

# HUNTER VALLEY OPERATIONS

## *HVO South Aboriginal Cultural Heritage Management Plan*



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# 1 Statutory Requirements

Table 1: HVO South PA\_06\_0261 Condition 40 – Aboriginal Heritage Management Plan requirements

| Condition 40 - Aboriginal Heritage Management Plan   | ACHMP Provision / Schedule                         | Status Notes   |
|--|--|--|
| The Proponent shall prepare & implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Director-General. The Plan must:   |  |  |
| (a) be prepared in consultation with EPA and the Aboriginal community;   | Recitals, Background, Provision 2, Schedules 2 & 3 | Complete   |
| (b) be submitted to the Director-General for approval within 12 months of this approval or as otherwise agreed by the Director-General; &  |  | Complete   |
| (c) include:   |  |  |
| <ul style="list-style-type: none"> <li>measures to be taken to avoid impacts to Aboriginal cultural heritage values at all stages of the project. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community;</li> </ul> | Provisions 3 & 4                                   | Measures developed, management ongoing               |
| <ul style="list-style-type: none"> <li>a program for the recording, salvage &amp; surface collection of Aboriginal objects/sites within the site;</li> </ul>   | Provisions 6 & 10-18, Schedules 6-14               | ACHMD program developed, ACHMD management ongoing    |
| <ul style="list-style-type: none"> <li>a program for the conservation of the other Aboriginal objects/sites within the site, including measures to secure, analyse &amp; record the objects/sites;</li> </ul>  | Provision 4  | Refer Provision 4                                    |
| <ul style="list-style-type: none"> <li>definition of restricted access zones to protect Sites 26-44, 47-58, 84-100, 102-104 &amp; 107-109 from disturbance;</li> </ul>   | Provision 4  | Definition outlined in Provision 4                   |
| <ul style="list-style-type: none"> <li>measures to ensure potential impacts to Sites 26-44, 47-58 &amp; 107-109 by the proposed rail spur &amp; loop are avoided;</li> </ul>   | Provision 4  | Measures outlined in Provision 4                     |
| <ul style="list-style-type: none"> <li>measures to provide for the controlled collection of Sites 1-24, 59-79, 80-83, 101 &amp; 105-106, where avoidance of impacts by planned mining &amp; infrastructure activities is not possible;</li> </ul>                | Provision 4, Schedule 4 ACHMD                      | Measures outlined in Provision 4 & Schedule 12 ACHMD |
| <ul style="list-style-type: none"> <li>provision for a long term 'keeping place' &amp; care &amp; control plan for any Aboriginal objects recovered from the site;</li> </ul>  | Provision 6  | Refer Provision 6                                    |
| <ul style="list-style-type: none"> <li>provisions for Aboriginal cultural heritage awareness training for all HVO South employees, &amp; as a component of mine site inductions for contractors working at HVO South;</li> </ul>                                 | Provision 7  | Refer Provision 7                                    |
| <ul style="list-style-type: none"> <li>a description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project;</li> </ul>  | Provision 8, Schedule 14                           | Refer Provision 8, Schedule 14                       |

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| <ul style="list-style-type: none"> <li>a protocol for the ongoing consultation &amp; involvement of the Aboriginal community in the conservation &amp; management of the Aboriginal heritage of the objects/sites; &amp;</li> </ul> | Provisions 2, 26, 27 & 29 | Refer Provisions 2, 26, 27 & 29 |
| <ul style="list-style-type: none"> <li>a protocol for the regular review of the Plan's effectiveness.</li> </ul>  | Provision 24              | Refer Provision 24              |

## 2 Recitals

- A. The Hunter Valley Operation Joint Venture (HVOJV) manages the Hunter Valley Operations (HVO) mine, located approximately 24km north of Singleton, NSW.
- B. This Aboriginal Cultural Heritage Management Plan (ACHMP) constitutes the 'Aboriginal Heritage Management Plan' pursuant to the requirements cited in Hunter Valley Operations South Coal Project - Project Approval PA\_06\_0261, Schedule 3, Part 40.
- C. The provisions of this ACHMP apply to the entire HVO South Coal Project Area, being the PA\_06\_0261 approval area as shown in Schedule 1 of this ACHMP.
- D. The provisions of this Aboriginal Heritage Management Plan apply to all Aboriginal Cultural Heritage objects and sites subject to condition 40 of the Hunter Valley Operations South Coal Project PA 06 0261.
- E. Registered Aboriginal Parties through the auspices of the Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) were consulted in the development & revision of this ACHMP. The Registered Aboriginal Parties are those respondents to formal correspondence and public notices issued pertaining to the management of Aboriginal Cultural Heritage for the Hunter Valley Operations South Coal Project.
- F. Aboriginal community consultation has occurred primarily through the auspices of the CHWG. Meetings of the CHWG have been held in accordance with, initially, the Department of Environment and Climate Change January 2005 *Interim Community Consultation Requirements for Applicants*, & also in accordance with the Office of Environment and Heritage *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.
- G. HVO has consulted with both the Department of Planning and Environment and Office of Environment and Heritage in the preparation of this Aboriginal Heritage Management Plan.
- H. The original ACHMP was approved by the Director-General, Department of Planning on 24 February 2010.
- I. The original ACHMP was developed with the assistance of the CHWG. The CHWG has endorsed this ACHMP as recorded in the motions from meetings appended in Schedules 2 and 3.

## 3 Background

### 3.1 Hunter Valley Operations

The Hunter Valley Operations Joint Venture (HVOJV) manages the mining tenement Hunter Valley Operations (HVO), located 24km north of Singleton, New South Wales. Glencore provides management services to HVO, including accountability for Aboriginal cultural heritage management and community consultation.

The development of HVO mining operations has occurred through a process of expansion and acquisition and as a result there are a number of separate development approvals that apply to the operation. The mining and processing activities at HVO are geographically divided by the Hunter River, with movements of coal, overburden, equipment, materials and personnel between two operational areas, HVO North and HVO South.

HVO South comprises the Cheshunt Pit, Riverview Pit and Lemington Pits and the Lemington coal handling and preparation plant. In 2006, then owner, Coal & Allied Operations, sought the opportunity to apply for a consolidation of the 24 separate consents and 12 associated modifications that apply to HVO South mining operations. This process also allowed for government approval for some minor modifications and the associated continuation of mining. The consolidation of development consents and the cultural heritage assessment and management plan were undertaken under a new development application under Part 3A of the *Environmental Planning and Assessment Act 1979*.

A single Environmental Assessment Report was drafted to support the Part 3A development application covering the consolidation, minor modifications and continuation of mining operations at HVO South, and also the relocation and/or reconfiguration of the Hunter Valley Gliding Club airstrip and associated facilities. In addition, an application will be made to the Department of Primary Industries – Mineral Resources for a mining lease that encompasses the entire HVO South Coal Project development application area. These changes will improve and simplify the mining approvals and tenure associated with the HVO South Coal Project.

Consultation associated with Aboriginal cultural heritage matters relating to the HVO South Coal Project has been conducted through the auspices of the HVO Cultural Heritage Working Group (CHWG), established in September 2005. The CHWG reviewed and endorsed an Aboriginal cultural heritage assessment process for the Project Area, and following on from the conduct of assessment field work, reviewed cultural heritage reports to inform the development an Aboriginal Cultural Heritage Management Plan (ACHMP) for the entire Project Area. The ACHMP was developed in consultation with the CHWG and the (then) Department of Environment & Climate Change and the management provisions that form the basis of the ACHMP provisions were endorsed at CHWG meetings in January 2007 and February 2008.

On 24 March 2009 the Minister for Planning approved the HVO South Coal Project (PA\_06\_0261) which supersedes all previous mining and development consents and associated conditions for the entire area Project Area. The PA 06\_0261 requires that the proponent prepares and implements an 'Aboriginal Heritage Management Plan' to be submitted and approved by the Director-General, Department of Planning, within 12 months of the date of the development approval and that the 'Aboriginal Heritage Management Plan' be prepared in consultation with the Department of Environment & Climate Change and the Aboriginal community. This ACHMP constitutes the 'Aboriginal Heritage Management Plan' pursuant to the requirements cited in Hunter Valley Operations South Coal Project PA\_06\_0261, Schedule 3, Part 40.

The consolidation and modification of existing development consents associated with the HVO South Coal Project area were undertaken under a new development application under Part 3A of the *Environmental Planning and Assessment Act 1979*. The Aboriginal cultural heritage consultation, assessment and management planning have

been conducted in a manner to comply with draft guidelines prepared for Part 3A developments, and are intended to ensure compliance with this Part.

Assessment surveys and other investigations at HVO South have been documented in reports drafted by the Technical Advisors in consultation with the Aboriginal community. The draft assessment reports and management recommendations were then subject to discussions between HVO and the CHWG. The assessment results and subsequent discussions have informed the preparation of this ACHMP and the management recommendations, reviewed and settled between HVO and the CHWG, have been incorporated in the ACHMP.



