

Appendix E
Heritage Impact Assessment



INSITE HERITAGE
PTY LTD

***Aboriginal Archaeological Report
Proposed 75W Modification
(PA 09_0182) Boggabri Coal Expansion Project
Boggabri, NSW***

Report to
Idemitsu Boggabri Coal

GYdhYa VYf 2013

Narrabri Council Local Government Area

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Table of Contents

EXECUTIVE SUMMARY	4
1.0 INTRODUCTION	5
1.1 <i>Location & Objectives</i>	5
1.2 <i>Aboriginal Community Consultation</i>	5
1.3 <i>Relevant Legislation</i>	5
1.4 <i>Aboriginal Archaeological Context</i>	6
1.4.1 <i>Existing sites</i>	6
2.0 DUE DILIGENCE INSPECTIONS	7
2.1 <i>Proposed Modification Works and Inspection Status</i>	7
.....	Error! Bookmark not defined.
2.2 <i>Site Inspection Details</i>	9
2.2.1 <i>Construction of Permanent Mine Access from the Kamilaroi Highway</i>	9
2.2.5 <i>Temporary Storage and Reuse of Processed Mine Overburden at the Existing Rock Quarry Area</i>	9
2.2.6 <i>Reuse of the Existing Daisymeade Compound</i>	9
2.3 <i>Due Diligence Results</i>	12
3.0 SCIENTIFIC VALUES & SIGNIFICANCE ASSESSMENT & MANAGEMENT RECOMMENDATIONS	16
3.1 <i>Significance Criteria</i>	16
3.2 <i>Scientific Significance Assessment & Management Recommendations</i>	16
3.2.1 <i>Construction of Permanent Mine Access from the Kamilaroi Highway</i>	17
3.2.5 <i>Temporary Storage and Reuse of Processed Mine Overburden at the Existing Rock Quarry Site</i>	17
3.2.6 <i>Reuse of the Existing Daisymeade Compound</i>	17
3.3 <i>European Heritage – Statement of Heritage Impact</i>	17
4.0 REFERENCES	18
APPENDIX A – AHIMS SEARCH	19
APPENDIX B – REGISTERED ABORIGINAL STAKEHOLDER COMMENTS	22
APPENDIX C – DUE DILIGENCE SIGN OFF SHEETS FOR AREAS OUTSIDE THE PROJECT BOUNDARY	23

List of Figures

FIGURE 1 THE LOCATION OF PROPOSED MODIFICATION ELEMENTS AND SUBSEQUENT PROJECT BOUNDARY ADJUSTMENT.....	8
FIGURE 2 THE ORANGE HIGHLIGHT SHOWS THE AREA OF DAISYMEDE COMPOUND THAT HAS BEEN SALVAGED.....	10
FIGURE 3 THE AREA OF PROPOSED MODIFICATION OF DAISYMEDE COMPOUND.....	11
FIGURE 4 SURVEY AREA NORTHERN ACCESS FROM KAMILAROI HIGHWAY TO THE BCEP.....	13
FIGURE 5 SURVEY AREA SOUTHERN ACCESS FROM KAMILAROI HIGHWAY TO THE BCEP.	14
FIGURE 6 SURVEY AREA STOCKPILED MATERIAL AT THE ROCK QUARRY AREA.....	15
FIGURE 7 AHIMS SEARCH FOR KAMILAROI HIGHWAY ACCESS	20
FIGURE 8 AHIMS SEARCH FOR THE EXISTING GRAVEL QUARRY AREA	21

List of Tables

TABLE 1 ELEMENTS OF THE MODIFICATION AND ARCHAEOLOGICAL INSPECTION STATUS	7
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Report Author
Insite Heritage Pty Ltd
Angela Besant (BA Hons)

Executive Summary

Insite Heritage Pty Ltd were commissioned by Idemitsu Boggabri Coal to prepare an Aboriginal Cultural Heritage Assessment for a 75W application to modify various components of the Boggabri Coal Project Approval (PA 09_0182) (the Modification). The Modification application seeks approval for the following:

- Construction of permanent mine access from the Kamilaroi Highway;
- Temporary storage of processed mine overburden material at the existing Rock Quarry and the reuse of this material during the construction of the rail spur embankments; and
- Reuse of the existing Daisymede compound.

