



Aboriginal Heritage Management Plan

Mount Thorley Warkworth SSD-6464 & SSD-6465

DOCUMENT CONTROL

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Table 1: Warkworth Continuation SSD-6464 Condition 43 – Aboriginal Heritage Management Plan requirements

Condition 43 - Aboriginal Heritage Management Plan	AHMP Provision/Schedule
The Applicant shall prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:	
(a) be prepared in consultation with OEH and Aboriginal stakeholders, and submitted to the Secretary for approval prior to carrying out any development under this consent;	Provision 2, Schedule 18
(b) include a program to:	
○ salvage, investigate and/or manage Aboriginal sites and potential archaeological deposits within the disturbance area;	Provisions 3-6, 10-24, 34 & 36 & Schedules 2-13
○ assess and remove scarred trees within the disturbance area;	Provisions 13 & 14 & Schedules 5 & 6
○ protect and monitor Aboriginal sites outside the disturbance areas;	Provisions 3-7, 22-25 & 36 & Schedules 2, 3 & 13
○ manage the discovery of any new Aboriginal objects or skeletal remains during the development;	Provisions 3, 4, 5, 10, 12-13, 15, 22, 24 & 37 & Schedules 2-5, 7-9 & 13-14
○ facilitate access to archaeological sites on site for Aboriginal stakeholders; and	Provision 34
○ Aboriginal stakeholders are consulted and involved in the conservation and management of Aboriginal cultural heritage on the site; and	Provisions 2, 7, 31, 35 & Schedules 3-14
(c) include a research program, that has been prepared by suitably qualified and experienced persons whose appointment has been approved by the Secretary, for locating and evaluating sand bodies of likely Pleistocene and early Holocene age that may contain evidence of Aboriginal habitation in the Upper Hunter Valley.	Provision 38 Schedule 17
Condition 38 - Wollombi Brook Aboriginal Cultural Heritage Conservation Area	
The Applicant shall prepare and implement a conservation management plan for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area to the satisfaction of the Secretary.	Provision 7 Schedule 15

Table 2: Mount Thorley Operations SSD-6465 Condition 28 – Aboriginal Heritage Management Plan requirements

Condition 28 - Aboriginal Heritage Management Plan	AHMP Provision/Schedule
The Applicant shall prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:	
(a) be prepared in consultation with OEH and Aboriginal stakeholders, and submitted to the Secretary for approval prior to carrying out any development under this consent;	Provision 2, Schedule 18
(b) include a detailed plan of management for the Loder Creek Aboriginal Cultural Heritage Conservation Area;	
(c) include a program to:	
<ul style="list-style-type: none"> ○ salvage, investigate and/or manage Aboriginal sites and potential archaeological deposits within the disturbance area; 	Provisions 3-6, 10-24, 34 & 36 & Schedules 2-13
<ul style="list-style-type: none"> ○ assess and remove scarred trees within the disturbance area; 	Provisions 13 & 14 & Schedules 5 & 6
<ul style="list-style-type: none"> ○ protect and monitor Aboriginal sites outside the disturbance areas; 	Provisions 3-7, 22-25 & 36 & Schedules 2, 3 & 13
<ul style="list-style-type: none"> ○ manage the discovery of any new Aboriginal objects or skeletal remains during the development; 	Provisions 3, 4, 5, 10, 12-13, 15, 22, 24 & 37 & Schedules 2-5, 7-9 & 13-14
<ul style="list-style-type: none"> ○ facilitate access to archaeological sites on site for Aboriginal stakeholders; and 	Provision 34
<ul style="list-style-type: none"> ○ Aboriginal stakeholders are consulted and involved in the conservation and management of Aboriginal cultural heritage on the site. 	Provisions 2, 7, 31, 35 & Schedules 3-14
Condition 27 – Loder Creek Aboriginal Cultural Heritage Conservation Area	
Within 3 years of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant shall enter into a conservation agreement or agreements pursuant to section 69B of the <i>National Parks and Wildlife Act 1974</i> relating to the Loder Creek Aboriginal Cultural Heritage Conservation Area, recording the obligations assumed by the Applicant under the conditions of this consent in relation to the conservation area, and register the agreement/s pursuant to section 69F of the <i>National Parks and Wildlife Act 1974</i> .	Provision 7 Schedule 16

Table of Abbreviations

ACHMD	Aboriginal Cultural Heritage Management Database
AHIMS	Aboriginal Heritage Information Management system
AHIP	Aboriginal Heritage Impact Permit
AHMP	Aboriginal Heritage Management Plan
ASIRF	Aboriginal Site Impact Recording Form
CHFO	Cultural Heritage Field Officer
CHMS	Cultural Heritage Management System
CHWG	Upper Hunter Valley Aboriginal Cultural Heritage Working Group
CHZS	Cultural Heritage Zoning Scheme
Cth	Commonwealth
DMO	Data Management Officer
DP&E	Department of Planning and Environment
DPIE	Department of Planning, Industry and Environment
GDA	Geocentric Datum of Australia
GDP	Ground Disturbance Permit
GIS	Geographic Information System
GM	General Manager
GPR	Ground Penetrating Radar
MTW	Mount Thorley Warkworth Operations
NSW	New South Wales
OEH	Office of Environment and Heritage
RAP	Registered Aboriginal Party
SSD	State Significant Development
ToR	Terms of Reference