## 4 Table of Abbreviations

|        |   |
|--------|---|
| ACHCRP | Aboriginal Cultural Heritage Consultation Requirements for Proponents |
| ACHMP  | Aboriginal Cultural Heritage Management Plan                          |
| AHIMS  | Aboriginal Heritage Information Management System                     |
| AHIP   | Aboriginal Heritage Impact Permit                                     |
| ASIRF  | Aboriginal Site Impact Recording Form                                 |
| CHFO   | Cultural Heritage Field Officer                                       |
| CHMD   | Cultural Heritage Management Database                                 |
| CHWG   | HVO Cultural Heritage Working Group                                   |
| CHZP   | Cultural Heritage Zoning Plan   |
| DMO    | Data Management Officer   |
| DP&E   | Department of Planning and Environment                                |
| EMS    | Environmental Management Strategy                                     |
| GDP    | Ground Disturbance Permit   |
| GIS    | Geographic Information System   |
| HVO    | Hunter Valley Operations  |
| HVOJV  | Hunter Valley Operations Joint Venture                                |
| LoDB   | Limit of Disturbance Boundary   |
| OEH    | Office of Environment and Heritage                                    |
| RAP    | Registered Aboriginal Party   |
| ToR    | Terms of Reference  |

## 5 Provisions of the Aboriginal cultural Heritage Management Plan

### 5.1 Purpose of and Area Subject to the Aboriginal Cultural Management Plan

This Aboriginal Cultural Heritage Management Plan (ACHMP) sets out the principles and processes under which Aboriginal cultural heritage will be managed on lands located within the Hunter Valley Operations (HVO) South Coal Project Area (PA\_06\_0261, Modification 5 February 2018). The provisions of this ACHMP will apply to all extant Aboriginal archaeological and cultural heritage objects, sites and areas identified and recorded within the Project Area including all new or previously identified and recorded Aboriginal archaeological and cultural heritage objects, sites and areas. This ACHMP will apply to all lands located within the Project Area and will operate for the life of the mining activity and subsequent post-mining remediation works within the area subject to this ACHMP.

### 5.2 Aboriginal Community Consultation

The Cultural Heritage Working Group (CHWG) is the primary forum with which HVO communicates with regard to settlement of all matters pertaining to Aboriginal cultural heritage. The CHWG was established in September 2005 for the purpose of conducting Aboriginal community consultation with respect to the management of Aboriginal cultural heritage. It functions in accordance with the provisions of the Office of Environment & Heritage's (OEH) 2010 *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (ACHCRP).

Formal correspondence including reports, minutes and agendas are forwarded to all Registered Aboriginal Parties (RAPs). Public notices are placed in relevant media advertising meetings. Invitations to such meetings are forwarded to all RAPs. Decisions made at these meetings are the primary means of securing community input.

All Aboriginal community consultation with respect to the implementation and review of the operation and activities conducted under this ACHMP will be undertaken through the auspices of the CHWG and in compliance with the ACHCRP and any other relevant statutory requirements.

### 5.3 Aboriginal Cultural Heritage Management Database – ACHMP Schedule 4

The Aboriginal Cultural Heritage Management Database (ACHMD - see **Schedule 4**) documents the identification number, location, attributes and specific management requirements for each cultural heritage site (e.g. object, site or area) that is subject to this ACHMP. The ACHMD incorporates all Aboriginal Cultural Heritage sites located within the ACHMP Area that are either registered in the OEH Aboriginal Heritage Information Management System (AHIMS) sites database or have been recorded during assessments, inspections or as chance finds that are pending registration in the AHIMS database.

The ACHMD is a core element of the HVO Geographic Information System (GIS) and Cultural Heritage Zoning Scheme. The ACHMD is a 'live' database that records the management status of each site as management actions are implemented (such as salvage mitigation) and the database updated over time including inclusion of new sites. The ACHMD includes the following information to inform the management of each site:

- a. The Unique Identifier number and AHIMS register number (where applicable);
- b. Site Type (e.g. isolated find/s, artefact scatter, scarred tree etc);

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- c. Site Description and Values (e.g. number/density and attributes);
- d. Site Extent (e.g. 10m diameter);
- e. Date recorded and person recording;
- f. Coordinates (GDA94 Zone 56);
- g. Management Option A (management measures if a site is NOT disturbed by development); and
- h. Management Option B (management measures if site is to be disturbed by development)

## 5.4 Cultural Heritage Zoning Scheme

The HVO South Coal Project Cultural Heritage Zone Plan (CHZP) controls mine development related land use activities within Project Area (PA\_06\_0261). These zoning controls will include the following zones:

- *CHZP Zone 1 Significant Area Restricted Access* – designated areas to protect significant cultural heritage sites, places or objects such as burials, ceremonial sites, scarred trees, hearths, quarries, grinding grooves, artefact scatters, etc. Zone 1 areas will be zoned around specific individual features but might also include Voluntary Conservation Areas and Environmental Areas. Access is restricted, and development not allowed unless appropriate management measures have been implemented and statutory authorities obtained, and/or all cultural heritage issues have been addressed and management measures completed in compliance with this ACHMP.

In order to protect sites 26-44, 47-58, 84-100, 102-104 and 107-109 from disturbance, a CHZP Zone 1 area will be designated to incorporate these sites;

- *CHZP Zone 2 Restricted Access Area (Unassessed)* – areas not assessed for cultural heritage where access is restricted as a precautionary measure. Access is restricted and development not allowed until the area has been assessed for cultural heritage, appropriate management measures have been implemented and statutory authorities obtained, and/or all cultural heritage issues have been addressed and management measures completed in compliance with this ACHMP;
- *CHZP Zone 3 Restricted Access Area (Assessed)* – areas where cultural heritage has been assessed and access is restricted to protect known cultural heritage sites, places and objects. Typically a Zone 3 area encompasses a number of sites over a larger area where development activities may be approved where such activities can be managed so as not to disturb Aboriginal cultural heritage. Access is restricted and development not allowed unless all cultural heritage issues have been addressed and management measures completed in compliance with this ACHMP. Management may include work area clearance approvals based on activity disturbance avoiding and not disturbing Aboriginal cultural heritage;
- *CHZP Zone 4 Conditional Development Area* – areas where statutory authorities have been obtained and/or all cultural heritage issues have been addressed but where follow up management measures are required such as ground disturbance activity monitoring in areas specified under the ACHMP Schedule 4. Development disturbance can be approved as per terms and conditions of a Ground Disturbance Permit (GDP) subject to implementing the ACHMP conditions and requirements; and
- *CHZP Zone 5 Approved Development Area* – areas where statutory authorities have been obtained, and/or all cultural heritage issues have been addressed and management measures completed in compliance with this ACHMP. These areas typically include existing developed mine operations areas, infrastructure, and other approved development areas where there are no activity disturbance restrictions. These areas are incorporated within the Project Area Zone 5 Limit of Disturbance Boundary (LoDB).

## 5.5 Ground Disturbance Permits

No Ground Disturbing Activity may take place within the ACHMP Area without the issue of a GDP within areas where a GDP is required. The GDP does not obviate the need to comply with the provisions of this ACHMP or other relevant development consent approvals

No GDP may be approved unless the area that is subject to the proposed Ground Disturbing Activity has been assessed against the CHZP and all relevant management measures have been implemented as specified in the CHMD (**Schedule 4**) of this ACHMP.

All applications for a GDP must specify the boundary extent of the area that is to be subject to the Ground Disturbing Activity, the nature of the activities that are to be undertaken in that area, and the proposed date on which the activities are to commence.

## 5.6 Management of Aboriginal Objects

The management of collected Aboriginal objects (e.g. artefacts) has been considered for both the short and the long term. Previous removal (salvage) of Aboriginal objects from within the ACHMP Area has occurred under the authority of an Aboriginal Heritage Impact Permit (AHIP) consent and removed objects remain the property of the State of NSW. An Aboriginal Site Impact Recording Form (ASIRF) will be completed for any Aboriginal objects/sites located within the ACHMP Area that are salvaged under the provisions of this ACHMP.

### 5.6.1 Short Term Management

Aboriginal objects removed from the ACHMP Area under the provisions of this ACHMP, or those previously removed in accordance with a relevant AHIP consent and Care Agreement, or as otherwise authorised under the provisions of this ACHMP, will be appropriately tagged (noting site AHIMS number, date of mitigation, AHIP consent number, storage identification number, etc.) and securely stored at the HVO Hunter Valley Services Cultural Heritage Storage Facility under the authority of Care Agreement #C0004768. This facility is the current repository for all cultural heritage items salvaged from the HVO area.

### 5.6.2 Long Term HVO Management

In the absence of an alternative long-term storage option, such as a NSW government sanctioned regional storage facility for Aboriginal objects (e.g. a Hunter Valley keeping place), all Aboriginal objects removed from the ACHMP Area under the provisions of this ACHMP will be managed in accordance with Section 5.6.1.

In the event that a NSW government sanctioned regional storage facility for Aboriginal objects is established (e.g. a Hunter Valley keeping place) and the RAPs request the relocation of collected Aboriginal objects from the ACHMP Area to this facility, and the state government approves such a request, then HVO will facilitate this request.

Notwithstanding the above, any Aboriginal objects (to the extent that they are stone artefacts) that are collected from the ACHMP Area will be managed in accordance with the OEH *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* and as otherwise required in compliance with a relevant Care and Control Permit granted by OEH.

## 5.7 Cultural Heritage Management Inductions

The HVO induction process includes appropriate Aboriginal Cultural Heritage management content. The induction process applies to all HVO personnel and contractors working at HVO.

HVO will incorporate the following elements into the current suite of induction packages:

- a. a general description of cultural heritage values - both the tangible (e.g. material culture such as artefacts) and the intangible (e.g. spiritual);
- b. an overview of the HMP and its provisions;
- c. an overview of the standard operating procedures associated with Significant Areas, Restricted Access Areas and other CHZS requirements;
- d. an overview of the GDP system and the specific requirements associated with cultural heritage management;
- e. the legal provisions governing the management of cultural heritage; and,
- f. the responsibility and duty of care that each individual has to comply with the cultural heritage management process established for the HVO area, and with all relevant provisions of pertinent legislation.

Detailed records are maintained of all personnel who complete HVO inductions and training packages.

## 5.8 Discovery of Human Skeletal Remains

Where identified or possible human skeletal remains are discovered within the ACHMP Area then the NSW Government sanctioned process for management of skeletal remains will be implemented. Details of the process for management of the discovery and reporting of skeletal remains are appended in [Schedule 14](#) of this ACHMP.