The assessment of each of the Modification components was carried out with representatives of the Boggabri Coal Registered Aboriginal Parties (RAPs) associated with the Boggabri Expansion Project (BCEP). Field inspections were undertaken for each component of the Modification including those areas located outside the current Project Boundary approved under PA 09_0182. The recommendations of this report have been developed in conjunction with RAPs as per discussions in the field. The draft report was made available to all RAP's with an invitation for comment.

The assessment finds that the proposed Modification will not impact known Aboriginal objects. The CHMP methodology will be implemented should an object be found prior to or during works.

1.0 Introduction

1.1 Location & Objectives

Insite Heritage Pty Ltd were commissioned by Idemitsu Boggabri Coal to conduct an indigenous archaeological assessment to accompany a submission for a 75W Modification to the approved Boggabri Coal Project. The Modification is required to allow for adjustments to the layout of operational infrastructure following detailed design studies.

A number of the elements of the Modification are approved under PA 09_0182, however the actual footprint of the infrastructure components have changed from the conceptual layouts presented in the BCEP Environmental Assessment (Hansen Bailey 2010) and hence the development of additional infrastructure outside of the Project Boundary is required. The Project Boundary is located within the boundaries of the Narrabri Shire Council Local Government Area.

The aims of the investigation were to assess whether the proposed works impact on, areas outside of the Project Boundary, and / or sites listed for in-situ conservation in the BCEP Cultural Heritage Management Plan (CHMP). Mitigation measures were then developed for any identified sites including areas with the potential for subsurface archaeological deposits (areas of PAD).

1.2 Aboriginal Community Consultation

Idemitsu Boggabri Coal maintains a Register of Aboriginal Parties (RAPs) established as during the course of the BCEP assessment process and a subsequent 2011 Modification to the Boggabri Coal DA36/88. The RAPs are consulted regarding the progress of the BCEP and Boggabri Coal activities, by means of the Aboriginal Stakeholder Consultation Forums held quarterly. The locations of each of the Modification elements have been inspected by RAPs drawn from a roster, including a minimum of one Senior Sites Officer. Where these locations are within the boundary of the Cultural Heritage Management Plan (CHMP), applicable to the approved Project Boundary, the management methodology of the CHMP will be applied. Where outside of the CHMP boundary, the location of each element of the Modification has been inspected and management recommendations made.

1.3 Relevant Legislation

The National Parks & Wildlife Act 1974 (NPW Act)

The NPW Act (section 90) provides statutory protection for all material evidence of Aboriginal occupation of NSW. Aboriginal places which are areas of cultural significance to the Aboriginal community, are also protected by the NPW Act 1974 (section 84) that states:

- The Minister may declare lands to be '*protected archaeological areas*' to preserve Aboriginal places and objects; and
- It is an offence to disturb or destroy an Aboriginal object or declared Aboriginal place without first obtaining written consent from the Director of National Parks and Wildlife Service NSW.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared Aboriginal places by establishing offences of harm. Harm is defined to mean destroying, defacing, damaging or moving an object from the land. The NPW Act establishes a number of offences and penalties that apply to harm to an Aboriginal object. There are a number of defences and exemptions to the offence of harming an Aboriginal object or place, one of them being that under Section 75U of the EP&A Act, which provides that an AHIP is not required for projects approved under Part 3A of the EP&A Act.

The Environmental Planning & Assessment Act 1979 (EP&A Act)

The BCEP was approved under Part 3A of the EP&A Act in 2012.

The Part 3A section of the Act provided for the assessment of State Significant Projects and subsequent variations to those approvals are assessed by the Department of Planning and Infrastructure (DoPI) under 75W Modifications.

1.4 Aboriginal Archaeological Context

1.4.1 Existing sites

An archaeological survey of the Project Boundary was carried out in 2009 (Insite Heritage 2010). A search of the NSW AHIMS was conducted to identify known indigenous sites for those works proposed for the Modification outside of the Project Boundary, i.e the Rock Quarry area and Kamilaroi Highway mine site access (refer Appendix A). One previously recorded AHIMS sites (NV73) was located within the proposed reuse of Daisymede Compound area impact area. This site has been salvaged in accordance with the CHMP during salvage works for the rail corridor in early 2013.