Recitals

- A. Yancoal Australia Pty Ltd holds Mining Tenements pursuant to Warkworth Continuation Operations and Mount Thorley Operations located south-west of Singleton, NSW.
- B. Warkworth Operations and Mount Thorley Operations are operated as an integrated mining operation and are referred to as Mount Thorley Warkworth Operations (MTW).
- C. Mining and associated development activities at MTW are approved and regulated under the Warkworth Continuation SSD-6464 and Mount Thorley Operations SSD-6465 development consents approved on 26 November 2015.
- D. MTW has developed this Aboriginal Heritage Management Plan pursuant to condition 14 (Schedule 2) and, condition 43 (Schedule 3) of SSD-6464, and condition 28 (Schedule 3) of SSD-6565.
- E. This Aboriginal Heritage Management Plan supersedes both the Warkworth Continuation Stage 1 Aboriginal Heritage Management Plan (January 2016) and the Mount Thorley Operations Heritage Management Plan (July 2014).
- F. The provisions of this Aboriginal Heritage Management Plan apply to all lands that are subject to the consent conditions of the Warkworth Continuation SSD-6464 and Mount Thorley Operations SSD-6465 as depicted in Schedule 1 of this Aboriginal Heritage Management Plan, as well as those additional lands owned by Yancoal surrounding the MTW operations.
- G. The provisions of this Aboriginal Heritage Management Plan apply to all Aboriginal Cultural Heritage objects and sites subject to conditions 40, 41, 42 and 43 of the Warkworth Continuation SSD-6464 and condition 26, 27 and 28 of the Mount Thorley Operations SSD-6465.
- H. Registered Aboriginal Parties through the auspices of the Upper Hunter Valley Aboriginal Cultural Heritage Working Group were consulted in the development of this Aboriginal Heritage Management Plan. The Registered Aboriginal Parties are those respondents to formal correspondence and public notices issued pertaining to the management of Aboriginal Cultural Heritage for the Warkworth Continuation SSD-6464 and Mount Thorley SSD-6465.
- I. Consultation undertaken with the Cultural Heritage Working Group for the development of this Aboriginal Heritage Management Plan has been held in accordance with the Office of Environment and Heritage *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.
- J. Yancoal consulted with both the Department of Planning and Environment and Office of Environment and Heritage in the preparation of the original Aboriginal Heritage Management Plan.

- K. This Aboriginal Heritage Management Plan was originally approved by the Secretary, Department of Planning and Environment on **29 May 2017** and came into force on that date.

Definitions

Aboriginal Cultural Heritage means all Aboriginal objects, sites, places and values of archaeological, traditional, spiritual, historical or contemporary Aboriginal significance. 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 are accorded equal importance in deliberations.

Aboriginal Heritage Management Plan (or AHMP) means this Aboriginal Heritage Management Plan document and its associated schedules, data, information and documentation.

Aboriginal Heritage Management Plan (or AHMP) Area means that portion of land consented for mining under SSD-6464 as described & depicted in the maps in Schedule 1 of this AHMP.

Aboriginal Object/s are defined under the *National Parks and Wildlife Act 1974* 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'.

Aboriginal Stakeholders means Registered Aboriginal Parties and/or other Aboriginal community representatives being those individuals, corporations, groups and other entities registered for consultation with MTW, principally through the MTW Cultural Heritage Working Group(CHWG).

Cultural Heritage Field Officers (CHFO) means those persons appointed by the Aboriginal Stakeholders to implement all those elements of the AHMP relating to the conservation and management of Aboriginal Cultural Heritage associated with the AHMP Area.

Ground Disturbance/Disturbing Activity means:

- (i) disturbance by machinery or other means of the topsoil or surface rock layer of the ground;
- (ii) the removal of native vegetation by disturbing root systems and exposing underlying soil; and
- (iii) otherwise disturbing the material or cultural integrity of an area or object of cultural heritage significance.

Ground Disturbance Permit (GDP) means the internal MTW 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.

Site, cultural site or heritage site means any area/s, object/s or value/s of Aboriginal archaeological, traditional, spiritual, historical or contemporary significance.

MTW Cultural Heritage Working Group (CHWG). The CHWG is the primary entity through which MTW communicates and consults regarding relevant matters pertaining to Aboriginal Cultural Heritage associated with MTW operations. The CHWG is comprised of Registered Aboriginal Parties who have expressed an interest in the management of Aboriginal Cultural Heritage in the MTW area and who participate in meetings, inspections and correspondence for the purposes of designing and implementing a management program for Aboriginal cultural heritage subject to this AHMP. Consultation through the CHWG is conducted in accordance with the Aboriginal community consultation requirements as mandated by Heritage NSW, The Department of Planning, Infrastructure and Environment (DPIE) or as otherwise required under statutory and/or regulatory processes.

Verification means the processes outlined in Schedules 4, 5 and 7 of this AHMP.

Background

Mount Thorley Warkworth Operations

Mt Thorley Warkworth (MTW) is an integrated operation of two open cut mines, Warkworth Mining Limited (WML) and Mount Thorley Operations (MTO) which are located adjacent to each other and 15 km south west of Singleton in the Hunter Valley region of New South Wales. The operation supplies international and domestic markets with semi-soft coking coal and thermal coal.

Development Consent for the Warkworth Continuation and Mount Thorley Operations 2014 Projects (SSD-6464 and SSD-6465 respectively, together “the Approvals”) were granted on 26 November 2015.

Aboriginal Cultural Heritage Management at MTW

MTW has comprehensive policies, standards and protocols in place to guide Aboriginal Cultural Heritage management across all of its operations. These policies are applied consistently and in close consultation with the Aboriginal community stakeholders who have interests in this region (which includes MTW) and with whom well developed and active formal relationships have been established.

The overarching objective of MTW’s Cultural Heritage Management System (CHMS) is to efficiently manage and mitigate the risks associated with development impacts on cultural heritage in order to provide mine sites and projects timely and authorised access to MTW lands for mining and associated development activities. The CHMS operates under the guiding principle of causing zero harm to Aboriginal and historic cultural heritage wherever possible. Where development requirements necessitate impacts on cultural heritage, MTW will ensure that all necessary and reasonable measures are implemented in order to mitigate those impacts in compliance with statutory requirements, cultural heritage agreements, MTW policies and standards, and in consultation with our host communities.

A responsive system for ongoing consultation with the Aboriginal community was developed through the Aboriginal Cultural Heritage Working Group (CHWG) which was established in September 2005. The CHWG oversees all aspects of Aboriginal Cultural Heritage management associated with MTW’s operations, projects and lands. The CHWG is acknowledged by both the Department of Planning, Industry and Environment (DPIE) and Heritage NSW as an appropriate Aboriginal community consultative forum.

The MTW area was the subject of a number of Aboriginal archaeological and heritage investigations and salvage programs undertaken between the mid-1980s and the early 2000s. More recently all of the lands within the MTW mining lease that are situated outside of the SSD-6464 and SSD-6465 development consent boundaries have been the subject of systematic and comprehensive Aboriginal cultural heritage investigations and assessments undertaken between 2009 and 2014. A systematic and comprehensive Aboriginal cultural heritage assessment was also undertaken in 2013 within the MTW SSD-6464 development consent boundary area to inform an Aboriginal Cultural Heritage Assessment Report for an Aboriginal Heritage Impact Permit (AHIP) application (#C000201). More recently a comprehensive Aboriginal cultural heritage impact assessment was undertaken to inform the

Warkworth Continuation and Mount Thorley Operations 2014 Environmental Impact Statements.