## 5.9 Areas Unassessed for Cultural Heritage

Any areas within the ACHMP Area that may be unassessed for the presence of cultural heritage and are to be the subject of development activity will be treated in the same manner as all other parts of the ACHMP Area where assessments have been carried out in respect to survey methodologies and development/implementation of management processes, and are subject to all relevant provisions of this AHMP.

## 5.10 Spiritual Places Verification and Management

Any places so identified will be subject to the verification and management process outlined in [Schedule 6](#) of this ACHMP.

## 5.11 Scarred Trees Verification and Management

Any places so identified will be subject to the verification and management process outlined in [Schedule 7](#) of this ACHMP.

## 5.12 Scarred Trees Removal and Relocation

Any verified scarred trees that require salvage under the provisions of this ACHMP shall be managed in accordance with the management process detailed in Schedule 8 of this ACHMP.

## 5.13 Hearths Verification and Management

Any places so identified will be subject to the verification and management process outlined in Schedule 9 of this ACHMP.

## 5.14 Sub-Surface Investigations

Any places identified as requiring this form of management will be subject to the management process outlined in Schedule 10 of this ACHMP

## 5.15 Material Resource Areas (e.g. quarries for stone or ochre)

Any places identified as requiring this form of management will be subject to the management process outlined in Schedule 11 of this ACHMP.

## 5.16 Controlled Collection of Artefact Scatters

Any places identified as requiring this form of management will be subject to the management process outlined in Schedule 12 of this ACHMP.

## 5.17 Salvage Collection of Isolated Artefacts

Any places identified as requiring this form of management will be subject to the management process outlined in Schedule 13 of this ACHMP.

## 5.18 Signage for Cultural Heritage Sites, Places and Areas

All cultural heritage sites, places and areas located within the ACHMP Area that are subject to fencing and barricading requirements, as per Provision 20 of this ACHMP, will be identified with at least one sign which denotes that the site, place or area is either a Significant Area or Restricted Access Area or Archaeological/Heritage Site unless otherwise specified in Schedule 4 of this ACHMP for any particular site, place or area. Additional signs will be installed along the site boundary for larger sites so that the site boundary is clearly denoted from all directions

of access. Signs will make it explicit that entry to these areas is not permitted without internal authorisation and appropriate regulatory consent.

## 5.19 Ground Disturbance Management Buffers

Unless otherwise specified in **Schedule 4** of this HMP, a ground disturbance management buffer will apply around each defined site extent. No disturbance is to occur within the buffer area without authorisation under this HMP and an approved GDP.

Buffered areas may be delineated with temporary barricading or with hard fencing where specified in either **Schedule 4**, or where required as a condition of a GDP. As a general rule, Aboriginal heritage sites are only required to be barricaded or fenced if they are in the vicinity of a work area and at risk of inadvertent damage. If the work area or risk is of a temporary nature, then barricading should suffice as a protective measure. Hard-fencing should be considered if the work area or risk is ongoing or permanent.

Where hard fencing or barricading has been installed around a site, then the fence/barricade alignment will constitute the outer boundary of the ground disturbance management buffer.

Where specific site conditions or project requirements do not allow space sufficient for the standard prescribed management buffer, for example where an existing track, fence, or other physical constraint intersects with the buffer area, then the buffer distance will be that which is the greatest practical distance available. The buffer radius dimensions for each site are to take into account site conditions and detail of locational descriptors and devices.

## 5.20 ACHMP Compliance Inspections

HVO will facilitate and resource a process whereby representatives of the CHWG may participate in ACHMP compliance inspections on a biannual basis for the life of mining operations within the ACHMP Area. HVO, at its discretion, may initiate ACHMP compliance inspections at other times as it determines are necessary including incident investigations pertaining to alleged procedural breaches of the ACHMP. Where HVO initiates such compliance inspections it will also invite representatives of the CHWG to participate.

The purpose of the ACHMP compliance inspections is to afford the CHWG and HVO the opportunity to:

- a. visit the HVO South mine to inspect areas and sites to assess compliance with the provisions of this ACHMP;
- b. inspect and monitor the condition and management of various sites; and
- c. review the effectiveness and performance of the ACHMP provisions in the management of cultural heritage at the mine.

Reports on the twice yearly ACHMP compliance inspections, and other inspections as may be undertaken consistent with the above provisions, will be drafted by HVO with the assistance of the representatives of the CHWG who assisted in the inspection. These reports will be provided to the CHWG. An annual report on the outcomes of compliance inspections will be incorporated into the HVO Annual Review. Reports of each compliance inspection will also be made available to RAPs upon request.

ACHMP compliance inspections will involve the following elements:

- a. Using the established ToR template settled between HVO and the CHWG, HVO will outline the details for each HMP compliance inspection specifying the area to be inspected and methodology to be adopted;
- b. Up to three (3) representatives will be selected to assist in the conduct of HMP compliance inspections;
- c. HVO may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to participate in the ACHMP compliance inspections;

- d. an ACHMP compliance inspection report pro-forma will be completed for the nominated inspection areas and signed by the CHWG representatives and Technical Advisor (if present);
- e. the ACHMP compliance inspection report pro-forma will note the outcomes of the inspections including evidence of compliance and non-compliance with ACHMP provisions, recommendations on modifications and improvements to management provisions, recommendations on corrective actions, and other relevant comments associated with the ACHMP provisions;
- f. HVO and the CHWG will review any recommendations arising from the compliance inspection and may agree to adopt any or all recommendations, or make such other measures they deem appropriate to address any issues raised in the compliance inspection; and
- g. where HVO and the CHWG agree to any substantial recommendations or other measures requiring amendment to this HMP, then HVO, in consultation with OEH, will submit to and seek DP&Es approval on amendments to the HMP.

## 5.21 Confidentiality

The following information is confidential information:

information (including but not limited to any reports, correspondence, photographs, data or technical specifications provided verbally, in writing or digitally) provided by, or compiled under a relevant ToR for the purposes of developing this ACHMP, or as required by this ACHMP; and

- i. information concerning: HVO or any Related Body Corporate,
- ii. HV Operations, or
- iii. any Aboriginal Cultural Heritage, Significant Objects or Significant Places.

HVO will not disclose any of the confidential information referred to in this section except:

- a. to officers, employees, members, directors, servants, agents, contractors and sub-contractors of HVO whose duties require such disclosure;
- b. to members of the Aboriginal community, through the auspices of the CHWG, where information regarding Aboriginal cultural heritage sites has been requested;
- c. to HVO's accountants, technical advisors, legal advisors, auditors or other professional advisers, or to HVO's financiers or to a recognised stock exchange on which a party are listed;
- d. to the extent necessary to comply with any Applicable Laws, or where disclosure is required by any Applicable Laws;
- e. where disclosure is necessary in performing obligations or enforcing rights under this ACHMP;
- f. to the extent that such information is already part of the public domain otherwise than by breach of this section;
- g. as expressly permitted under this ACHMP;
- h. where HVO is required to meet internal governance or decision making processes in relation to developing, authorising, implementing or operating this ACHMP;
- i. where disclosure of the information is required to comply with any requirement of any Government Agency or other regulatory body (including the Australian Stock Exchange) and HVO uses its reasonable endeavours to minimise such disclosure;
- j. for any due diligence study by a prospective assignee; or
- k. in defending any legal action where Aboriginal Cultural Heritage is relevant.

HVO shall take all steps reasonably necessary to ensure that the confidential information referred to in this section is known only to such persons as may reasonably require knowledge thereof in the course of their duties or functions and, to the extent permitted by law, require any person to whom it intends to disclose such information (who is not otherwise under a statutory, professional or contractual duty to keep such information or data confidential) to give an undertaking to keep such information confidential.

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## 5.22 Reconciliation of Cultural Heritage Data

For the area covered by this ACHMP, there were several data sets that contained various information collected over several decades with respect to Aboriginal Cultural Heritage. One of the purposes of the comprehensive and systematic Aboriginal Cultural Heritage studies commissioned in recent years under the provisions of relevant ToR, has been to compile a single accurate dataset which comprehensively describes the Aboriginal Cultural Heritage values of the ACHMP Area.

HVO has undertaken a process to reconcile inconsistencies between its CHMD and that maintained for the area through the AHIMS database. With OEH's concurrence, the AHIMS database will be updated using HVO's database to provide the most accurate information on all sites within the ACHMP Area.

For the purposes of the management of Aboriginal Cultural Heritage within the ACHMP Area, the definitive dataset will be that as provided within **Schedule 4** of this ACHMP which includes AHIMS data. **Schedule 4** will be subject to revision based on:

- the results of verification processes contemplated under this ACHMP;
- further investigation of areas that may not have been the subject of comprehensive field investigation at the time of the development of this ACHMP;
- where any Aboriginal Cultural Heritage is identified in the course of monitoring or management activities, or as chance finds;
- and subsequent to the implementation of the management measures as specified within **Schedule 4** of this ACHMP.

## 5.23 Procedural Breaches and Urgent Relief

In accordance with Schedule 5, condition 2 of PA\_06\_0261 any alleged procedural breach of this ACHMP will be reported and investigated in accordance with the HVO Environmental Management Strategy (EMS). A detailed report on any incidents will be provided to the Secretary within the timeframe specified in the conditions of the PA\_06\_0261 approval, and such further reports as may be requested by the Secretary.

HVO accepts that nothing in this ACHMP prevents any individual or corporate entity from seeking urgent relief from a Government Agency, a Court or Tribunal for any other order, relief or remedy (including injunctive or declaratory relief) against each other and any other person that may be available to them at law or in equity.

With respect to Aboriginal Cultural Heritage, an application for an order under either section 9 or 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) will not necessarily preclude HVO from continuing the conduct of its lawful operations.