2.0 Due Diligence Inspections

2.1 Proposed Modification Works and Inspection Status

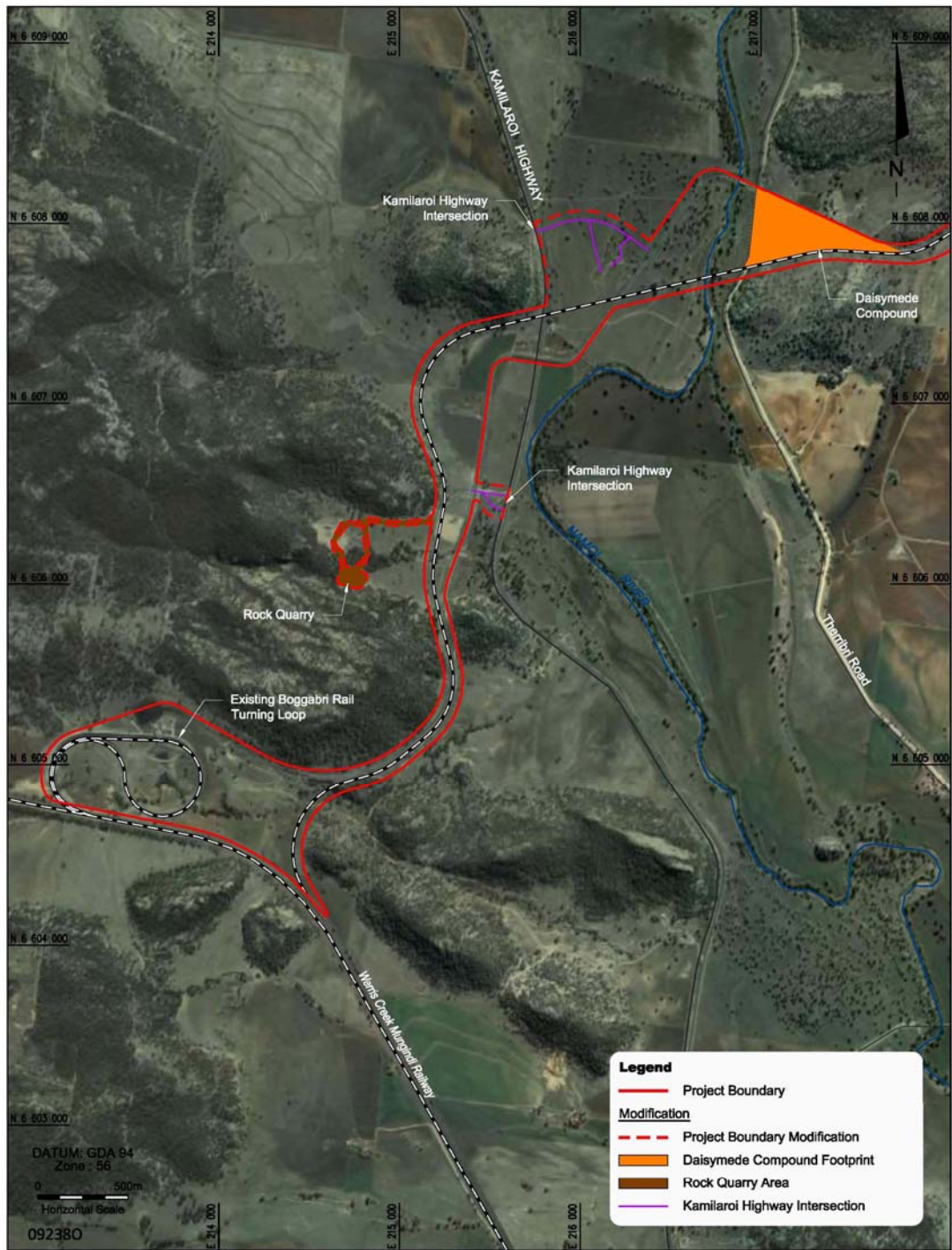
The proposed elements of the Modification application that are located outside the project boundary and therefore may contain previously unknown sites, specifically the Kamilaroi Highway intersections and the Rock Quarry, were subject to due diligence inspections to identify any Aboriginal sites and assess the potential for Aboriginal sites to be present.

