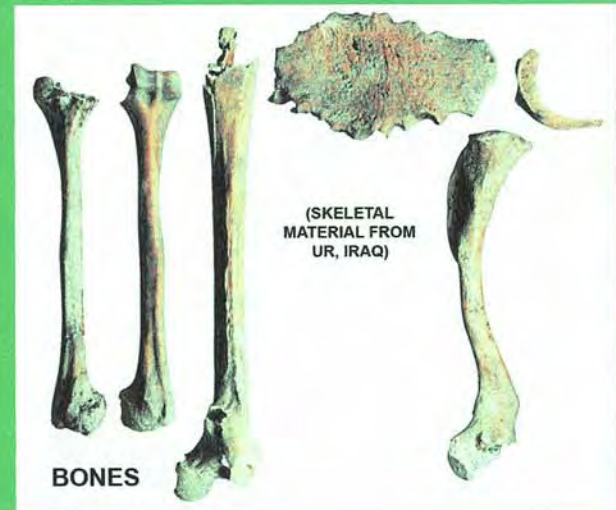
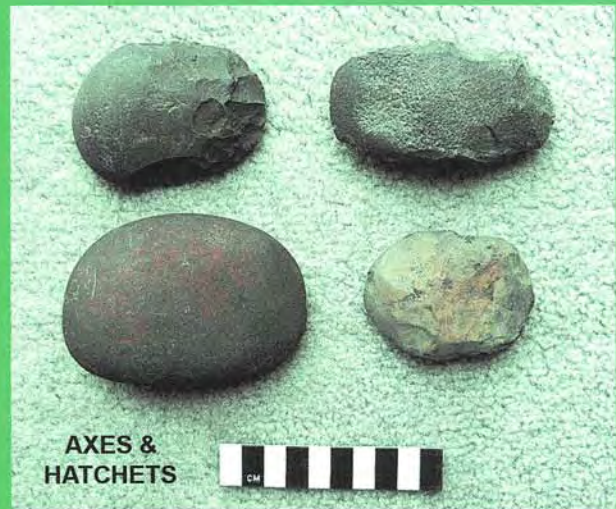


Appendix 3 – Cultural Heritage Education Poster

WHITEHAVEN COAL MINING PTY LTD

YOU ARE NOW ON PROPERTY ON WHICH ARCHAEOLOGICAL SITES
HAVE BEEN RECORDED

YOU MAY SEE ANY OF THE FOLLOWING



IF YOU DO SEE ANY OF THE ABOVE YOU MUST

- 1 STOP WORK IMMEDIATELY
- 2 INFORM YOUR SUPERVISOR/FOREMAN AND/OR THE MINE MANAGER
- 3 ENSURE THAT THE FEATURE IS MARKED BY FLUORESCENT FLAGGING
- 3 DO NOT RESUME WORK WITHIN 5 METRES OF THE FEATURE
- 4 DO NOT RESUME WORK IN THE MARKED AREA UNTIL THE MINE MANAGER INFORMS YOU THAT YOU CAN

**FAILURE TO FOLLOW THE ABOVE INSTRUCTIONS MAY LEAD TO
YOUR PROSECUTION**