## 5.24 Variations and Reviews of the ACHMP

In accordance with PA 06\_0261, a review will be undertaken by the end of March each year to assess the performance of HVO South against the provisions and management requirements of this ACHMP. Where HVO determines through such reviews that a variation or revision of this ACHMP or schedules is required, HVO will, in consultation with the RAPs, engage with DP&E, OEH and any other relevant agencies that have authority to approve variations or revisions to the ACHMP or schedules. HVO will submit in writing any such proposed variations or revisions (and updates to schedules) to DP&E and any other relevant agencies for information and/or consideration and/or written approval.

## 5.25 Statutory Permits and Consents

The HVO South PA\_06\_0261 development approval provides an exemption from any further statutory authorities for the management of Aboriginal cultural heritage for the term of this development consent. This includes the requirement for obtaining AHIPs under s90 of the *National Parks and Wildlife Act 1974*. This ACHMP, as approved by the Secretary, provides the statutory authority necessary to undertake the preparation and implementation of all assessment, management, mitigation and salvage measures for Aboriginal cultural heritage located on lands that are subject to this ACHMP.

An AHIMS site card form will be completed and submitted to OEH for any new Aboriginal objects/sites identified within the ACHMP Area.

An ASIRF will be completed and submitted to OEH for any existing or new Aboriginal objects/sites located within the ACHMP Area that are salvaged or otherwise disturbed or destroyed under the authority of this ACHMP.

## 5.26 Terms of Reference (ToR) - Scope of Works

Cultural heritage assessments, mitigation and other management activities undertaken within the HMP Area are generally formalised through a ToR or other scope of works. A ToR is a scope of works document that provides details of a proposed activity and its potential impacts, the scope and scale of the cultural heritage activities and methodology (e.g. survey, salvage mitigation etc), description of areas for investigation, management requirements, outcomes of investigations (reporting), personnel required, selection of Technical Advisors, work dates, hours and fees, site induction requirements, occupational health and safety issues, administrative and logistical arrangements, communications, data management and sensitive information management protocols, budgets and contact details. ToRs have been developed in collaboration with Aboriginal Parties through the CHWG for typical cultural heritage activities that may be conducted at HVO.

Cultural Heritage Field Officers (CHFOs), as representatives of the CHWG, are engaged to assist under the auspices of the ToR to conduct the assessment or other management activities. Technical Advisors, such as archaeologists, are engaged by HVO on behalf of the CHWG and assist with the development of assessment and management methodologies, and provide technical advice to the CHWG. Technical Advisors participate at the invitation of the CHWG and report directly to the CHWG as their independent advisor. The CHFOs and Technical Advisors work within the parameters established in this HMP and as detailed in a ToR.

Assessment and management methodologies are designed to be systematic and comprehensive and rigorous planning and digital data management procedures are applied so that CHFOs are afforded the opportunity to comprehensively assess areas for Aboriginal cultural heritage and implement management measures.

## 5.27 Administrative Arrangements

### 5.27.1 Administrative Coordinators

HVO will engage Upper Hunter Valley Aboriginal community or private Aboriginal incorporated entities as Administrative Coordinators for the provision of administrative services associated with HVO's cultural heritage management program at the HVO South Coal Project Area.

Administrative coordination and project support services may include sub-contracting the employment of CHFOs to be engaged in cultural heritage field work, payment of wages, allowances, taxes, superannuation and insurances,

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organising community meetings and assisting with community consultation associated with HVO's cultural heritage programs.

Administrative Coordinators will be selected from the HVO CHWG Register of Administrative Coordinators and be engaged in consultation with the CHWG. However, as a contingency, where an Upper Hunter Valley Aboriginal community or private incorporated entity is not available to provide these services then HVO may engage an agent to provide these services on its behalf.

## 5.27.2 Aboriginal Cultural Heritage Field Officers

To be eligible to work as an Aboriginal CHFO on the HVO South Coal Project Area an individual must be an Aboriginal person either recognised by the Wanaruah/Wonnarua Aboriginal community as a Wanaruah/Wonnarua person irrespective of where they reside, or an Aboriginal person living within the Singleton, Muswellbrook or Upper Hunter local government areas. CHFOs will be responsible for conducting the assessment of cultural heritage during field surveys (i.e. identification of cultural heritage objects, sites and places) and implementing management measures such as salvage mitigation. CHFOs will be selected and engaged in consultation with the CHWG.

## 5.27.3 Technical Advisors

A Technical Advisor may be engaged by HVO to assist the CHFOs during their investigations, management and assessment activities and provide technical advice on the type, form, extent, archaeological significance and other aspects of Aboriginal Cultural Heritage management as may reasonably be requested by the CHWG Aboriginal stakeholders. Assessment and reporting activities are to be conducted in conformance with the OEH *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* and any additional requirements specified in a ToR and/or this ACHMP. The Technical Advisor will also record details of the Aboriginal Cultural Heritage identified by the CHFOs in collaboration with the HVO Data Management Officer (DMO). The Technical Advisor will provide a report on the outcomes of these investigations as specified in a ToR or other reporting brief.

The Technical Advisor may also be engaged to assist with management activities such as salvage collections, sub-surface investigation, excavations, site verification etc. in consultation with the CHWG, and OEH where required.

HVO also reserves the right to select and engage Technical Advisors, that HVO deem suitably qualified and experienced to undertake the duties of Technical Advisor, either engaged on the behalf of the CHWG or specifically for HVO where required. Technical Advisors will be endorsed by the CHWG prior to engagement.

## 5.27.4 Data Management Officer

The DMO may be a HVO employee or a contractor engaged by HVO and is responsible for directing the survey transects/mitigation activities as per the agreed methodology and electronically recording all Aboriginal Cultural Heritage objects, sites and places identified by the CHFOs and/or Technical Advisor. The DMO will enter this information into the HVO South Aboriginal Cultural Heritage GIS. The DMO will generate all maps and survey and site recording, mitigation and management data for HVO and the CHWG. The DMO will also provide new sites data input and revisions for existing sites for inclusion in or revision of the AHIMS sites database in concurrence with OEH.

## 5.28 Cultural Requirements

RAPs may, from time to time, either individually or through the auspices of the CHWG, as a schedule to this ACHMP, or through a ToR, advise HVO of any particular cultural protocols or requirements relating to issues such as sorry business, men's and women's business and other cultural protocols and arrangements. The implementation of such cultural protocols or requirements will be by agreement with HVO, with HVO's agreement not unreasonably withheld.

## 5.29 Aboriginal Community Access to the Project Area

Reasonable access to the ACHMP Area will be made available to Aboriginal stakeholders conditional upon satisfying relevant regulatory and HVO access protocols, and the following additional requirements:

- completion of any necessary visitor and area-specific inductions or other formal requirements as may be introduced from time to time;
- that visitation to the ACHMP Area will be escorted by HVO personnel and undertaken in mine compliant vehicles also provided by HVO; and
- that visitation will be conducted on an unpaid basis unless otherwise determined by HVO .

Unless agreed by HVO, requests for permission to access the ACHMP Area must be made in writing at least 10 business days in advance of the proposed date of the visit. This request must advise:

- the purpose of the visit;
- the areas to be visited;
- the names of all persons proposed to take part in the visit;
- any intention to record the visit using any audiovisual equipment (including video footage, still photographs or audio recordings) and written permission will be required to do so with this permission granted at the absolute discretion of HVO.

HVO will provide a formal response to the application which may include the reasons for that decision and any conditions that will apply to the visit. HVO's response is to be provided at least 5 business days in advance of the proposed date of the visit.

Any decision made by HVO with respect to an application made for a visit to the ACHMP Area will not be subject to review. HVO will notify the CHWG of all applications for visitation to the ACHMP Area and their decision in that matter.

## 5.30 Discovery of New Finds

Any newly identified Aboriginal Cultural Heritage objects, sites or places located within the ACHMP Area will be protected with an initial 20m buffer (where physically possible to do so) around the site until HVO and the RAPs through the CHWG, have agreed on the site type, extent and the management measure/s most appropriate to manage the site as detailed within the ACHMP.

Once the site type, extent and the management measure/s have been determined, all newly identified Aboriginal Cultural Heritage sites will be physically protected by the implementation of the procedures specified in Provision 6.20 of this ACHMP or as otherwise consistent with other provisions of this ACHMP.

An OEH AHIMS site card is to be completed and submitted to OEH for each newly identified Aboriginal Cultural Heritage site or aggregation of sites. The final attributes and extent of any new sites to be registered in the AHIMS database will be as determined by HVO.