Table 1 outlines the elements of the Modification and inspection status.

Table 1 Elements of the Modification and Archaeological Inspection Status

Modification Element	Inspection status	Impacts
Construction of permanent mine access from the Kamilaroi Highway	Both the northern and southern intersection areas heavily disturbed by previous construction associated with the highway and of limited archaeological potential. No further works required.	Nil
Temporary storage and reuse of processed mine overburden at the existing Rock Quarry site	Site is located in highly disturbed ground.	Nil.
Reuse of the existing Daisymeade compound	Located within the Project Boundary and in area previously heavily disturbed. Known objects salvaged as per the CHMP methodology. The area outside the salvaged zone will be inspected and managed in accordance with the CHMP	Possible impacts on sites not identified in previous surveys. Should additional sites be located they will be managed in accordance with the CHMP.

The permanent access from the Kamilaroi Highway and the gravel quarry are located outside the Project Boundary (and therefore the CHMP boundary) and were inspected with RAP's drawn from the BCEP roster, under due diligence. BCEP sign off sheets for these areas are included as Appendix C.



BOGGABRI COAL MINE

Indicative Modification Layout



Figure 1 The location of proposed Modification Elements and subsequent Project Boundary adjustment.

2.2 Site Inspection Details

2.2.1 Construction of Permanent Mine Access from the Kamilaroi Highway

An archaeological survey was conducted over the areas proposed for northern and southern permanent access intersections from the Kamilaroi Highway to the existing private haul road. The survey was conducted on the 14th January 2013 and was attended by Mitchum Neave (Deslee Talbott Consultants), Michael Trindall, Angela Besant (archaeologist, Insite Heritage). The proposed northern and southern access intersections with the Kamilaroi Highway areas were inspected on foot (see Figure 1 and Figure 2). The assessment did not identify any archaeological constraints to the development of the proposed access routes.

The areas of widening required for safe ingress and egress from the site to the Kamilaroi Highway were found to be heavily disturbed by previous construction works associated with the Kamilaroi Highway. The northern access route that traverses farmed land across the alluvial clays of the Namoi River terrace were found to be of low archaeological potential due to shrink / swell cycles creating large cracks in the soils of the location. In addition, these soils have been subject to ploughing and intensive grazing. The southern access route is located in an area of disturbance caused by the construction of the Kamilaroi Highway and existing access roads.

No indigenous objects / artefacts were identified in either of the locations for the proposed Kamilaroi Highway intersections.

2.2.5 Temporary Storage and Reuse of Processed Mine Overburden at the Existing Rock Quarry Area

An archaeological survey was conducted over the area of proposed upgrade works to allow for temporary storage of processed mine overburden material at the existing Rock Quarry area and subsequent extraction of these stockpiled materials during the construction of the approved rail spur embankments.

The survey, conducted on 23rd May 2013, was attended by Greg Griffiths (T & G Cultural Consultants), Cyril Sampson, Allan Talbott (Min Min Aboriginal Corporation), Taryn Gooley and Jocelyn Clifford (archaeologists, Insite Heritage). The area proposed to be impacted during the storage and reuse of processed overburden material was surveyed and found to be heavily disturbed by the previous quarrying activities at the site. Noted disturbance present in the Rock Quarry area comprised existing tracks that have been graded and dressed with imported road base, two dams and associated contour banks. Access tracks and the proposed stockpile area have previously been levelled to allow for the stockpiling of gravel.

The location of proposed works and existing disturbances is shown in Figure 5 below.

2.2.6 Reuse of the Existing Daisymeade Compound

The compound area was inspected on the 21st February 2013 by Brian Draper, Cindy Foley, George Sampson (Cacatua Culture Consultants) and Rob Tickle (archaeologist, Insite Heritage). The area of the existing quarry was found to be

heavily disturbed (see Figure 6 below). Previously identified site NV20 located within the compound area was salvaged under the existing approved CHMP. The remaining area of the proposed modification to the quarry footprint will be inspected with RAPs and managed in accordance with the CHMP.



