



KEYWORDS: *Baiame Cave – Mt Thorley Walkworth – Mining impact – Solastalgia*

ROCK ART, MINING AND INDIGENOUS WELL-BEING IN THE LOWER HUNTER VALLEY: THE OUTLOOK FROM BAIAME CAVE

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Abstract. In the Hunter Valley of New South Wales, Australia, a deeply worrying trend has emerged where the approval of major mining projects is predicated on the rescinding of areas previously set aside to conserve environmental, including heritage, values. Here, I want to explore the juxtaposition of a landmark dual listing for the well-known and highly culturally significant rock art site of Baiame Cave, against the devastating impacts on community well-being posed by the extension of the Mt Thorley Walkworth Mine. The long-awaited judicial recognition of place attachment and the acknowledgment of negative consequences for community well-being via landscape-scale transformations from mining at the village of Bulga appear at odds with the almost simultaneous dual listing of the nearby Baiame Cave as an Aboriginal Place and a place of State Significance (inscribed on the NSW Heritage List). This case study adds to a burgeoning global literature on the complex impacts mining and other large-scale industrial activities have on indigenous heritage. The frightening example given here should serve to raise scrutiny for legislative processes and decision-making frameworks governing heritage protection everywhere.

Introduction

For decades, indigenous peoples all over the globe have grappled with increasing land development pressures which threaten the preservation of the physical and intangible aspects of their heritage (Byrne 2003; Rose 2005; Bebbington 2011; Coumans 2011; Gibson and Klinck 2005; King and Eoin 2014). Discussion of the cumulative impacts of landscape-scale industrial development, particularly relating to the resources sector, have been ongoing for close to 50 years (Tollefson and Wipond 1998; Bebbington et al. 2018), yet the long-term social consequences of environmental impacts from large-scale industrial development, and resultant landscape-scale transformation, have only recently begun to be formally considered as a part of planning and approvals processes in Australia (Lockie et al. 2009; Morrice and Colagiuri 2013). Inherently piecemeal due to varying legislative and regulatory requirements, cumulative impact assessments in the Australian mining sector have been overwhelmingly driven by project-specific terms of reference. Directives to consider compound and indirect, multi-scalar impacts have focused predominantly on ecology – air, noise, groundwater, vegetation clearance and species habitat (Kaveney et al. 2015, though see Gillespie and Bennett 2012 for an applied economic analysis of the

environmental, cultural and social impacts of open-cut coal mining in the Hunter Valley). In this paper I want to highlight a recent case where cumulative social impact concerns from mining were recognised as including a community's attachment to place, specifically the psychological distress caused by the physical degradation of a beloved landscape for that community's members.

In shared landscapes such as colonial Australia land use conflicts have been constant, perhaps inevitable, and Aboriginal people's attachment to place, their country, has long been recognised within this context (McNiven and Russell 2002, 2005). The destruction of Aboriginal heritage is routine in mining and other infrastructure developments with some going so far as to suggest that this large-scale obliteration of Aboriginal heritage is wilful and may even constitute iconoclasm (Zarandona 2015). Ironically, then, novel judicial recognition of place attachment and associated impacts for community well-being via the landscape-scale transformations from mining in the Lower Hunter Valley of New South Wales was recently made in relation to the village of Bulga, which is predominantly occupied by European-descended Australians.

Adverse impacts to Bulga's township caused by the extension of the Mt Thorley Walkworth Mines (here-

after MTW), ostensibly owned by Coal and Allied and run as a single operation¹, raised to public attention a series of issues faced by the Aboriginal community of the Hunter Valley for decades. Tokenistic stakeholder engagement, exemplified by the rescinding and subsequent mining of the conservation offset areas upon which previous mine approvals have been issued has caused increasing distress to the Wonnarua² peoples and other Aboriginal stakeholders residing in the Hunter Valley, including feelings of powerlessness and cynicism as a result of being continually marginalised in the mining approvals process (Sutton et al. 2013). What was new in the case of Bulga's fight to stop MTW was the public and legal attention given to these issues.

1 <http://www.riotinto.com/australia/rtca/mount-thorley-walkworth-10427.aspx>, cited 10 June 2017.