These assessments have been undertaken in consultation with Registered Aboriginal Parties and with their active participation in fieldwork assessments, management and engagement activities. The results of the assessments, and consultation conducted over time with the CHWG, DPIE, and the then Office of Environment and Heritage have directly informed the preparation of this Aboriginal Heritage Management Plan (AHMP).

It is recognised by both MTW and the CHWG that this AHMP is a living document which may be revised and amended from time to time with the endorsement of MTW, the CHWG and Heritage NSW, and subject to such revisions and amendments being approved by DPIE.

Provisions of the Aboriginal Heritage Management Plan

1. Purpose of the AHMP

This AHMP sets out the principles, processes and measures through which Aboriginal cultural heritage will be managed at MTW with respect to all lands that are subject to the consent conditions of the Warkworth Continuation SSD-6464 and Mount Thorley Operations SSD-6465, as well as those additional lands owned by MTW surrounding the operations, as depicted in Schedule 1 of this AHMP. This is an integrated AHMP that has been developed to comply with condition 43 (Schedule 3) of the Warkworth Continuation SSD-6464 and condition 28 (Schedule 3) of the Mount Thorley Operations SSD-6565.

The internal procedures referenced in this AHMP (e.g Ground Disturbance Procedures, Scarred Tree Management Procedures) have not been reviewed or endorsed by DPIE. MTW takes responsibility for ensuring these procedures are in accordance with this AHMP and generally in accordance with the Project Approval.

This AHMP supersedes both the Warkworth Continuation Stage 1 Aboriginal Heritage Management Plan (January 2016) and the Mount Thorley Operations Heritage Management Plan (July 2014).

2. Consultation

The CHWG is the primary forum through which MTW communicates and consults with regard to all matters pertaining to Aboriginal cultural heritage associated with the MTW operations.

Consultation through the CHWG is conducted in accordance with the Aboriginal community consultation requirements as mandated from time to time by Heritage NSW, and DPIE and/or as otherwise required under the relevant and current statutory and/or regulatory processes. Outcomes from the consultation process conducted through the auspices of the CHWG inform management decision-making associated with the development, implementation and revision of this AHMP.

Notwithstanding the use of the CHWG as the primary consultation forum, MTW provides copies of all documentation requiring community consultation to all Registered Aboriginal Parties (RAPs). MTW solicits commentary on such documentation and will respond to any issues raised in such commentary outside of the CHWG where necessary.

Consultation with RAPs to inform the development of this AHMP was undertaken at CHWG meetings (and via subsequent correspondence) held on 18 December 2015, 21 January, 17 March, 28 April, 9 July, 11 August, 20 October and 15 December 2016. Consultation drafts of the original version of this AHMP were reviewed by the CHWG RAPs at meetings held on 20 October and 15 December 2016. Documentary evidence of this consultation is provided in Schedule 18.

A copy of the original AHMP was also provided to OEH on 16 November 2016 for review and comment prior to submission to DP&E (see schedule 18).

The results of the Aboriginal Cultural Heritage assessments and consultations with the CHWG, DP&E, and OEH have directly informed the preparation of this AHMP and any recommendations from these, once reviewed and settled between MTW and the CHWG, have been incorporated into this AHMP.

3. Cultural Heritage Management Database

The Aboriginal Cultural Heritage Management Database (ACHMD - see **Schedule 2**) 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 AHMP. The ACHMD incorporates all Aboriginal cultural heritage sites located within the AHMP Area (as described in **Schedule 1** of this AHMP) that are either registered in the Heritage NSW 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 AHMP ACHMD is a core element of the MTW Aboriginal Cultural Heritage Geographic Information System (GIS) and Cultural Heritage Zoning Scheme (CHZS). 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);
- 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)

4. Aboriginal Cultural Heritage GIS and Zoning Scheme

The MTW Aboriginal CHZS controls mine development-related land use activities within the AHMP Area, and other lands associated with the MTW area. The CHZS is incorporated within the MTW Aboriginal Cultural Heritage GIS. The GIS records Aboriginal cultural heritage site locations, extents and other management information as well as the zoning scheme. The CHZS is revised from time to time in line with the implementation of the provisions of the AHMP. Details of the CHZS management status zone classifications are provided in **Schedule 3** of this AHMP.

5. Ground Disturbance Permits (GDP)

No ground disturbing activity may take place within the AHMP Area without the issue of a GDP by duly authorised MTW personnel for the particular ground disturbing activity within areas where a GDP approval is required. The GDP process is an internal MTW mechanism

that is additional to, but does not obviate, the need to comply with the provisions of this AHMP 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 CHZS and all relevant management measures have been implemented as specified in the ACHMD (**Schedule 2**) of this AHMP.

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.

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 AHMP Area has occurred under the authority of an AHIP consent and removed objects remain the property of the State of NSW. An Aboriginal Site Impact Recording Form will be completed for any Aboriginal objects/sites located within the AHMP Area that are salvaged under the provisions of this AHMP.

Short Term Management

Aboriginal objects removed from the AHMP Area under the provisions of this AHMP, or those previously removed in accordance with a relevant AHIP consent and Care Agreement, or as otherwise authorised under the provisions of this AHMP, will be appropriately tagged (noting site AHIMS number, date of mitigation, AHIP consent number, storage identification number, etc.) and securely stored at the MTW Putty Road Cultural Heritage Storage Facility (under the authority of Care Agreement # C0003708). In accordance with Care Agreement C0003708 MTW has relocated to the MTW Putty Road Cultural Heritage Storage.

Long Term

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 AHMP Area under the provisions of this AHMP will be appropriately tagged (noting site AHIMS number, date of mitigation, AHIP consent number, storage identification number, etc.) and securely stored at the MTW Putty Road Cultural Heritage Storage Facility.

Alternatively, Aboriginal objects removed from the AHMP Area may also be relocated to either the Wollombi Brook or Loder Creek Aboriginal Cultural Heritage Conservation Areas where such relocation is authorised under the Plan of Management for these conservation areas.

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 AHMP Area to this facility, and the state government approves such a request, then MTW will facilitate this request.

Notwithstanding the above, any Aboriginal objects (to the extent that they are stone artefacts) that are collected from the AHMP Area will be managed in accordance with the *DPIE 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 DPIE.

7. Wollombi Brook and Loder Creek Aboriginal Cultural Heritage Conservation Areas

Plans of Management for the Wollombi Brook (condition 38 of the Warkworth Continuation SSD-6464) and Loder Creek (condition 28 (b) of the Mount Thorley Operations SSD-6465) Aboriginal Cultural Heritage Conservation Areas have been developed and are attached as **Schedules 15 and 16** of this AHMP.