BOGGABRI COAL MINE
Daisymede Compound Area



Figure 2 The orange highlight shows the area of Daisymede Compound that has been salvaged.



BOGGABRI COAL MINE

Daisymede Compound Area



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Figure 3 The area of proposed modification of Daisymede Compound

2.3 Due Diligence Results

Generic Due Diligence Assessment – Based on Office of Environment & Heritage (OEH) Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010). Applied to areas outside the CHMP boundary.

Step 1. Will the activity disturb the ground surface or any culturally modified trees?

Yes the construction of the Kamilaroi Highway intersections and upgrading of the access roads to the gravel quarry will involve disturbance of the ground surface.

No modified trees will be disturbed.

Step 2 a) Are there any relevant confirmed site records or other associated landscape feature on AHIMS?

A search of the Aboriginal Heritage Information Management System (AHIMS) indicated that there are no previously recorded Aboriginal archaeological sites within the footprint (or adjacent too) the elements of the Modification.

Step 2 b) Are there any landscape features that are likely to indicate presence of Aboriginal objects?

The elements of the modification are located on disturbed land that is not located;

- within 200m from a water course;
- on a sand dune;
- on a ridge top, ridge line or headland;
- within 200m below or below a cliff face; or
- within 20m of or in a cave, rock shelter, or a cave mouth
- and on land that is not disturbed.

Step 3. Can harm to an Aboriginal object listed on AHIMS or identified by other sources of information and /or can the carrying out of the activity at the relevant landscape features be avoided?

Not applicable

Step 4. Does a desktop assessment and visual inspection confirm that there are Aboriginal objects?

The search of the AHIMS confirms that there are no known Aboriginal objects in the locations of the proposed modifications. A visual inspection of the locations of the proposed modifications confirmed that no Aboriginal objects are present. Grader scrapes conducted in the same landform in areas adjacent to the northern Kamilaroi Highway intersection confirmed an absence of Aboriginal objects.



BOGGABRI COAL MINE
Survey area northern access from
Kamilaroi Highway to the BCP

Figure 4 Survey area northern access from Kamilaroi Highway to the BCP.



BOGGABRI COAL MINE

Survey area southern access from
Kamilaroi Highway to the BCP



Figure 5 Survey area southern access from Kamilaroi Highway to the BCP.



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BOGGABRI COAL MINE
Survey Area Stockpiled Material at the Rock Quarry area

FIGURE 3

Figure 6 Survey Area Stockpiled Material at the Rock Quarry area

3.0 Scientific Values & Significance Assessment & Management Recommendations

3.1 Significance Criteria

The basic processes of assessing significance for items of heritage are outlined by *The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance: the Burra Charter* (amended 1999) and its associated *Guidelines*. Sites may be significant according to several criteria, including scientific or archaeological significance, significance to Aboriginal people, aesthetic value, the degree to which a site is representative of archaeological and/or cultural type, and value as an educational resource. In New South Wales the nature of significance relates to historic, aesthetic, social, scientific, cultural or educational criteria and sites are also assessed on the degree to which they exhibit rare or representative characteristics of their type, or whether they exhibit historic or cultural connections.

Scientific Significance

In order to determine scientific significance it is necessary to first place sites within a local and regional context. This process enables the assessment of any individual site in terms of merit against other sites of similar nature within similar contexts.

Public Significance

The sites are assessed in terms of their educational value, to enhance community knowledge and appreciation of cultural heritage.

Cultural Significance

Generally, all sites are of significance to the Aboriginal people. Cultural significance can only be determined by Aboriginal people. The registered Aboriginal parties for the project will be determining the cultural significance of the identified sites.

Representative Significance

Site significance is rated low, medium and high. The significance of individual sites is determined by factors such as representativeness, rarity, and the sites potential to add scientific data to what is known about past human occupation of the Australian continent. Conservation outcomes are determined by comparison of a site's qualities with known sites in the region that have been protected.

3.2 Scientific Significance Assessment & Management Recommendations

The Daisymede Compound is located within the Project Boundary and the site NV73 has been salvaged in accordance with the CHMP. The additional area will be managed in accordance with the CHMP.