# 6 Schedules

## 6.1 Schedule 1 - Plan of the HVO South Coal Project (PA\_06\_0261) ACHMP Area

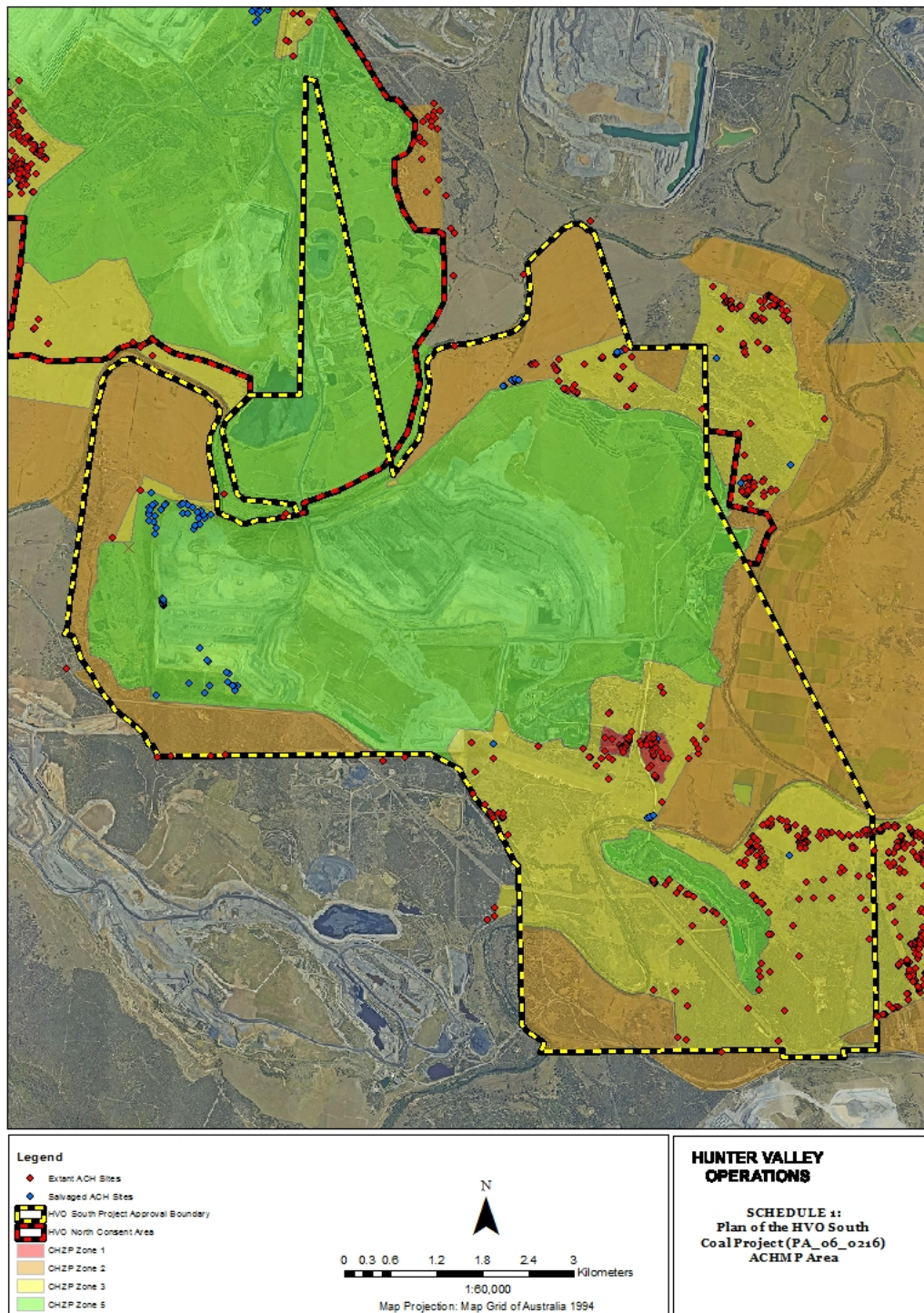


Figure 1 – Plan of the HVO South Coal Project (PA\_06\_0261) ACHMP Area

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## 6.2 Schedule 2- HVO South Stage 1 Motion Endorsing Aboriginal Cultural Heritage Management Recommendations

Upper Hunter Valley Aboriginal Working Group – Aboriginal Community Meeting  
23 February 2007

Coal & Allied Howick Training Centre, Liddell

**Motion to Endorse the Draft Report on Cultural Heritage Study for the Hunter Valley Operations (South) Environmental Assessment**

**Present:** Dr David Cameron – Cultural Heritage Systems Specialist – Brisbane  
Dr Luke Godwin – Principal Heritage Advisor – CQCHM  
Sarah Bailey – Environmental Coordinator, Reporting and Cultural Heritage - RTCA  
Kelly Standing – RTCA Environmental Administration Assistant – Hunter Valley Services  
Rhonda Ward – Ungoороо  
Victor Perry – UHWC  
Barbara Foot – Wanaurah Custodians  
Colleen Stair – HVCC  
Gay Horton – Cultural Consultants  
Michele Stair – Giwiire  
Barry Stair – HVAC  
Rhoda Perry – UHWC  
Des Hickey – Wattaka WCCS

**Apologies:** Scott Franks – Yarrawalk  
Kath Miller – WEC  
Margaret Matthews – ANTC  
John Matthews – UHHC  
Darrel Matthews  
Barry McTaggart – WLALC  
Cliff Matthews – Mingga Consultants  
Michael Matthews – Valley Culture  
Arthur Fletcher – Wonna Consultants  
Tracey Skene – Individual – UHWC

**Motion:**

*The Aboriginal Stakeholders (Individuals and Group Representatives) and RTCA/CNA Representatives present at the Cultural Heritage Community Meeting held pursuant to issue of notices for this purpose at the Howick Training Centre on this Twenty Third day of February 2007 agree that the recommendations tabled by RTCA/CNA and subsequently amended at this meeting (and attached to this motion) constitute the basis for the management of Aboriginal Cultural Heritage at Hunter Valley Operations South Coal Project.*

Motion moved by David Cameron (RTCA/CNA).

Motion seconded by Des Hickey (Wattaka).

Motion was carried unanimously.

**Recommendations:**

1. The management of the Stage 1 areas is to be the subject of a Cultural Heritage Management Plan agreed between RTCA/CNA and the Aboriginal Parties. Where agreed, the ACHMP will make provision for the following recommendations.
2. The ACHMP is to provide for the Stage 1 area to be subject of an agreed zoning scheme. This zoning scheme is to control mine-related land use activities in the Stage 1 area. These controls will include:
  - areas zoned as Restricted Access Areas;
  - areas zoned as cleared for development;
  - areas zoned as available for development subject to implementation of agreed management measures;
  - areas zoned as Environmental Management Offset areas where cultural heritage issues will be factored into the general plan for such areas.

Additional subsets of each of these zones may be created as needed.

3. Provision needs to be made for the management of collected cultural heritage material. Currently, this is subject to the existing Care and Control Plan (CCP) for Hunter Valley Operations. It is proposed that the CCP be reviewed and amended in the following manner. Firstly, the existing facility currently situated at Howick Mine (a sea container) is to be relocated to the Hunter Valley Services facility on Lemington Road. Secondly, the CCP should be revised to make provision that, at the discretion of the Aboriginal parties, collected material from the area subject of the ACHMP may either be placed in the existing facility once relocated or may be placed in the Restricted Access Area. If there is agreement to review and amend the CCP, RTCA/CNA will take all steps necessary for this, including negotiation with DEC.
4. A program for the induction of personnel and contractors in relation to the cultural heritage management strategy will be developed in collaboration with the Aboriginal Parties. The induction program will explain the ACHMP and the management program contained therein. The Aboriginal Parties will be specifically requested to develop a short module on the nature and significance of their cultural heritage. They will also be requested to assist with the presentation of the induction program where face to face presentation is envisaged.
5. Human skeletal remains – Implement NPWS sanctioned process.
6. Sites 1 – 24 lie in Area 2, currently planned to be developed as an open cut mine pit. Consequently, it would be necessary to implement a mitigation program, consistent with the recommendations of HLA for these sites, prior to mining taking place. HLA has recommended controlled collection of these sites. However, RTCA/CNA will review its mine development plan for this area with a view to determining whether it is possible to conserve sites 13 – 23, situated in the northern tip of this area, and will advise on the outcomes of this review. Irrespective of the outcome of the review, mitigation of sites 1 – 12 and 24 will be undertaken in accordance with recommendations made by HLA for these places: controlled collection. Until such time as the review of the mine development plan is completed, and the necessary mitigation program is implemented (which may include 13 – 23), RTCA/CNA will take all reasonable steps to ensure all these sites are not affected by any mine-related activity.
7. Site 25 lies within the Archerfield Environmental Offset area. RTCA/CNA will ensure that any management activity in this area is designed in such a way as to avoid any impact on this site.
8. The alignment of the rail loop to LCHPP is to be amended such that the alignment further to the north and east than originally proposed. Any areas to be affected by the revised alignment that have not previously been subject to cultural heritage assessment (0.2km<sup>2</sup>) will be comprehensively and systematically inspected in a manner consistent with the methodology adopted in stage 1. Provision has been made in stage 2 investigations for this area



to be surveyed. Management measures for any identified cultural material will be settled in a manner consistent with that applying to stage 1.

**9.** Realignment of the rail loop as now planned will avoid the vast majority of cultural places identified in the area that would have been affected by the original alignment. Thus, sites 26 – 44, 47 – 58, 107 - 109 inclusive will be avoided by the proposed realignment. Consequently, sites 44 (scarred tree), 51 and 52 (where test pitting was proposed), for which there are specific recommendations will not be affected.

**10.** Sites 84 – 100 and 102 - 104, all of which lie to the west of the existing haul road and Comleroi Road, will not be impacted by any proposed development activity.

**11.** RTCA/CNA (managing entity at the time of meeting) proposes that the areas containing sites 26 – 44, 47 – 58, 84 – 100, 102 – 104, and 107 – 109 (i.e. that either will not be affected either by revision of the rail loop or which lie in an area to the west of the existing haul road and Comleroi Road) will be formally zoned as Restricted Access Areas, with access subject to authorisation by Aboriginal Relations, Brisbane office, RTCA/CNA.

**12.** Proposed conditions of access will include: no ground disturbing activities to be approved without the proposed activity being first being referred to the Aboriginal Parties for their consideration, and review of the proposed management recommendations, and subsequent implementation of agreed measures. The decision making process for this will be undertaken in a manner consistent with that used for the initial assessment. Ground disturbing activities are defined as any action to be undertaken by RTCA/CNA or RT-related company in the areas zoned as Restricted Access Areas. This recommendation is, however, qualified by conditions of schedule A pertaining to existing non-mine related land use activities.

**13.** RTCA/CNA (managing entity at the time of meeting) will initiate discussions with the current property owner regarding their existing non-mine related activities with a view to ameliorating impacts on cultural sites and values.

**14.** Sites possibly to be affected by the revised rail loop alignment are sites 45 and 46. These sites consist of two isolated finds: a chert flake and a chert retouched flake. If revised plans will result in any impact, this impact will be mitigated by controlled collection of the items.