2 Spelling taken as the most conventionally used.

Here, I will explore the 'Bulga case' against the juxtaposition of unprecedented gains in legal protection of an iconic Wonnarua site, Baiame Cave. In November 2015, the final decisions to approve the MTW mine extensions was handed down amid much controversy (Table 1). At the same time, the renowned Aboriginal art site, Baiame Cave, located approximately five kilometres to the south-east of the MTW operations (Fig. 1), was receiving statutory recognition as a place of great cultural importance to the Wonnarua Aboriginal peoples of south-eastern Australia and the broader community. On 31 July 2015 Baiame Cave was added to the New South Wales (hereafter NSW) Heritage List, gazetted under the Heritage Act 1977. The site was then designated an Aboriginal Place under the National Parks and Wildlife Act 1974, on 13 May 2016 (Hughes 2016). Here, I consider the outlook from Baiame Cave.

Date	Event
1981 (W) 1983 (MT)	Original approvals granted – Operations expected to run until 2017 and 2021 (consents DA 34/95 and DA 300-9-2002-1 respectively). The approval for Walkworth was contingent upon 1646 hectares (ha) of biodiversity offsets including a 757 ha non-disturbance zone and 889 ha of 'habitat management'.
May 2003	Approval issued for the Walkworth Mine including a <i>deed of agreement</i> between the Minister for Planning and Walkworth Mining Limited protecting the non-disturbance and habitat zones <i>in perpetuity</i> . The lands subject to the deed of agreement included Wallaby Scrub Road and the Saddleback Ridge containing two Endangered Ecological Communities (EECs).
2010	An application to extend the open-cut pits combining the Mt Thorley and Walkworth operations lodged under the (now repealed) Part 3A of the Environmental Planning & Assessment Act.
February 2012	Walkworth extension approved by the Planning and Assessment Commission, including extending the open-cut pits by 750 ha through Wallaby Scrub Road and the Saddleback Ridge areas (and EECs). The application was referred to the Planning and Assessment Commission (PAC) who approved the proposal, adding another 11 years to the life of the mine.
April 2013	The Bulga Milbordale Progress Association instruct the Environmental Defenders Office to lodge an appeal to the MTW approval in the Land & Environment Court. The court upholds the merit appeal refusing the mine expansion on the grounds that: <ul style="list-style-type: none"> • The proponent had not established the mine expansion was justified on environmental, social and economic grounds; • The project would have significant and unacceptable impacts on biological diversity, including on EECs, noise, dust and <i>social impacts</i>.
November 2013	The state government amended the State Environmental Planning Policy for Mining, Petroleum Production and Extractive Industries 2007 (hereafter the Mining SEPP) introducing a statutory requirement that the consenting authority must consider: <ul style="list-style-type: none"> • The economic benefits of developing the resource at both a state and regional level; • <i>The economic significance of the resource is to be the consent authority's principal consideration.</i> Importantly, amendments to the Mining SEPP clear the way for Rio Tinto to lodge new applications for the continuation of the Walkworth and Mt Thorley Mines.
December 2014	The government announces a \$10 million funding cut to the Environmental Defenders Office, meaning that effective of 1 July 2014, the body would no longer receive any federal funding.
April 2014	The court of appeal upholds the Land and Environment Court's decision to refuse the Walkworth Extension Project.
March 2014	MTW media release titled: <i>MTW seeks long term future for 1300 workers.</i>
June 2014	Walkworth Mining Limited (operated by Rio Tinto) lodge a revised version of the Walkworth Continuation Project for approval. Mt Thorley Operations Pty Limited (operated by Rio Tinto) lodge an application for the Mt Thorley Continuation Project for approval.
November 2014	The (then) Planning Minister, Pru Goward, delegates the assessment of the new applications to extend Mt Thorley and Walkworth mines to the PAC. Importantly she explicitly instructs the PAC to hold a public hearing which, under planning laws, <i>takes away the right to later appeal</i> the merits of a project in the Land and Environment Court.