The Kamilaroi Highway intersections and the gravel quarry were subject to due diligence inspections and no Aboriginal objects are likely to occur within these areas.

It is recommended that the CHMP is updated to include the modified Project Boundary when the 75W Modification is approved.

3.2.1 Construction of Permanent Mine Access from the Kamilaroi Highway

No artefacts or areas of archaeological potential were located in the course of the due diligence inspection for the Kamilaroi Highway mine site access. The landform location and the extensive disturbance / re-modification of the landscape involved in the construction of the highway has removed any potential for cultural values to remain in this area. Recent grader scrapes in this area, with the CHMP boundary confirmed an absence of Aboriginal objects in this area.

No further work is required prior to construction of either intersection.

No artefacts or potential archaeological deposit has been located in the area where the Kamilaroi Highway intersections connect with the private haul road.

3.2.5 Temporary Storage and Reuse of Processed Mine Overburden at the Existing Rock Quarry Site

Due to the level of disturbance within the proposed rock quarry area and existing access track, no further works are required.

3.2.6 Reuse of the Existing Daisymeade Compound

Area lies within the Project Boundary and the area of the existing compound has been salvaged. The remaining area will be managed in accordance with the CHMP.

3.3 European Heritage – Statement of Heritage Impact

The Modification does not impact on any elements of known European heritage.

Should any potential elements of European heritage be encountered in the process of the construction works proposed for the Modification, work will cease in that area and the site will be referred to an archaeologist for assessment as per the procedures of the approved CHMP.

4.0 References

ARAS	2005	<i>Boggabri Coal Aboriginal Archaeology Assessment</i> Unpublished report to Boggabri Coal.
Besant, A., Carter, C.	2010	<i>Aboriginal Archaeological Assessment. Continuation of Mining Boggabri Coal.</i> Unpublished report by Insite Heritage Pty Ltd to Idemitsu Boggabri Coal Ltd.
Besant, A., Carter, C.	2012	<i>Boggabri Coal Part 3A Cultural Heritage Management Plan (CHMP).</i> Unpublished report by Insite Heritage Pty Ltd to Idemitsu Boggabri Coal Ltd.
Hansen Bailey	2010	<i>Continuation of Boggabri Coal Mine Environmental Assessment.</i> Unpublished report by Hansen Bailey to Idemitsu Boggabri Coal Pty Ltd.

Appendix A – AHIMS Search



<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>Sitefeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
20-4-0206	HRNV 35 & 36	GDA	56	215619	6607338	Open site	Valid	Modified Tree (Carved or Scarred) : 2		101940
	<u>Contact</u>									
20-4-0207	HRNV 37-39	GDA	56	215541	6607407	Open site	Valid	Artefact : 1		101940
	<u>Contact</u>									
20-4-0211	HRNV 40	GDA	56	215209	6607087	Open site	Valid	Art (Pigment or Engraved) : 2		101940
	<u>Contact</u>									
20-4-0212	HRNV 41 - 44	GDA	56	215206	6606618	Open site	Valid	Art (Pigment or Engraved) : 5		101940
	<u>Contact</u>									
		<u>Recorders</u>	Mrs.Angela Besant						<u>Permits</u>	
		<u>Recorders</u>	Mrs.Angela Besant						<u>Permits</u>	
		<u>Recorders</u>	Mrs.Angela Besant						<u>Permits</u>	
		<u>Recorders</u>	Mrs.Angela Besant						<u>Permits</u>	

Report generated by AHIMS Web Service on 12/02/2013 for Jocelyn Clifford for the following area at Datum :GDA, Zone : 56, Eastings : 215000 - 216750, Northings : 6606000 - 6608000 with a Buffer of 0 meters. Additional Info : Arch Assessment. Number of Aboriginal sites and Aboriginal objects found is 4

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Figure 7 AHIMS search for Kamilaroi Highway Access



<u>SiteID</u>	<u>SiteName</u> <u>Contact</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u> <u>Permits</u>	<u>SiteTypes</u>	<u>Reports</u>
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There are no sites found for given search criteria.