**15.** Sites to be possibly affected by the expansion of the preparation plant (sites 101, 105 – 106) consist of a broken chert flake, a broken chert flake and a possible basalt axe respectively. These will be mitigated by controlled collection of the items.

**16.** Sites 59 – 79 are situated in Area 4, known as the South Lemington Pit, currently planned to be developed as an open cut mine pit. Consequently, it would be necessary to implement a mitigation program, consistent with the recommendations of HLA for these sites, prior to mining taking place. HLA has recommended controlled collection of these sites. Until such time as the necessary mitigation program is implemented, RTCA/CNA will take all reasonable steps to ensure all these sites are not affected by any mine-related activity.

**17.** Sites 80 – 83 are situated within the proposed railway easement. These sites will be mitigated in line with the recommendations of HLA pertaining to these sites: controlled collection.

**18.** If at a later date it is found necessary to undertake an action that would impact sites described by HLA as requiring additional and specific management recommendations be implemented (with these including sites 44, 51-52, 55, 85-87, 97-100) then RTCA/CNA will consult with the Aboriginal Parties with a view to settling and implementing agreed management measures, with such measures to be informed by advice provided by HLA in their report on Stage 1 investigations.

- 19.** RTCA/CNA will ensure that its Ground Disturbing Permit (GDP) process is applied in all areas. Any GDP that is issued will be compliant with the zoning scheme and any specific management requirements set for any area or sites. Where sites have been identified in an area, an arbitrary buffer of 50m will be applied beyond the identified extent of each site, and no ground disturbing activities will be permitted to take place within that area until such time as all agreed management measures have been implemented in full.
- 20.** Where any mitigation is required it will be undertaken by representatives of the Aboriginal Parties and suitably qualified technical advisers. Any mitigation will be undertaken in advance of development. Analysis will be undertaken of the collected material as per HLA recommendations. The mitigation program and analysis will be appropriately reported.
- 21.** It is agreed that all mitigation measures should be undertaken in a manner conforming to the recommendations contained in the HLA report.
- 22.** The boundary of any Restricted Access Zone and the Limit of Disturbance Boundary defining where mining or mine-related activities are authorised to take place will be suitably identified on the ground and the zoning scheme will be regularly revised to ensure its currency for planning purposes.
- 23.** Provision will be made in the ACHMP for the Aboriginal Parties to undertake an independent compliance audit of the management program on a six monthly basis, commencing six months after settlement of the ACHMP. In the event that any non-compliant activities are identified, the Aboriginal Parties shall be entitled to undertake a compliance audit as part of the investigation process.
- 24.** RTCA/CNA and the Aboriginal Parties agree that the above recommendations are acceptable to both parties and may form the basis for a submission under Part 3A of the Environmental Planning and Assessment Act 1979. The parties further agree that there shall be a formal briefing provided to the Aboriginal Parties by 30 March 2007. If as a consequence of this briefing either party determines a need to revise, amend or add any recommendation, then the parties shall include such revisions, amendments or additions in the ACHMP to be settled as a condition of the above recommendations.

## 6.3 Schedule 3 - HVO South Stage 1 and Stage 2 Motion Amending Aboriginal Cultural Heritage Management Recommendations

Upper Hunter Valley Aboriginal Working Group  
Aboriginal Community Meeting  
17 January 2008

Coal & Allied Howick Training Centre, Liddell

**Motion to Endorse the Draft Report on the Stage 2 Cultural Heritage Study for the Hunter Valley Operations (South) Environmental Assessment**

**Meeting commenced:** 10.22 am

**Present:**

Dr David Cameron – Cultural Heritage Systems Specialist – Brisbane  
Kelly Standing – Administration Assistant – Hunter Valley Services  
Dr Luke Godwin – Principal Heritage Advisor – CQCHM  
Allen Paget – Ungooroo Aboriginal Corporation  
Dahlene Hall – Ungooroo Aboriginal Corporation  
Luke Hickey – HVCS  
Darrel Matthews - UHHC  
John Matthews – ANTC  
Margaret Matthews – ANTC  
Gay Horton – MCC  
Donna Matthews – WLALC  
Arthur Fletcher – Wonna Consultants  
Clifford Matthews – Mingga Consultants  
Colleen Stair – HVCC  
Barry Stair – HVAC  
Rhoda Perry – UHWC  
Maree Waugh – WLALC  
Tracey Skene – Individual – UHWC  
Rhonda Ward – Ungooroo  
Des Hickey – Wattaka WCCS  
Tom Miller – Registered Native Title Claimant – LHWC Inc

**Apologies:**

Elsbeth Mackenzie – Graduate Cultural Heritage – RTCA  
Rodney Matthews – Giwiirr  
Barbara Foot – Wanaruah Custodians  
Michele Stair – Giwiirr  
Tony Matthews – Minga  
Justin Matthews – UHHC  
Mick Matthews – Mingga Consultants  
Larry Van Vliet – Valley Culture  
Barry French – Yarrawalk Pty Ltd  
Pansy Hickey – Elder HVCS

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Victor Perry – UHWC  
 Peggy Skeffington – Wonnarua Elders Council  
 June Lester – Wonnarua Elders Council  
 Darren Duncan – HVCS  
 Alison Howlett – Buda Mada Koori Aboriginal Women’s Corporation  
 Kylie Griffiths – Wanaruah LALC  
 James Baker – Valley Culture  
 Narelle Baker – Valley Culture  
 Glen Morris – DECC  
 Rene Molineause – Muda  
 David Foot – Wanaruah Custodians

### **Revise and Finalise the HVO South Coal Project Cultural Heritage Management Plan to Incorporate Stage 2 Management Recommendations**

**Motion 1** – *The Aboriginal Stakeholders (Individuals and Group Representatives) and RTCA/CNA Representatives present at the Cultural Heritage Community Meeting held pursuant to issue of notices for this purpose at the Howick Training Centre on this Seventeenth Day of January 2008 agree that the recommendations tabled by RTCA/CNA and subsequently amended at this meeting (and attached to this motion) constitute the basis for the management of Aboriginal Cultural Heritage at Hunter Valley Operations (HVO) South Coal Project covered by the HVO Stage 2. The parties agree that the management measures tabled for HVO South Stage 2 areas are to be integrated with the management measures previously agreed for the HVO South Stage 1 areas. The parties further agree that the general management measures and principles previously agreed for the HVO South Stage 1 areas shall also apply to the HVO South Stage 2 areas.*

Motion 1 moved by Rhonda Ward (Ungooroo).  
 Motion 1 seconded by Dahlene Hall (Ungooroo Aboriginal Corporation).  
 Motion carried unanimously.

**Motion 2** – *The Aboriginal Stakeholders (Individuals and Group Representatives) and RTCA/CNA Representatives present at the Cultural Heritage Community Meeting held pursuant to issue of notices for this purpose at the Howick Training Centre on this Seventeenth Day of January 2008 agree that the draft HVO South Coal Project Cultural Heritage Management Plan (ACHMP) will be modelled on the Mount Pleasant Coal Mine ACHMP.*

Motion 2 moved by Allen Paget (Ungooroo Aboriginal Corporation).  
 Motion 2 seconded by Des Hickey (Wattaka).  
 Motion carried unanimously.

**Motion 3** – *The Aboriginal Cultural Heritage (refer to Definitions) identified and documented in the areas subject to the HVO South Stages 1 and 2 assessments constitute the entirety of Aboriginal Cultural Heritage to be managed in these areas.*

Motion 3 moved by Arthur Fletcher (Wonna Consultants)  
 Motion 3 seconded by Barry Stair (Hunter Valley Aboriginal Corporation)  
 Motion carried unanimously

## 6.4 Schedule 4 - Aboriginal Cultural Heritage Management Database

The ACHMD is a 'live' sites register and management measures database. The ACHMD documents the identification number, location, attributes and specific management requirements for all Aboriginal Cultural Heritage sites (e.g. object, site or place) that are subject to this ACHMP.

The ACHMD incorporates all Aboriginal Cultural Heritage sites located within the ACHMP Area that are either currently registered in the OEH AHIMS sites database or have been recorded during assessments, inspections or as chance finds that are pending registration in the AHIMS database.

New sites will be added to the database as they are identified during future assessments or inspections, or when chance finds are identified during the life of the operations approved under PA\_06\_0261. The database includes the specific management measures to be implemented for each site and will be updated as management measures are implemented or revised (e.g. when sites are salvaged under an AHIP).

## 6.5 Schedule 5 - Aboriginal Cultural Materials Care Agreement

Refer : Care Agreement C0004768

## 6.6 Schedule 6 - Spiritual Places Verification and Management Process

The cultural heritage assessment survey process has operated on a precautionary principle and all places identified as being spiritual places have been so recorded. A process will be implemented to verify the cultural status of all such sites. The purpose of the verification process is to determine whether or not places so recorded are of traditional Aboriginal cultural origin so that appropriate management measures can be implemented. The verification process will include the following provisions:

- a. the CHWG may nominate up to three (3) representatives to assess each recorded spiritual place for its cultural status (or more than three where circumstances require and with the agreement of HVO);
- b. the CHWG, at their discretion, may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist or anthropologist to assist them with their cultural assessment, with HVO'S agreement not unreasonably withheld;
- c. HVO may also nominate a Technical Advisor such as a suitably qualified and experienced archaeologist or anthropologist to provide advice to HVO on the cultural status of spiritual places;
- d. a pro-forma assessment sheet will be completed for each spiritual place and signed by the CHWG representatives and Technical Advisors (if in attendance);
- e. the pro-forma assessment sheet will note the outcome of the assessment and denote the cultural status of each spiritual place;
- f. the verification team will also provide management recommendations specific to each spiritual place based upon traditional customary knowledge; and
- g. HVO and the CHWG will, taking account of the proposed development plan for the location in question, determine the applicability of the proposed management measures, and settle the management strategy for each place.