March 2015	PAC review and report in relation to the Mt Thorley Continuation Project requests further information before it can determine the application, noting that though the current application is very similar to the Mt Thorley Part of the Walkworth Extension Project application refused by the Land and Environment Court, 'significant legislative and policy changes have occurred since that time'. PAC recommend the Walkworth Continuation Project proceed to determination, noting significant legislative changes preceding the second application and the fact that 'the project will undoubtedly have a range of adverse impacts on Bulga Village'.
August 2015	The (then) Minister for Planning, Rob Stokes, introduces draft legislation to remove clause 12AA Part 3 of the Mining SEPP – the clause requiring economic benefits be preferential weighted as the most important factor in determining proposal. Rob Stokes also instructs the chair of the Planning and Assessment Commission to carry out a second review of the Mt Thorley Continuation Project and the Walkworth Continuation Project, including holding a public hearing (including if the draft Mining SEPP repeal would make any difference to the outcome of these approvals).
Sept. 2015	Clause 12AA of the Mining SEPP removed.
October 2015	Second PAC Review Report Mt Thorley Continuation Project – the commission was satisfied that the project was approvable and should proceed to determination. Second PAC Review Report Walkworth Continuation Project – the commission was satisfied that the project was approvable and should proceed to determination.
November 2015	Walkworth Continuation Project approved, meaning a 21-year extension to the life of mine. The Mt Thorley Continuation Project is approved for the same period, despite coal production ceasing at the mine in 2022, so that it can provide support services for Walkworth's coal extraction.
April 2016	Bulga Milbrodale Progress Association instructs the Environmental Defenders office to issue a summons in the Land and Environment Court, seeking judicial review based on a legal error, stating that the Planning and Assessment Commission did not apply the law properly in relation to areas of high biodiversity.
June 2016	Bulga Milbrodale Progress Association withdraw their challenge to the MTW approval in the Land and Environment Court on advice from the Environmental Defenders Office that the case would not be successful.
January 2017	Minister Rob Stokes takes up the Education portfolio.
May 2017	Mount Thorley Walkworth Voluntary Planning Agreement back on public exhibition with an explanatory note by Singleton City Council stating: 'Please note, submissions should only deal with the contents of the draft Voluntary Planning Agreement and not the merit of the approved development'.
September 2017	Yancoal (and its joint venture partners) purchased Coal and Allied (a subsidiary of Rio Tinto) including MTW operations.
July 2018	GML heritage finalise a Conservation Management Plan for the Baiame Cave dual Aboriginal Plan/ NSW Heritage listing (to my knowledge the plan is yet to be endorsed by the relevant regulatory agencies).
August 2018	Singleton Council votes to close Wallaby Scrub Road (that runs between the Putty Rd and the Golden Hwy, along Saddleback Ridge). Yancoal purchases Wallaby Scrub Road from Singleton Council.
September 2018	Wallaby Scrub Road gazetted (closed) by NSW Minister for Lands and Forestry (then Paul Toole) despite advice from the NSW Environmental Defenders Office that Singleton Council's actions in relation to the road closer were incorrect, rendering the procedure legally invalid.
April 2019	Following the NSW state elections the newly returned Berijiklian government announces the disbanding of the Office of Environment and Heritage (the state regulatory agency responsible for Aboriginal heritage) which will be largely subsumed within Department of Planning and Industry to be headed by Minister Rob Stokes.

Table 1. Timeline of approval: Rio Tinto's Mt Thorley (MT), Walkworth (W), and the combined Mt Thorley Walkworth (MTW) Operations in the Lower Hunter Valley. Adapted from NSW PAC reports 2015: 1–17, the Singleton City Council website and newspaper articles in the Newcastle Herald and Singleton Argus.

The history of Mt Thorley Walkworth

The pertinent history of the MTW mine is set out in Table 1. In summary, approvals were granted for the Walkworth mine in 1981 and the Mt Thorley Mine in 1983, with operational lives to 2017 and 2021 anticipated respectively. In relation to the Walkworth approval, a land-based biodiversity offset was required, culminating in the 2003 deed of agreement between the mine

and Minister for Planning protecting, in perpetuity, areas within the leasehold containing the Walkworth Sands Woodland and Saddleback Ridge Endangered Ecological Communities (EECs), acting dually as a geographic buffer between the mine and the township of Bulga (Forward et al. 2015; Kennedy 2016). In 2010, off the back of the soaring thermal coal prices, MTW lodged an application to combine and extend their