Report generated by AHIMS Web Service on 20/05/2013 for Jocelyn Clifford for the following area at Datum :GDA, Zone : 56, Eastings : 214561 - 215200, Northings : 6605843 - 6606385 with a Buffer of 50 meters. Additional Info : Archaeological assessment. Number of Aboriginal sites and Aboriginal objects found is 0

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Figure 8 AHIMS search for the Existing Gravel Quarry area

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Archaeological Report_ 75W Mod

Appendix B – Registered Aboriginal Stakeholder Comments

Appendix C – Due Diligence Sign off Sheets for areas outside the Project Boundary



BOGGABRI COAL PTY LIMITED
ABN 77 122 087 398

**Idemitsu Boggabri Coal
Archaeological Clearance Works Sign Off Form**

Date 14-1-13.

Location of Clearance Works

General Description

Kamilaroi Hwy. access and egress

GPS Co-ordinates of Works Area (Boggabri Coal to Supply)

NE Corner Easting: _____ NW Corner Easting: As per attached
NE Corner Northing: _____ NW Corner Northing: Plan.

SE Corner Easting: _____ SW Corner Easting: _____

SE Corner Northing: _____ SW Corner Northing: _____

Works undertaken by the following Personnel

Name	Organisation
<u>Mitchum Neave</u>	<u>Deslee Talbott</u>
<u>Mick Trindall</u>	<u>Comeroi. Comeroi.</u>
<u>Angela Besant.</u>	<u>Insite Heritage</u>

Archaeological Clearance Type (please tick)

Aboriginal Archaeological Due Diligence **Aboriginal Archaeological Salvage &/or Monitoring** **Historic Archaeological Works**

Description of Salvage Works Undertaken

Site inspection of ingress and egress points
As per Plan - extended along old stony waterway
back to a fenced track
No objects located

Signatories

The archaeological clearance works detailed above have been completed to our satisfaction

Senior RAP No.1	Senior RAP No.2
Name <u>Mitchum Neave</u>	Name <u>MICK TRINDALL</u>
Organisation <u>DESLEE TALBOTT COAL</u>	Organisation <u>comeroi</u>
Signature <u>[Signature]</u>	Signature <u>mtrindall</u>
Archaeologist (if required) Name <u>A Besant</u>	Signature <u>[Signature]</u> Company <u>Insite Heritage.</u>

Please Attach Appropriate Scale Map of Works Area



BOGGABRI COAL PTY LIMITED
ABN 77 122 087 398

**Idemitsu Boggabri Coal
Archaeological Clearance Works Sign Off Form**

Date 23 May, 2013

Location of Clearance Works

General Description

Gravel stockpile by double gates, and associated existing tracks.

GPS Co-ordinates of Works Area (Boggabri Coal to Supply)

NE Corner Easting: _____ NW Corner Easting: _____

NE Corner Northing: _____ NW Corner Northing: _____

See over page

SE Corner Easting: _____ SW Corner Easting: _____

SE Corner Northing: _____ SW Corner Northing: _____

Works undertaken by the following Personnel

Name	Organisation
<u>Greg Griffiths</u>	<u>TG Cultural Consultants</u>
<u>Cybil Sampson</u>	<u>Cybil Sampson</u>
<u>Alban Talbot</u>	<u>Min Min Aboriginal Corp.</u>
<u>Jocelyn Clifford</u>	<u>Insite Heritage</u>

Archaeological Clearance Type (please tick)

Aboriginal Archaeological Due Diligence
 Aboriginal Archaeological Salvage &/or Monitoring
 Historic Archaeological Works

Description of Salvage Works Undertaken

Area surrounding gravel stockpile and existing tracks surveyed. Area highly disturbed. No artefacts identified. No further works required. Southern proposed access track area requires investigative test pits prior to further works.

Signatories

The archaeological clearance works detailed above have been completed to our satisfaction

Senior RAP No.1	Senior RAP No.2
Name <u>GREG GRIFFITHS</u>	Name _____
Organisation <u>TG CULTURAL CONSULTANTS</u>	Organisation _____
Signature <u>[Signature]</u>	Signature _____
Archaeologist (if required) Name <u>Tanya Gealey + Jocelyn Clifford</u>	Signature <u>[Signature]</u> Company <u>Insite Heritage</u>

Please Attach Appropriate Scale Map of Works Area



Hansen Bailey

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