## 6.7 Schedule 7 - Scarred Trees Verification and Management Process

The cultural heritage assessment survey process has operated on a precautionary principle and all places identified as being potential scarred trees have been so recorded. A process will be implemented to verify the cultural status of all such sites. The purpose of the verification process is to determine whether or not the scars so recorded are of traditional Aboriginal cultural origin so that appropriate management measures can be implemented. The verification process will include the following provisions:

- a. the CHWG may nominate up to three (3) representatives to assess each potential scarred tree for its cultural status (or more than three where circumstances require and with the agreement of HVO);
- b. the CHWG may nominate a Technical Advisor/s such as a suitably qualified and experienced archaeologist and/or arborist to assist them with their cultural assessment, with HVO's agreement not unreasonably withheld;
- c. HVO may also nominate a Technical Advisor/s such as a suitably qualified and experienced archaeologist and/or arborist to provide advice to HVO on the cultural status of scarred trees;
- d. a pro-forma assessment sheet will be completed for each tree and signed by the CHWG representatives and Technical Advisors (if in attendance);
- e. the pro-forma assessment sheet will note the outcome of the assessment and denote the cultural status of the trees, being either of Aboriginal cultural or not of Aboriginal cultural origin;
- f. in the event that a consensus is not reached on the cultural status of a scarred tree, an independent Technical Advisor acceptable to all parties will be engaged to make a determination on the status of a tree. This decision will be binding on all parties; and
- g. the verification team will also provide management recommendations specific to each tree based upon traditional customary knowledge, the HVO Scarred Tree Management Procedures, technical advice provided from time to time by Technical Advisors, qualified Arborists, Tree Surgeons or Conservators engaged for this purpose, Project Health and Safety requirements, and taking account of the proposed development plan for the location in question.



## 6.8 Schedule 8 - Scarred Trees Removal and Relocation Process

A process will be implemented for the removal, relocation, storage and conservation of scarred trees where this is required to accommodate development activities authorised under the PA\_06\_0261 project approval. The processes applied for the removal and curation of Scarred Tree C3 will provide guidance for the work procedures applicable to this event and any specific management requirements as detailed in the Scarred Trees Verification pro-forma for each tree (see process in **Schedule 7**) will be taken into account.

## 6.9 Schedule 9 - Hearths Verification and Management Process

The cultural heritage assessment survey process has operated on a precautionary principle and all places identified as being potential hearths have been so recorded. A process will be implemented to verify the cultural status of all such sites. The purpose of the verification process is to determine whether or not the features recorded as hearths are of traditional Aboriginal cultural origin so that appropriate management measures can be implemented. The verification process will include the following provisions:

- a. the CHWG may nominate up to three (3) representatives to assess each potential hearth for its cultural status (or more than three where circumstances require and with the agreement of HVO);
- b. the CHWG may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to assist them with their cultural assessment, with HVO's agreement not unreasonably withheld;
- c. HVO may also nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to provide advice to HVO on the cultural status of hearths;
- d. a pro-forma assessment sheet will be completed for each hearth and signed by the CHWG representatives and Technical Advisors (if in attendance);
- e. the pro-forma assessment sheet will note the outcome of the assessment and denote the cultural status of the hearth, being either of Aboriginal cultural or not of Aboriginal cultural origin;
- f. In the event that a consensus is not reached on the cultural status of the hearth, an independent Technical Advisor agreeable to all parties will be engaged to make a determination on the status of the potential hearth. This decision will be binding on all parties; and
- g. the verification team will also provide management recommendations specific to each hearth including whether or not the hearth should be excavated, and where viable, if carbon material samples can be collected for possible radiocarbon or other suitable dating analysis.

## 6.10 Schedule 10 - Sub-surface Investigation Areas Management Process (Potential Archaeological Deposits)

Sub-surface investigations will be limited to sites and areas specifically identified in **Schedule 4** of this ACHMP as locations where such material is expected to be found (i.e. recorded Potential Archaeological Deposits) or where development activities lead to the identification of sub-surface cultural materials. Specific sub-surface investigation methodologies will be formulated for each site or area requiring this work as identified in **Schedule 4** of this ACHMP but will be consistent with Requirement 16 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

Sub-surface investigation methodologies may include any of the following measures:

- a. test pitting at defined locations;
- b. trench pitting at defined locations;
- c. grader or other mechanical scrapes at defined locations;
- d. ground penetrating radar (GPR) at defined locations;
- e. where test pits are required, initial test pitting will be limited to test pits of no more than 5m<sup>2</sup> per 100m<sup>2</sup> of the site or area identified for sub-surface investigations, unless otherwise specified for a particular site in **Schedule 4** of this ACHMP;
- f. results of test pits, trenches, scrapes and GPR may necessitate further sub-surface investigations. In these circumstances, the additional work is to be consistent with the provisions of the ACHMP and details will be specified in a ToR for the work; and/or
- g. the number, dimensions, depth, distribution, length and/or width of sub-surface excavations or scrapes for each nominated area will be consistent with the agreed mitigation methodology specified in the **Schedule 4** of this ACHMP and as defined in a ToR.

## 6.11 Schedule 11 – Material Resource Areas Management Process

As a general principle material resource areas will be subject to a controlled collection methodology unless otherwise specified in **Schedule 4** of this ACHMP (e.g. if located within a Restricted Access area; if it is recommended that controlled collection is unnecessary). A controlled collection methodology may include any of the following measures but are to be specifically defined for each material resource area to suit the collection requirements of each site:

- a. where collection does not require a grid collection methodology, collection will be conducted in such a manner as the parties agree is appropriate to ensure all cultural materials are collected from the site;
- b. where the controlled collection methodology involves a grid collection methodology, the extent and boundary of the material resource area collection will be delineated by marker pegs and string lines;
- c. if the material resource area is to be sub-divided into grid cells for collection then an alpha numeric grid numbering system will be adopted;
- d. the material resource area extent collection boundary and grid cell dimensions will be those determined by agreement between HVO and the Technical Advisor engaged to assist with the controlled collection, taking account of data about the area contained in any report or **Schedule 4** of this ACHMP; and
- e. materials will be collected in a manner that is consistent with the agreed mitigation methodology specified in **Schedule 4** of this ACHMP and as defined in a ToR, with this to include a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or
- f. materials will be stored in conformance with the conditions of a valid consent as may be required and approved from time to time by OEH. Additionally, any Aboriginal objects (to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

## 6.12 Schedule 12 – Controlled Collection of Artefact Scatters Process

As a general principle stone artefact scatters will be subject to a controlled collection methodology unless otherwise specified in **Schedule 4** of this ACHMP. Where it is determined that collection does not require a grid collection methodology, collection will be conducted in such a manner as the parties agree is appropriate to ensure all cultural materials are collected from the site. A controlled collection methodology may include any of the following measures but which are to be specifically defined for each artefact scatter to suit the collection requirements of each site. For example, the overall dimensions of the collection area and dimensions of the grid collection cells will vary from site to site:

- a. the extent and boundary of the artefact scatter to be the subject of controlled collection will be delineated by marker pegs and string lines;
- b. if the scatter area is to be sub-divided into grid cells for collection then an alpha numeric grid numbering system will be adopted;
- c. the scatter extent collection boundary and grid cell dimensions will be those determined by agreement between HVO and the Technical Advisor engaged to assist with the controlled collection, taking account of data about the area contained in any report or **Schedule 4** of this ACHMP; and
- d. materials will be collected in a manner that is consistent with the agreed mitigation methodology specified in **Schedule 4** of this ACHMP and as defined in a ToR. These are to include a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or
- e. materials will be stored in conformance with the conditions of a valid consent as may be required and approved from time to time by OEH. Additionally, any Aboriginal objects (to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

To clarify, as per Schedule 3, Condition 40 (c), point 6 of the Project Approval, this schedule outlines the measures to provide for the controlled collection of sites 1-24, 59-79, 80-83, 101 and 105-106, where avoidance of impacts by planned mining and infrastructure activities is not possible.

## 6.13 Schedule 13 - Salvage Collection of Isolated Artefacts Process

As a general principle isolated stone artefacts will be subject to a salvage collection methodology unless otherwise specified in **Schedule 4** of this ACHMP. A salvage collection methodology may include any of the following measures:

- a. each isolated artefact or designated site group of isolated artefacts will be collected in a manner that is consistent with the agreed mitigation methodology specified in **Schedule 4** of this ACHMP and as defined in a ToR. The ToR is to include a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or
- b. materials will be stored in conformance with the conditions of a valid consent as may be required and approved from time to time by OEH. Additionally, any Aboriginal objects (to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

## 6.14 Schedule 14 - Management of Human Skeletal Remains

Where human skeletal remains are discovered within the ACHMP Area the NSW Government sanctioned process for management of skeletal remains (as specified in Requirement 25 'Aboriginal Ancestral Remains' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*) will be implemented. The following actions are to be implemented immediately in the event that identifiable or possible human skeletal remains are discovered.

### Step 1.

Any ground disturbance works occurring in the immediate vicinity of the human skeletal remains must cease immediately. The immediate area is to be secured to ensure no one interferes with the skeletal remains (it may be a crime scene).

### Step 2.

The person who made the discovery of identifiable or possible human skeletal remains is to immediately contact their supervisor and report the find. The supervisor will contact the General Manager (GM) - HVO (or most senior manager available on site) to report the find and advise that the find must be reported to the NSW Police (Singleton police station). The GM (or delegate) will determine who will report the find to the police.

### Step 3.

Once the discovery of identifiable or possible human skeletal remains has been reported to the police, the supervisor, or another person nominated by the GM, will implement any measures required by the police to secure the area. Unless otherwise advised by the police, the immediate area surrounding the human skeletal remains is then to be cordoned off at an appropriate distance with suitable barricading materials (such as hi-viz tagged polyline or mesh barricading).