8. Workplace Health and Safety

MTW is committed to the principle that all workplace injuries are preventable and accepts its responsibility to provide a safe workplace, fit-for-purpose equipment and safe systems of work. This can only be achieved if all understand and accept obligations to comply with relevant legislation and any relevant MTW operational policies, procedures or plans.

All MTW employees and contractors undertaking cultural heritage management activities within the AHMP Area will be required to have participated in any inductions required by MTW prior to entry to the mine leases to ensure they have an understanding of relevant legislation and any relevant MTW operational policies, procedures or plans.

Employees and contractors conducting cultural heritage management activities will be required to wear all relevant personal protective equipment as prescribed under the MTW Health and Safety procedures.

With respect to community access and management activities conducted within the AHMP Area, specific culturally appropriate workplace health and safety requirements will be established to accommodate Cultural Requirements as set out in Section 33 of this AHMP.

9. Cultural Heritage Management Inductions

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

As a minimum requirement, MTW will ensure that the following elements are incorporated in the current and any future cultural heritage management induction module for the AHMP Area:

- a. an overview of the cultural heritage management program implemented at the MTW area;
- b. a general description of cultural heritage values - both the tangible (e.g. material culture such as artefacts) and the intangible (e.g. spiritual);
- c. an overview of the AHMP and its provisions;
- d. an overview of the CHZS and the Limit of Disturbance Boundary provisions;
- e. an overview of the standard operating procedures associated with Significant Areas, Restricted Access Areas and other CHZS requirements;

- f. an overview of the GDP system and the specific requirements associated with cultural heritage management;
- g. the legal provisions governing the management of cultural heritage; and,
- h. the responsibility and duty of care that each individual has to comply with the cultural heritage management process established for the MTW area, and with all relevant provisions of pertinent legislation.

Detailed records are maintained of all personnel who have completed the MTW induction process and the date on which it was provided. MTW will ensure these inductions remain current (which may include refresher courses from time to time where this is deemed necessary).

10. Discovery of Human Skeletal Remains

Where identified or possible human skeletal remains are discovered within the AHMP Area the NSW Government sanctioned process for the 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 AHMP.

11. Areas Unassessed for Cultural Heritage

Any areas within the AHMP 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 AHMP 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.

12. ‘Spiritual’ Places Verification and Management

Any places so identified will be subject to the verification and management process outlined in **Schedule 4** of this AHMP.

13. Scarred Trees Verification and Management

Any places so identified will be subject to the verification and management process outlined in **Schedule 5** of this AHMP.

14. Scarred Trees Removal and Relocation

Any verified scarred trees that require salvage under the provisions of this AHMP shall be managed in accordance with the management process detailed in **Schedule 6** of this AHMP.

15. Hearths Verification and Management

Any places so identified will be subject to the verification and management process outlined in **Schedule 7** of this AHMP.

16. Sub-Surface Investigations (including Potential Archaeological Deposits)

Any places identified as requiring this form of management will be subject to the management process outlined in **Schedule 8** of this AHMP.

17. 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 9** of this AHMP.

18. Controlled Collection of Artefact Scatters

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

19. Salvage Collection of Isolated Artefacts

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

20. Site M Grinding Grooves Management

The Grinding Groove Sites M West and M East (AHIMS# 37-6-0163) were successfully removed and relocated to the Putty Road cultural heritage storage facility during a salvage program conducted between 26 February to 1 March 2018.

The Site M Grinding Grooves (AHIMS# 37-6-0163) were the subject of numerous RAP and community inspections and assessments over the past decade. The attributes and extent of Site M, as well as the geotechnical constraints to their removal and relocation, were well understood.

A detailed geo-technical analysis of the removal and relocation of Site M was undertaken by Luc Daigle, Senior Geological Engineer, SCT Consulting and recommendations for salvage methodology developed (Report to Rio Tinto Coal Australia - Warkworth Grinding Grooves Relocation Project Geological and Geotechnical Assessment of Sites PN10, M West and M East, June 2010). The salvage methodology recommended in the report formed the basis for the scope of works that was agreed with the CHWG for the salvage activities.

21. Activity Area Monitoring

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

22. Fencing and Barricading Cultural Heritage Sites, Places and Areas

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

23. Signage for Cultural Heritage Sites, Places and Areas

All cultural heritage sites, places and areas located within the AHMP Area that are subject to fencing and barricading requirements, as per Section 21 and **Schedule 13** of this AHMP, 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 2** of this AHMP 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.

24. Ground Disturbance Management Buffers

Unless otherwise specified in **Schedule 2** of this AHMP, 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 AHMP and an approved MTW GDP.

The management buffer area is defined as the distance between the greatest extent of the site in any particular direction and the external buffer boundary. Buffered areas may be delineated with temporary barricading or with hard fencing where specified in either **Schedule 2** or **Schedule 13** (Fencing and Barricading Cultural Heritage Sites, Places and Areas) of this AHMP, or where required as a condition of a GDP. Where hard fencing or barricading has been installed around a site in conformance with **Schedule 13**, 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 standard management buffer radius dimensions for each generic site type are as follows:

- a. Isolated Artefact/s – 5m from centroid or around extent boundary;
- b. Stone Artefact Scatters – 5m around extent boundary;
- c. Sub-Surface Investigation Areas – 5m around extent boundary;
- d. Hearths – 5m from centroid or around extent boundary;
- e. Material Resource Areas – 5m around extent boundary;
- f. Scarred Tree/s – 20m from centroid or around extent boundary;
- g. Other Significant Areas - 20m around extent boundary;
- h. Spiritual Places – 50m around extent boundary;
- i. Burials – 50m from centroid or around extent boundary; or
- j. As otherwise specified in the ACHMD of **Schedule 2** of this AHMP.

25. AHMP Compliance Inspections

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

The purpose of the AHMP compliance inspections is to afford the CHWG and MTW the opportunity to:

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

Reports on AHMP compliance inspections, and other inspections as may be undertaken consistent with the above provisions, will be drafted by MTW 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 Mount Thorley and Warkworth Annual Reviews which are provided to DPIE and Heritage NSW, and which will also summarise what Aboriginal cultural heritage activities have been undertaken during the reporting period. Reports of each compliance inspection will also be made available to RAPs upon request.