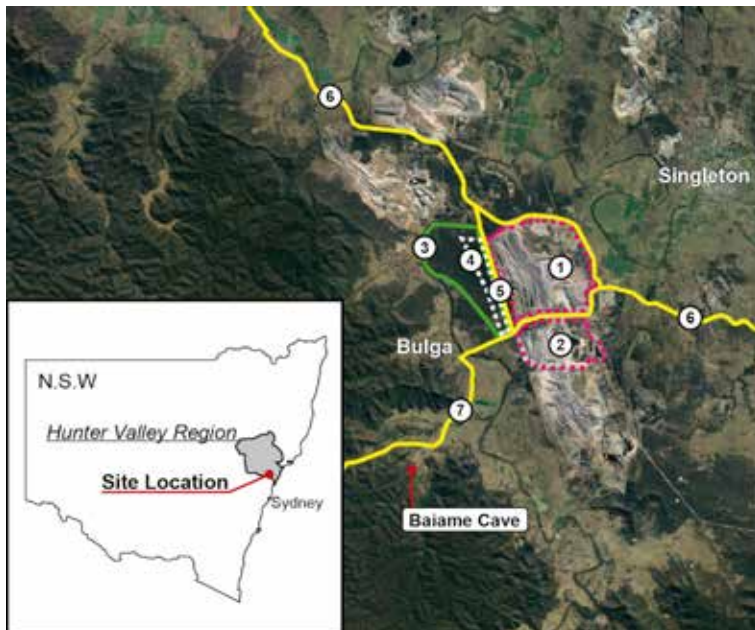


Figure 1. Baiaime Cave and other locations mentioned in the text.
 1. Warkworth Mine; 2. Mt Thorley Mine; 3. The extent of the Saddleback Ridge; 4. New pit boundary for the MTW extension; 5. Wallaby Scrub Road; 6. Golden Highway; 7. Putty Road.

mines under Part 3A of the *Environmental Planning and Assessment Act (NSW) 1979* (now repealed). Significantly, this new proposal would extend the open-cut mine through the Walkworth Sands Woodland EECs located on the Saddleback Ridge. Approved by the NSW Planning and Assessment Commission (PAC) in 2012, the statutory body noted in its ruling that project approvals such as MTW, which would advance the mine to within 2.6 kilometres of the town of Bulga, were *almost inevitable* given the weighting of economic gains in the planning and approvals process. They urged the government to provide further policy guidance on how social impacts should be considered (Kennedy 2016).

In April 2013, Bulga residents launched and won a merit appeal in the Land and Environment Court against the MTW approval. Significantly, the court found that the well-being of the residents would be adversely impacted by the MTW extension because of their attachment to the landscape, recognising the legitimacy of the concept of solastalgia as presented by academic, activist and expert witness Professor Glen Albrecht (see below for further details). In November 2013, less than four months after the court ruling that was upheld in the court of appeal, the NSW State Government introduced changes to the State Environmental Planning Policy for Mining, Petroleum Production and Extractive Industries (the Mining SEPP), the instrument governing project approvals, so that decision makers would have to preferentially weight the economic benefits of proposals ahead of other factors, including social, heritage and environmental impacts.

In June 2014, new but separate applications for the continuation of the Mt Thorley and Walkworth mines were lodged. In November of the same year the Min-

ister for Planning (then Pru Goward), upon referring the matters to the PAC, instructed them to hold a public hearing as part of their review. The public hearing closed a loophole for the government, removing any avenue for appeal in the Land and Environment Court on the merit of the new proposals, preventing the possibility of overturning of the project approval as had previously occurred. Effectively, the PAC were instructed to hear the communities' concerns about how the MTW expansion would affect them, including the cumulative impact from mining in the region, but then to weight these concerns as secondary compared to the economic benefits to the state and regional economies.

In March 2015, the PAC review reports for the separate Mt Thorley and Walkworth extensions each stated that their determinations were influenced by significant legislative changes that preceded the new applications. The PAC report for the Mt Thorley continuation requested further information. The PAC report for the Walkworth continuation project, while recommending the project

could proceed for approval, explicitly stated that it 'will undoubtedly have adverse impacts on Bulga Village' (Forward et al. 2015, Executive Summary). In August 2015, the Minister for Planning (then Rob Stokes) introduced draft legislation to remove clause 12AA of the Mining SEPP, removing the preferential weighting of economic impacts in the planning approvals process and he instructed the PAC to conduct second reviews for the Mt Thorley and Walkworth extensions, with new public hearings to explicitly consider if the removal of the clause 12AA would make any difference to their decisions. In October 2015, both PAC reports recommended the mine extensions proceed to determinations on the basis that they were approvable. Separate approvals were granted in November 2015, though the mines were (and are) run as a cohesive, singular operation by Rio Tinto's subsidiary Coal and Allied, which has recently been purchased by Yancoal and their joint venture partners.