### Step 4.

The police will determine if the identifiable or possible human skeletal remains are associated with a crime scene, or are possible Aboriginal or historical archaeological remains. If determined by police to be Aboriginal or historical archaeological remains, the police will contact OEH to provide written confirmation of the archaeological status of the find. If it is determined to be a police matter, personnel are to follow the instructions of the police.

### Step 5.

If OEH confirms that the remains are believed to be Aboriginal or historical archaeological in origin then the supervisor who reported the find is to notify either the will advise the HVO Environment and Community Officer(Cultural Heritage) or the HVO Manager, Environment and Community. The HVO Environment and Community Officer(Cultural Heritage) or HVO Manager Environment and Community will advise the supervisor on any further management actions to be implemented and whether or not works can re-commence in the area, depending upon the written advice received from OEH. Any resulting cultural heritage management activities associated with the skeletal remains will be subject to consultation with, and endorsement by, the CHWG, in accordance with section 32.3 of this ACHMP. At the same time as notification is made to OEH, the HVO Manager Communities and Environment (or delegate) will notify and consult with Aboriginal community stakeholders as soon as it is practical and possible to do so (nominally within two business days) through the auspices of the CHWG.

## 7 Definitions

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| <b>Aboriginal cultural heritage</b>                                 | means all places and values of archaeological, traditional, spiritual, historical or contemporary significance within the area covered by this Aboriginal Cultural Heritage Management Plan. This definition is wide and is intended to cover the notion of cultural heritage as set in both state and federal legislation. In practical terms, this definition allows, for instance, recording of places which are archaeological sites (such as artefact scatters, stone arrangements, scarred trees and the like), any places which have traditional stories associated with them, places which are historically important (such as old camps) and places which are important today (such as good food-getting places or places used for recreational purposes). All cultural places and values identified will be accorded equal importance in deliberations |
| <b>Aboriginal Cultural Heritage Management Plan</b>                 | means this plan which constitutes the 'Aboriginal Heritage Management Plan' in fulfilment of the requirements cited in Hunter Valley Operations South Coal Project - Project Approval PA_06_0261 Schedule 3, part 40. The provisions of this Aboriginal Cultural Heritage Management Plan will apply to all extant Aboriginal archaeological and cultural heritage objects, sites and areas identified and recorded within the Project Approval area (PA_06_0261) area including all previously identified and recorded Aboriginal archaeological and cultural heritage objects, sites and areas.  |
| <b>Aboriginal Cultural Heritage Management Plan (or ACHMP) Area</b> | means that portion of land consented for mining under PA_06_0261 as described & depicted in the maps in Schedule 1 of this ACHMP.  |
| <b>Aboriginal Object/s</b>  | are defined under the <i>National Parks and Wildlife Act 1974</i> as 'any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'.  |
| <b>Aboriginal Stakeholders</b>                                      | means Registered Aboriginal Parties and/or other Aboriginal community representatives being those individuals, corporations, groups and other entities   |



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|  | registered for consultation with Coal & Allied, principally through the auspices of the Upper Hunter Valley Aboriginal Cultural Heritage Working Group  |
| <b>Cultural Heritage Field Officers (CHFO)</b> | means those persons appointed by the Aboriginal Stakeholders to implement all those elements of the ACHMP relating to the conservation and management of Aboriginal Cultural Heritage associated with the ACHMP Area.   |
| <b>Cultural Heritage Management Database</b>   | means the database that documents the specific management requirements for all Aboriginal cultural heritage objects, sites or places that are subject to this Aboriginal Cultural Heritage Management Plan. The Cultural Heritage Management Database (see Schedule 2) is linked to the HVO South Coal Project Area cultural heritage Geographic Information System and Cultural Heritage Zone Plan and records the management status of each site as management actions are implemented and as any new sites are recorded over the life of the Aboriginal Cultural Heritage Management Plan. |
| <b>Cultural Heritage Management System</b>     | means the internal system that includes policies, manual and associated procedures. The Cultural Heritage Management System provides a comprehensive set of processes and procedures for the efficient management of Aboriginal cultural heritage that apply at Hunter Valley Operations.   |
| <b>Cultural Heritage Zone Plan</b>             | means a zonal planning system that manages risks associated with development impacts to Aboriginal cultural heritage by designating zones (areas) where developed works can or cannot occur, and where management measures have or have not been implemented and completed. The Cultural Heritage Zone Plan is managed through the Cultural Heritage Management System Geographic Information System and the Cultural Heritage Zone Plan management requirements are delivered through the mine site Ground Disturbance Permit system.  |
| <b>Ground Disturbance Activity</b>             | means: <ul style="list-style-type: none"> <li>(i) disturbance by machinery or other means of the topsoil or surface rock layer of the ground;</li> <li>(ii) the removal of native vegetation by disturbing root systems and exposing underlying soil; and</li> <li>(iii) otherwise disturbing the material or cultural integrity of an object, site or area of cultural heritage significance.</li> </ul>   |

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| <b>Ground Disturbance Permit</b>               | is the permit that must be requested and approved before undertaking any work or activity that may disturb ground, such as clearing vegetation, removing top soil, excavating, that can potentially harm cultural heritage and/or environmental values.  |
| <b>Geographic Information System</b>           | means computer software application that stores, manages and processes spatial (e.g. points, lines and polygons) and aspatial (e.g. text documents) data associated with all aspects of the Aboriginal cultural heritage assessment and management for the Project Area. The Cultural Heritage Management System Geographic Information System is used to interrogate, validate and map cultural heritage data and generates the Cultural Heritage Zone Plan for HVO. The Cultural Heritage Management System Geographic Information System includes information such as cultural site location, extent, attributes, management requirements, survey transects and areas assessed or mitigated for cultural heritage, study areas, management measures, inspections and audits, reports, statutory permits and consents, management plans, Ground Disturbance Permit documents, and other relevant data and information. |
| <b>Limit of Disturbance Boundary</b>           | means the boundary established for a Ground Disturbance Permit or other approved development area beyond which there is to be NO ground disturbance without further authorisation. This boundary is delineated with markers (e.g. survey pegs, poles, fencing etc) so that adjacent boundary markers can be clearly identified in either direction.  |
| <b>Project Area</b>                            | means the lands as specified in Appendix 1 of the Hunter Valley Operations South Coal Project - Project Approval (PA_06_0261) and as show on the plan in Schedule 1 of this ACHMP  |
| <b>Site, cultural site or heritage site</b>    | means any area/s, object/s or value/s of Aboriginal archaeological, traditional, spiritual, historical or contemporary significance.   |
| <b>Cultural Heritage Working Group (CHWG).</b> | The CHWG is the primary entity through which HVO communicates and consults with regard to settlement of all matters pertaining to Aboriginal Cultural Heritage associated with Hunter Valley Operations. The CHWG is comprised of Registered Aboriginal Parties who have expressed an interest in the management of Aboriginal Cultural Heritage in the Hunter Valley Operations area and who participate in meetings, inspections and correspondence for the purposes of designing and  |

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|  | implementing a management program for cultural heritage subject to this ACHMP. Consultation through the CHWG is conducted in accordance with the Aboriginal community consultation requirements as mandated by Office of Environment and Heritage or as otherwise required under statutory and/or regulatory processes. |
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## 8 Document Information

Reference information, listed in the table below, is information that is directly related to the development of this document or referenced from within this document.

### 8.1 Change Information

Full details of the document history are recorded in the document control register, by version. A summary of the current change is provided in table below.

| Version | Date       | Review Team  | Details of Change                                      | Secretary Approval Date  |
|---------|------------|--|--|--|
|         |            | <i>Author</i>  | <i>Approver</i>  |  |
| 1.0     | 01/05/2009 | David Cameron<br>Specialist Cultural<br>Heritage Systems                         | Jeremy van de<br>Bund, Manager<br>Aboriginal Relations | Original<br><br>24/02/2010   |
| 2.0     | 8/11/2017  | Jessica Blackman<br>Advisor Cultural<br>Heritage                                 | Joel Deacon,<br>Specialist Cultural<br>Heritage        | Revision to align with<br>new ownership<br>management practices.               |
| 3.0     | 12/02/2019 | Peter Bowman, HVO<br>E & C Officer   | Andrew Speechly<br>HVO Manager E&C                     | Revision to align with<br>new ownership<br>management &<br>document formatting |
| 4.0     | 11/09/2019 | Peter Bowman, HVO<br>E & C Officer & Joel<br>Deacon, Arrow<br>Heritage Solutions | Dominic Brown,<br>(acting) HVO<br>Manager E&C          | Review & document<br>formatting.<br><br>19/12/2019                             |



Mr Dominic Brown  
Environment and Community Coordinator  
Hunter Valley Operations

[Dominic.brown@hvo.com.au](mailto:Dominic.brown@hvo.com.au)

Dear Mr Brown,

**Hunter Valley Operations (DA 450-10-2003 & MP 06\_0261)  
Update of Aboriginal Cultural Heritage Management Plans**

I refer to the email dated 19 December 2019, regarding the submission of the revised HVO North Heritage Management Plan and the HVO South Aboriginal Cultural Heritage Management Plan, following comments provided by the Department on 10 December 2019.

The Department has reviewed the revised plans and considers that they meet the requirements of:

- condition 41 of Schedule 3 of the HVO North consent (DA 450-10-2003); and
- condition 40 of Schedule 3 of the HVO South consent (MP 06\_0261).

Consequently, the Secretary has approved the plans.

Please ensure that finalised copies of these plans are made available on the company's website in accordance with condition 12, Schedule 5 of DA 450-10-2003, and condition 9, Schedule 5 of MP 06\_0261.

Should you have any enquiries in relation to this matter, please contact Joel Herbert on the details listed above.

Yours sincerely,

19/12/2019

Matthew Spratt

**Director**

**Resource Assessments**

as nominee of the Secretary