AHMP compliance inspections will involve the following elements:

- a. MTW and the CHWG will settle a Terms of Reference (ToR) for each AHMP compliance inspection specifying the area to be inspected and methodology to be adopted;
- b. the CHWG may nominate up to three (3) representatives to assist in the conduct of AHMP compliance inspections;
- c. MTW may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to participate in the AHMP compliance inspections;
- d. an AHMP 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 AHMP compliance inspection report pro-forma will note the outcomes of the inspections including evidence of compliance and non-compliance with AHMP provisions, recommendations on modifications and improvements to management provisions, recommendations on corrective actions, and other relevant comments associated with the AHMP provisions;
- f. MTW 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 MTW and the CHWG agree to any recommendations or other measures, then MTW will amend this AHMP in consultation with Heritage NSW, and seek DPIE approval on the amendments to the AHMP.

26. Confidentiality

The following information is confidential information:

- a. 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 AHMP, or as required by this AHMP; and

- b. information concerning:
 - (i) Yancoal or any Related Body Corporate,
 - (ii) MTW,
 - (iii) Yancoal's operations, or
 - (iv) any Aboriginal Cultural Heritage, Significant Objects or Significant Places.

Yancoal 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 Yancoal 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 Yancoal's accountants, technical advisors, legal advisors, auditors or other professional advisers, or to Yancoal'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 AHMP;
- 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 AHMP;
- h. where Yancoal is required to meet internal governance or decision making processes in relation to developing, authorising, implementing or operating this AHMP;
- 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 Yancoal 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.

Yancoal 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.

27. Reconciliation of Aboriginal Cultural Heritage Data

For the area covered by this AHMP, 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 by MTW 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 AHMP Area.

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

For the purposes of the management of Aboriginal cultural heritage within the AHMP Area, the definitive dataset will be that as provided within **Schedule 2** of this AHMP which includes AHIMS data. **Schedule 2** will be subject to revision based on:

- the results of verification processes contemplated under this AHMP;
- further investigation of areas that may not have been the subject of comprehensive field investigation at the time of the development of this AHMP;
- 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 2** of this AHMP.

28. Procedural Breaches, Incident Reporting and Urgent Relief

In accordance with Schedule 5, condition 3 (g) and condition 7 of both SSD- 6464 and SSD-6465 any alleged procedural breach of this AHMP will be investigated in accordance with the MTW site incident investigation procedures and incidents reported immediately to the Secretary and any other relevant agencies. A detailed report on any incidents will be provided to the Secretary within the timeframe specified in the conditions of the SSD-6464 and SSD-6465 approvals, and such further reports as may be requested by the Secretary.

MTW will engage RAPs to inspect the location and immediate surrounds of the incident area to assess for any impacts on Aboriginal cultural heritage. Any incidents that are determined to be a breach of the conditions of this AHMP, including any unauthorised impacts on Aboriginal cultural heritage, will be reported to the CHWG as soon as practicable but, nominally, within two business days.

MTW accepts that nothing in this AHMP 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 MTW from continuing the conduct of its lawful operations.

29. Variations to this AHMP and Schedules

As the MTW SSD-6464 and SSD-6465 approvals are valid to November 2036 there may be circumstances in the future (such as changes in legislation) where variations or revisions to this AHMP and schedules are required. MTW will review this AHMP as per the requirements of both SSD-6464 and SSD-6465.

Where MTW determines through such reviews that a variation or revision of this AHMP or schedules is required, MTW will, in consultation with the RAPs, engage with DPIE, Heritage NSW and any other relevant agencies that have authority to approve variations or revisions to the AHMP or schedules. MTW will submit in writing any such proposed variations or revisions (and updates to schedules) to DPIE and any other relevant agencies for information and/or consideration and/or written approval. Variations to Schedule 2 will not include removal of sites from the schedule nor downgrading of significance classification or management measures for sites listed in Schedule 2.

30. Statutory Consents

The MTW SSD-6464 and SSD-6465 development approvals provide an exemption from any further statutory authorities for the management of Aboriginal cultural heritage for the term of these development consents. This includes the requirement for obtaining Aboriginal Heritage Impact Permits (AHIP) under s90 of the *National Parks and Wildlife Act 1974*. This AHMP, 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 AHMP.

An AHIMS site card form will be completed and submitted for any new Aboriginal objects/sites identified within the AHMP Area (see section 36).

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

31. Implementation of Management Measures

The implementation of cultural heritage management measures at MTW will be undertaken and in accordance with the provisions of this AHMP. Where required a ToR (or other scope of works) will be developed in consultation with the CHWG and implemented as may be appropriate.

32. Terms of Reference (ToR) – Scope of Works

Cultural heritage assessments, mitigation and other management activities undertaken within the AHMP 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 are developed in collaboration with Aboriginal stakeholders through the auspices of the CHWG as may be appropriate.

Cultural Heritage Field Officers (CHFOs), as representatives of the CHWG as RAPs, are engaged to assist MTW under the auspices of the ToR to conduct the assessment or other management activities. Technical Advisors, such as archaeologists, may be engaged by MTW on behalf of the CHWG to assist with the development of assessment and management methodologies, and to provide technical advice to the CHWG. Technical Advisors may 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 AHMP 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 to ensure CHFOs are afforded the opportunity to comprehensively assess areas for Aboriginal cultural heritage and implement management measures.

33. Administrative Arrangements for Aboriginal Cultural Heritage

33.1 - Administrative Coordinators

MTW may engage Upper Hunter Valley Aboriginal community or private incorporated entities or other commercial entities as Administrative Coordinators for the provision of administrative coordination and project support services associated with MTW's Aboriginal Cultural Heritage management program at MTW.

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, organising community meetings and assisting with community consultation associated with MTW's Aboriginal cultural heritage programs.

Administrative Coordinators will be selected 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 MTW may engage an agent to provide these services on its behalf.

33.2 - Cultural Heritage Field Officers (CHFOs)

CHFOs will be selected and engaged in consultation with the CHWG. CHFOs will be responsible for conducting the assessment of cultural heritage during field surveys (i.e. identification of Aboriginal cultural heritage objects, sites and places) and implementing management measures such as salvage mitigation.

33.3 - Technical Advisors

A Technical Advisor may be engaged by MTW 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. The Technical Advisor will ensure that their assessment and reporting activities are 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 AHMP. The Technical Advisor will also record details of the Aboriginal cultural heritage identified by the CHFOs in collaboration with the MTW Data Management Officer. 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.

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

33.4 - Data Management Officers (DMO)

The DMO may be an MTW employee or a contractor engaged by MTW 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 MTW Aboriginal Cultural Heritage GIS. The DMO will generate all maps and survey and site recording, mitigation and management data for MTW 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.