In late 2017, the Chinese mining consortium Yancoal purchased the Rio Tinto subsidiary Coal and Allied including the MTW mine and all Hunter Valley operations. Following the closure of Wallaby Scrub Road (which ran along the Saddleback Ridge) Yancoal purchased the road easement (Singleton Council 2018). With the road subsequently closed by the state government, Yancoal is proceeding with the expansion of the mine pit which will destroy Wallaby Scrub Road, the Saddleback Ridge and the EEC it houses. In April 2019, following the return of the conservative Liberal party, the Berijiklian NSW state government announced the disbanding of the state regulatory agency responsible for Aboriginal heritage, the Office of Environment and Heritage, which will be largely subsumed within

Department of Planning and Industry to be headed by Minister Rob Stokes, the same minister who presided over the temporary removal of clause 12AA of the Mining SEPP to facilitate the approval of the Mt Thorley Walworth mine expansion.

Solastalgia:

Legal recognition of place attachment

'Solastalgia' describes the lived experience or physiological pain (desolation) resulting from the loss of, or immediate threat to, the place where one resides and/or that one loves due to forces outside their control. It is manifestly an attack on one's sense of place, coupled with an intense desire for that place to be maintained in a state that continues to give comfort or solace (Albrecht 2005: 45). Put simply, solastalgia is homesickness you feel while you are still at home³.

One of the seminal case studies used in defining the concept solastalgia has come from Hunter Valley residents who are attached to places in areas of intense and cumulative impacts from coal mining (Connor et al. 2004). These residents have described feelings of powerlessness and distress watching environmental destruction and transformation of the landscapes surrounding their homes (Connor et al. 2004: 44; 2008). Solastalgia has been linked to 'more serious health and medical problems such as drug abuse, physical illness and mental illness (depression, suicide)' and has been noted as affecting Aboriginal people on a deep level due to their connection to their land (Connor et al. 2004: 54). In previous research, a Wonnarua person articulated Indigenous attachment to the environment as an intimate spiritual connection, stating that impacts from coal mining therefore not only destroyed that landscape, but irrevocably damage Wonnarua people's connections to country (Connor et al. 2008: 84–86). Links between Indigenous well-being, cultural heritage and environment are not new ideas and there is a body of literature which supports this connection (see Sutton et al. 2013)

In April 2013, Glen Albrecht, the academic who defined solastalgia, was called as an expert witness in the Land and Environment Court in the appeal against the approval of the MTW expansion. In its decision the court stated that the concept of solastalgia captured the 'essence of the relationship between ecosystem health, human health and control (hopelessness and powerlessness) and negative psychological outcomes' (Kennedy 2016: 24). Whilst Albrecht's evidence concerning solastalgia in relation to Bulga residents was found to have limitations, the court was clearly open to the concept, evidence of which indicated that Bulga Village would undergo considerable transition and significant psychological distress to members of the community

³ This was stated by Glen Albrecht at a TED Ex talk in Sydney in 2010.



Figure 2. The outlook from Baiame Cave. Black outlined arrow indicates the location of the Saddleback Ridge. Red outlined arrow indicates the Mt Thorey open-cut pit (photograph by the author).

would ensue. The Chief Justice in the appeal found that the impacts of the MTW expansion would '... exacerbate the loss of sense of place, and materially and adversely change the sense of the community, of the residents of Bulga and the surrounding countryside' (Kennedy 2016: 27).

Baiame Cave, a landmark dual listing

As stated in the introduction, Baiame Cave is located about five kilometers from the controversial MTW mine. The Mt Thorley pit and part of the Saddleback Ridge are clearly visible from the site (Fig. 2). Baiame Cave is one of the most well-known rock art sites in south-eastern Australia and was first reported in a scholarly meeting by surveyor turned anthropologist R. H. Mathews, who documented the rock art in the shelter in 1892 and subsequently presented this at a meeting of the Royal Society of NSW in 1893. He went on to describe Baiame among the sites covered in the society's 1894 essay prize on the topic of 'Australian Aborigines', which he won (Fig. 3; Mathews 1893; Thomas 2007: 31–32). The site was also documented in synopses of Australian rock art by pivotal early archaeological researchers such as Frederick McCarthy (1958).