34. Cultural Requirements

RAPs may, from time to time, either individually or through the auspices of the CHWG, as a schedule to this AHMP, or through a ToR, advise MTW 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 MTW, with MTW's agreement not unreasonably withheld.

35. Aboriginal Community Access to the Project Area

The AHMP Area generally constitutes an active mining area and as such is subject to coal mining, occupational health and safety and other legislation and regulation, and MTW procedures regarding access and health and safety requirements. Reasonable access to the AHMP Area will be made available to Aboriginal stakeholders conditional upon satisfying relevant regulatory and MTW 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 AHMP Area will be escorted by MTW personnel and undertaken in mine compliant vehicles also provided by MTW ; and
- that visitation will be conducted on an unpaid basis unless otherwise determined by MTW.

Unless agreed by MTW, requests for permission to access the AHMP 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 audio visual 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 MTW.

MTW 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. MTW's response is to be provided at least 5 business days in advance of the proposed date of the visit.

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

36. Minimisation of Blasting Impacts

MTW will determine the nature and risks of potential impacts of blasting activities upon Aboriginal cultural heritage situated within the vicinity of the AHMP Area as an element of the MTW blast management plan.

Consistent with the results of the risk assessment process used to inform the development of, and, from time to time, revise and update the MTW blast management plan, MTW will implement appropriate management measures consistent with the AHMP for the relevant type of Aboriginal cultural heritage object or place, which may include the salvage collection of Aboriginal objects deemed at risk where authorised to do so under the development consents.

Additionally, MTW will implement a program of monitoring of blast affects at selected nearby locations as listed in Schedule 3, condition 14(b) of the Warkworth Continuation SSD-6464 to determine any impacts resulting from blasting activities. Should this monitoring show the initial risk modelling requires amendment, such amendment will be made and management measures, consistent with the relevant classification of cultural heritage as described in this AHMP and ACHMD, implemented as required.

37. Discovery of New Finds

Any newly identified Aboriginal cultural heritage objects, sites or places located within the AHMP Area will be protected with an initial 20m buffer (where physically possible to do so) around the site until MTW 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 AHMP.

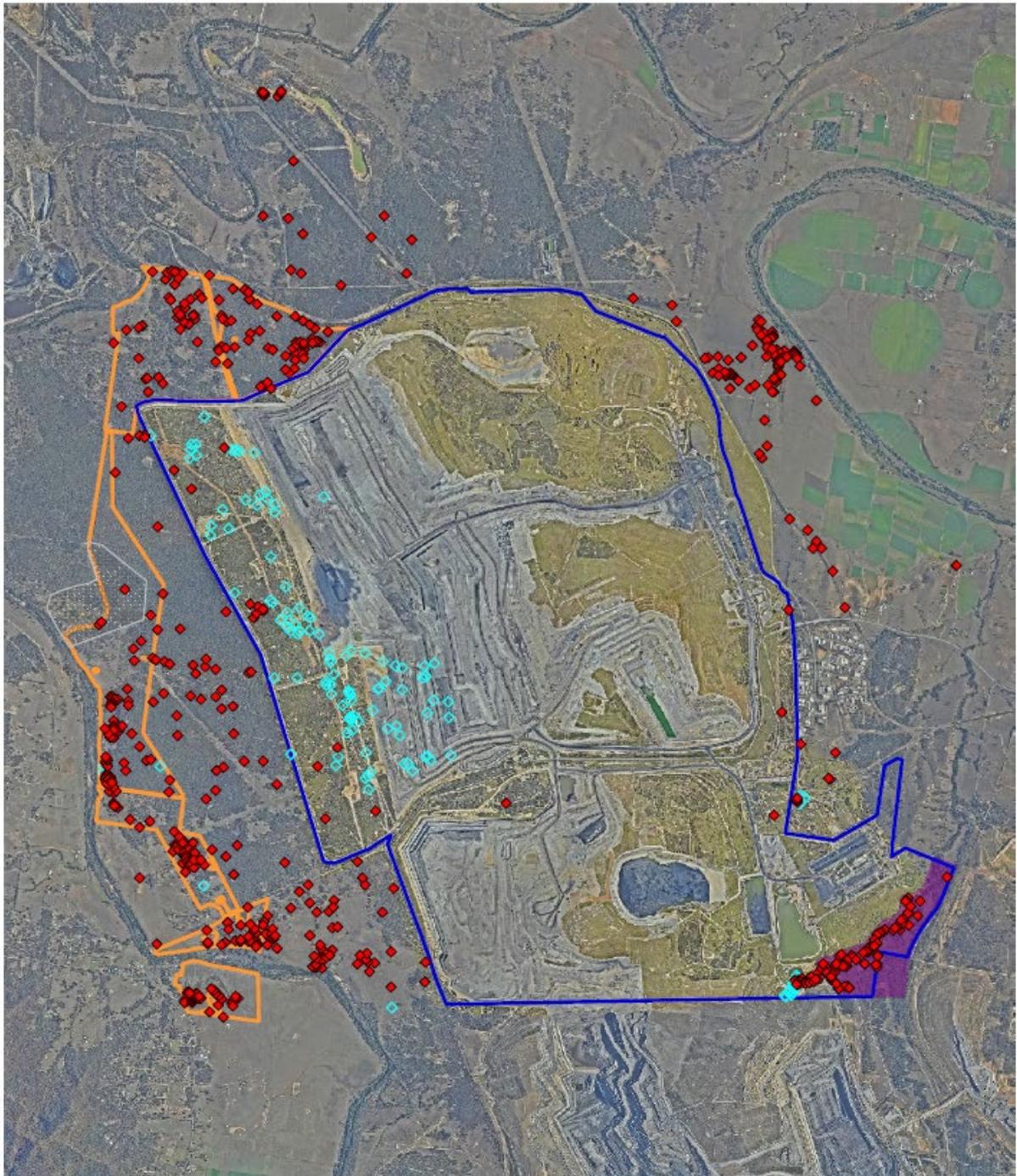
Once the site type, extent and the management measure/s have been determined, all newly identified Aboriginal cultural heritage sites will be physically protected by the implementation of the procedures specified in **Schedule 13** (Fencing and Barricading Cultural Heritage Sites, Places and Areas) of this AHMP or as otherwise consistent with other provisions of this AHMP.

An AHIMS site card is to be completed and submitted 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 MTW.