The site is located on private property, but has largely remained open to the public with some assistance from the NSW National Parks and Wildlife Service who have installed infrastructure such as signage, a viewing platform and stairs (Fig. 4), also occasionally grading the unsealed road used for access. The large panel in the scalloped, sandstone shelter consists of a central culture-hero figure identified by local Wonnarua people from early colonial times as the creator spirit Baiame (Thomas 2007: 34). Baiame is a bichrome anthropomorphic motif, red with a white outline and features, including his belly. Baiame is facing the valley with his five-metre-long arms outstretched. He is embracing his country and is depicted with prominent white eyes, but no mouth because he speaks from the heart (Aunty

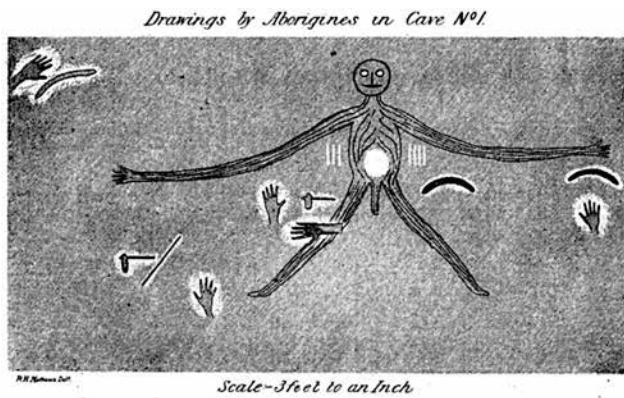


Figure 3. Baiame Cave illustration by R. H. Mathews 1893, reproduced from Thomas 2007: 32.

Barbara Foot pers. comm. 2005). Superimposed over Baiame and to either side are various stencils of boomerangs, axes, and hand stencils often incorporating the forearm. Baiame also has 'tally-marks' under his arms (Fig. 5).

The attachment people have to Baiame Cave is renowned throughout south-eastern Australia and this significance has recently been acknowledged with dual inscription on the NSW Heritage List and as an Aboriginal Place, vested under the two main pieces of heritage legislation in NSW (Owen et al. 2018⁴). The

⁴ This paper presented the Baiame Cave Management Plan as an exemplar of cultural resilience at an international conference but, strangely, without co-authorship/co-presentation with the Wonnarua Nation Aboriginal Corporation who commissioned the involvement of these

Heritage Act 1977 protects places that have been nominated, researched and determined to be of importance to the State of NSW; in other words, they are places of 'state significance'. Such places are listed on the State Heritage Register based on an assessment of significance under one or multiple criteria: specifically historic, aesthetic, scientific and social values, or its association with an important person or event⁵. Baiame Cave meets all criteria for state significance, with its connection to the local landscape and other Aboriginal heritage within the Hunter and broader south-eastern Australia noted. The *NSW National Parks and Wildlife Act 1974* provides blanket protection for physical objects. As part of this statute Aboriginal Places are included and the Minister for the Environment can declare an area to be an Aboriginal Place because of its spiritual, social, historical, educational, natural resource usage or other type of cultural importance. Aboriginal Places are areas that are or were of special significance to Aboriginal culture. Again, Baiame Cave's declaration as an Aboriginal Place was comprehensive⁶.

NSW Aboriginal heritage laws protect Aboriginal sites, rather than the landscapes that surround and connect them to other related sites, trade-routes and/or knowledge tracks. Aboriginal communities, heritage consultants.

⁵ The Criteria for Baiame Cave's listing are outlined here: <http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5061940>, cited 9 May 2017

⁶ <http://www.environment.nsw.gov.au/heritage/funding/grants1113.htm>, cited 19 June 2017.



Figure 4. Overview of Baiame Cave showing site infrastructure (photograph by the author, 14 Dec. 2016).