38. Hunter Valley Sand Bodies Research Program

In accordance with Schedule 2, condition 43 (c) of the Warkworth Continuation SSD-6464 a methodology for a research program for locating and evaluating sand bodies of likely Pleistocene and early Holocene age that may contain evidence of Aboriginal habitation in the Upper Hunter Valley will be developed. The MTW Sands Bodies Research Project methodology will be incorporated as **Schedule 17** of this AHMP.

Schedule 1 – Location Map of the MTW AHMP Area



Schedule 1 - MTW AHMP Locality Plan

-  Cultural Heritage Sites (not mitigated)
-  Cultural Heritage Site (mitigated)
-  MTW Bulga Bora Ground Management Area
-  Wollombi Brook ACH Conservation Area
-  Loder Creek ACH Conservation Area
-  MTW MOP Disturbance Limit



MTW

Date: 13/11/2020
Produced By: JB
Map Size: A4 Portrait
Coordinate System: MGA 2020 Zone 56
Revision: 01
Data Source: Various

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Schedule 2 – MTW Cultural Heritage Management Measures Database

The Aboriginal Cultural Heritage Management Database (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 AHMP.

The ACHMD incorporates all Aboriginal cultural heritage sites located within the AHMP Area that are either currently registered in the 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 SSD-6464 and SSD-6465. 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 the authority of this AHMP).

The management measure designating 'No Further Management Required' refers to the management status of sites that have been destroyed and/or salvaged under previous authorities (i.e. AHIP consent or AHMP) and for sites subsequently salvaged under the authority of this AHMP. Once the salvage activities have been completed, and an Aboriginal Site Impact Recording Form lodged, then Schedule 2 Management Measures will be updated to reflect that no further management of these salvaged sites is required.

A tabulated listing of extant ACHMD sites located within the AHMP Area as at November 2020 is provided in the attached table.

Schedule 3 – Cultural Heritage Zoning Scheme

The MTW Aboriginal Cultural Heritage Zoning Scheme (CHZS) controls mine development-related land use activities within the AHMP Area, and other adjacent MTW lands. The CHZS is incorporated within the MTW Aboriginal Cultural Heritage GIS. The GIS records Aboriginal cultural heritage site locations, extents, recording and management information as well as the zoning scheme. The CHZS is revised from time to time in line with the implementation of the provisions of the AHMP.

The CHZS includes the following management status zones:

- Zone 1 Significant Area – designated areas to protect all known Aboriginal cultural heritage sites, places or objects such as isolated artefacts, artefact scatters, scarred trees, hearths, quarries, grinding grooves, burials, ceremonial sites, etc. Access is restricted to the sites and areas, and development is not permitted unless authorised under the provisions of the AHMP and appropriate management measures have been implemented (e.g. salvage collection completed under an AHIP consent). Zone 1 areas may also include Conservation Areas and Environmental Areas established for long term protection where development is not permitted.
- Zone 2 Restricted Access Area (Unassessed) – areas not assessed for cultural heritage, or where MTW determine that an assessment has been too limited or otherwise not adequate for management purposes, where access is restricted as a precautionary measure to protect any as yet unknown cultural heritage sites. Access is restricted and development is not permitted unless authorised under the provisions of the AHMP, or until an adequate assessment has been undertaken and appropriate management measures have been implemented.
- 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. Access is restricted and development is not permitted unless authorised under the provisions of the AHMP and appropriate management measures have been implemented (such as on a site avoidance basis).
- Zone 4 Conditional Development Area – areas where cultural heritage assessment and specific management measures have been completed under the provisions of the AHMP, or other appropriate statutory consent. Specific development disturbance activities can be approved as per terms and conditions of a GDP where such development does not adversely impact any cultural heritage sites or areas. Examples of this may include the continued use of existing access roads and tracks, grounds maintenance around historic heritage buildings, or areas where surface cultural heritage sites have been mitigated but where post-ground disturbance activity monitoring for the presence of sub-surface cultural materials is required under Schedule 2 of this AHMP.

- Zone 5 Approved Development Area – where all cultural heritage assessment and management measures have been completed under the provisions of the AHMP and/or other appropriate statutory consent (e.g. sites in the area have been salvaged under a previous AHIP consent), and where all cultural heritage issues have been addressed. These areas typically include existing developed mine operations areas (working pits, dumps, haul roads, etc.), other approved development areas and infrastructure where there are no activity disturbance restrictions.

Schedule 4 - Spiritual Places Verification and Management

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 MTW);
- 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 MTW's agreement not unreasonably withheld;
- c. MTW may also nominate a Technical Advisor such as a suitably qualified and experienced archaeologist or anthropologist to provide advice to MTW 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. MTW 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.

Schedule 5 - Scarred Trees Verification and Management

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 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 MTW);
- 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 MTW's agreement not unreasonably withheld;
- c. MTW may also nominate a Technical Advisor/s such as a suitably qualified and experienced archaeologist and/or arborist to provide advice to MTW 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 MTW 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.

Schedule 6 - Scarred Trees Removal and Relocation

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 SSD-6464 project approval. The MTW Scarred Tree Relocation Procedures will provide guidance for the work procedures and to accommodate any specific management requirements as detailed in the Scarred Trees Verification pro-forma for each tree (see process in Schedule 5).

Relocated scarred trees will be stored in a manner consistent with the MTW Scarred Tree Relocation Procedures and through application of the management requirements outlined within this AHMP, as agreed by the CHWG.

Schedule 7 - Hearths Verification and Management

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 MTW);
- b. the CHWG may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to assist them with their cultural assessment, with MTW's agreement not unreasonably withheld;
- c. MTW may also nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to provide advice to MTW 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.

Schedule 8 - Sub-Surface Investigation Areas

Sub-surface investigations will be limited to sites and areas specifically identified in **Schedule 2** of this AHMP 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 2** of this AHMP 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 5m² per 100m² of the site or area identified for sub-surface investigations, unless otherwise specified for a particular site in **Schedule 2** of this AHMP;
- 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 AHMP 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 2** of this AHMP and as defined in a ToR.