Figure 5. The rock art panel at Baiame Cave (photograph by the author, 2011).

managers, regulators and academics have consistently wrestled with the need to define a spatially restricted site area and to then manage Aboriginal heritage based upon such boundaries (McBryde 1997). Aboriginal Place declarations, as well as the Aboriginal heritage listed on the state register, has maintained this focus on 'sites' rather than larger landscapes, though these listings are based upon criteria such as interconnect- edness with other heritage items/places. Baiame Cave is no exception with a total of 2.2 hectares of land protected, from the graded vehicle track in front of the shelter bending around behind it in a U shape, despite both the NWS Heritage and Aboriginal Place listings specifying the site's significance within 'dreaming sites and stories throughout south-eastern Australia' (NSW Government Gazette 2016).

A management plan to satisfy both the NSW Heritage listing and Aboriginal Place nomination has been completed in 2018, thanks to funding from the (recently disbanded) NSW Office of Environment and Heritage (GML 2018). While the site and its immediate surrounds as part of the listings are protected and hence require management, there is no explicit mandate for the landscape surrounding, nor the outlook from the site which is embraced by Baiame, to be preserved. Indeed, preservation of the outlook from Baiame Cave, specifically the vista to the MTW mine, will not be possible. It is also unclear at this stage if the site will be affected by increased dust from the extended MTW operation.

Aboriginal well-being, compound distress, tokenism and broken trust

During public hearings about the MTW extension the PAC was told that 'Bulga' is an Aboriginal name meaning 'single peaking mountain range' and that the Saddleback Ridge was the single peak referenced (Kennedy 2016: 26). Yet, despite the landform containing two endangered ecological communities and being designated a conservation offset in a deeded, in perpetuity agreement with the Minister of Planning in 2003, the extension of open mining through Saddleback Ridge was approved. While this might seem shocking, the rescinding of land-based conservation offsets in order that they can be mined is not new in Aboriginal Heritage management in the Hunter Valley and it has led to increasing frustration and feelings of powerlessness for Wonnarua people befitting the term solastalgia (Sutton et al. 2013).

One of the key elements of the concept of solastalgia is a loss of control or powerlessness within the system. Both the NSW Heritage Listing and the Aboriginal Place designation of Baiame Cave are vested in different pieces of state-based legislation. The MTW mine expansion was approved following key legislative changes that favoured the proposal (Table 1). In this context, is it histrionic to ask if it would be possible for the extended legal protections afforded to Baiame Cave under the NSW NPW Act 1974 and the NSW Heritage Act 1977 to be repealed? Regardless, the history of rescinding Aboriginal Heritage conservation areas has been demonstrated as increasing symptoms of solastal-

gia for Aboriginal people in the region, heightening their anxiety about the preservation of their heritage (Sutton et al. 2013). How this might have impacted the Aboriginal community's reception of the Baiame Cave dual listing is an open question, as is the importance of the vista from the cave within the heritage values for which it is protected. There seems urgency to such questions given the increasingly brash disregard for conservation offsets demonstrated by the Bulga case study.

Summary: the outlook from Baiame Cave

The 'Bulga case' highlights the tokenistic nature of community consultation in the mining industry of the Hunter Valley. It also publically exposes an alarming and increasing trend in the region, one that has been endorsed in numerous cases by the NSW Planning Department, to rescind and later mine land-based conservation offset areas upon which initial development consents are established, whether they have been committed to in perpetuity, deeded agreements or not. There is no doubt that the dual listing of Baiame Cave as an Aboriginal Place on the NSW Heritage List enhances the legal protection of this site. There is also no doubt that Wonnarua people, as well as the rest of the local community around Bulga, have earned the right to be sceptical about the real-world influence and longevity of such legal protections. Here I have highlighted the 'knock-on' effects from landscape-scale transformation, and repeatedly tokenistic engagement, to ask if it is possible to separate legislative protections from the murky history of cumulative impact to community well-being in the Hunter Valley. Hopefully recognition of the significance of Baiame Cave and the associated extended legal protections this provides will give some solace to Wonnarua people and the broader community of Bulga. Time will tell. The recent subsuming of the Office of Environment and Heritage who regulates the conservation of Aboriginal heritage in NSW, now part of the Department of Planning and Industry, headed by Minister Rob Stokes who presided over the rescinding of the deeded, in perpetuity conservation agreement for the Saddleback Ridge to facilitate the extension of the Mt Thorley Walkworth mine, is deeply troubling.

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