Schedule 9 - Material Resource Areas (e.g. quarries for stone or ochre)

As a general principle material resource areas will be subject to a controlled collection methodology unless otherwise specified in **Schedule 2** of this AHMP (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 MTW and the Technical Advisor engaged to assist with the controlled collection, taking account of data about the area contained in any report or **Schedule 2** of this AHMP; and
- e. materials will be collected in a manner that is consistent with the agreed mitigation methodology specified in **Schedule 2** of this AHMP 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 managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

Schedule 10 - Controlled Collection of Artefact Scatters

As a general principle stone artefact scatters will be subject to a controlled collection methodology unless otherwise specified in **Schedule 2** of this AHMP. 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 MTW and the Technical Advisor engaged to assist with the controlled collection, taking account of data about the area contained in any report or **Schedule 2** of this AHMP; and
- d. materials will be collected in a manner that is consistent with the agreed mitigation methodology specified in **Schedule 2** of this AHMP 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 managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

Schedule 11 - Salvage Collection of Isolated Artefacts

As a general principle isolated stone artefacts will be subject to a salvage collection methodology unless otherwise specified in **Schedule 2** of this AHMP. 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 2** of this AHMP 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 managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.

Schedule 12 - Activity Area Monitoring

As a general principle activity monitoring will be limited to sites, places or areas where:

- a. activity monitoring is specified for a particular site, place or area in **Schedule 2** of this AHMP; or
- b. sub-surface investigations indicate that activity area monitoring is required and agreed upon by all parties to the AHMP; or
- c. ground disturbance activities reveal Aboriginal cultural heritage sites, places or areas that warrant activity area monitoring.

Activity area monitoring will only be conducted after initial vegetation clearing has occurred and before top soil stripping, where these operations are not carried out simultaneously. Where vegetation clearing and top soil stripping do not occur simultaneously, and where it is safe to do so, activity area monitoring may occur after the vegetation clearing operations have been completed. These conditions are required to comply with mine site health and safety procedures.

Activity area monitoring will consist of the following:

- a. the CHWG may nominate up to three (3) representatives to conduct activity area monitoring for specified area/s (or more than three where circumstances require and with the agreement of MTW);
- b. MTW may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to participate in the activity area monitoring process;
- c. an activity area monitoring pro-forma assessment sheet will be completed for each area and signed by the CHWG representatives and Technical Advisors (if in attendance);
- d. The pro-forma assessment sheet will note the outcome of the activity area monitoring, and note any further management actions required to be undertaken or as concurrently implemented such as salvage collection; and
- e. materials 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*.

Schedule 13 - Fencing and Barricading Cultural Heritage Sites, Places and Areas

Temporary barricading (e.g. star picket and hi-viz poly-tag line/flag bunting or hi-viz mesh or similar) of cultural heritage sites, places and areas will occur where sites are not already hard fenced and:

- a. the cultural heritage site, place or area is designated as a Significant Area or Restricted Access Area; or
- b. the cultural heritage site, place or area is located within 50m of a development disturbance area (e.g. during construction); or
- c. the cultural heritage site, place or area is located within an area where barricading is required to protect sites from development disturbance activities or until such time as any necessary mitigation measures (e.g. salvage) have been implemented at the site); or
- d. the cultural heritage site, place or area may be adversely impacted upon by access, activity, or other human, livestock or natural process; or
- e. as otherwise determined as an appropriate precautionary measure at the discretion of MTW.

As a general principle, hard fencing (e.g. star picket/timber post and wire) of cultural heritage sites, places and areas will only occur where:

- a. the cultural heritage site, place or area is designated as a Significant Area or Restricted Access Area; or
- b. the cultural heritage site, place or area is located within 50m of an ongoing active work area; or
- c. the cultural heritage site, place or area may be adversely impacted upon by access, activity, or other human or natural process; and
- d. hard fencing of the site/s is specified in **Schedule 2** of this AHMP.

The following provisions shall apply in relation to cultural heritage sites, places or areas where hard fencing or barricading is required:

- except where otherwise specified in **Schedule 2** of this AHMP and/or Ground Disturbance Management Buffers (**Section 23**), a minimum 5m buffer around the defined site extent will apply for the purposes of defining the alignment of the fence/barricade (i.e. 10m diameter around an isolated artefact);
- the minimum 5m buffer is defined as the distance between the greatest extent of the site in any particular direction and the fence/barricade line;
- where specific site conditions or project requirements do not allow space sufficient for a minimum 5m buffer, for example where an existing track, fence, or other physical constraint intersects with the buffer alignment, then the buffer distance will be that which is the greatest practical distance available;
- Sites may be hard fenced or barricaded individually or collectively (i.e. several sites within a single hard fenced or barricaded area);
- Hard fencing is considered fencing of a permanent nature constructed using timber posts or steel pickets and three or more strands of wire, or other fencing materials;
- Barricading is considered fencing of a temporary nature constructed using steel pickets and hi-viz poly-tag line/flag bunting or hi-viz mesh or similar;

- In areas where continuous grazing of livestock occurs stock-proof hard fencing is to be installed, for sites where this is specified in the AHMP **Schedule 2**.
- Temporary and permanent barricading or fencing will be regularly inspected (and if necessary maintained and repaired) by cultural heritage staff at the following times:
 - i. Prior to approving any GDPs located in the vicinity of barricaded or fenced ACH sites;
 - ii. During AHMP Compliance Inspections; and
 - iii. During regular informal inspections by MTW staff in the course of their normal fieldwork duties.

Schedule 14 – Management of Human Skeletal Remains

Where human skeletal remains are discovered within the AHMP 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) - MTW (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 Heritage NSW 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 Heritage NSW confirms that the remains are believed to be Aboriginal or historical archaeological in origin then the MTW Environment and Community Manager 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 Heritage NSW. 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 AHMP. At the same time as notification is made to Heritage NSW, the MTW Environment and Community Manager (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.

Schedule 15 – Conservation Management Plan for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area

A copy of the Wollombi Brook Aboriginal Cultural Heritage Conservation Area Plan of Management is available on the MTW Insite page via the following link:

<https://www.mtwcoal.com.au/page/environment/environmental-management-plans/>

Schedule 16 - Conservation Management Plan for the Loder Creek Aboriginal Cultural Heritage Conservation Area

A copy of the Loder Creek Aboriginal Cultural Heritage Conservation Area Plan of Management is available on the MTW Insite page via the following link:

<https://www.mtwcoal.com.au/page/environment/environmental-management-plans/>

Schedule 17 – Hunter Valley Sand Bodies Research Program

Background

In compliance with consent condition 43 for Warkworth Continuation Project SSD-6464 (see below), the then managers of MTW - Rio Tinto Coal Australia (RTCA) developed a research program for likely late Pleistocene and early Holocene sand deposits that may contain evidence of Aboriginal habitation in the Upper Hunter Valley. In doing so, the program has been prepared for RTCA by the following suitably qualified and experienced persons approved by the Secretary, Department of Planning and Environment: Dr David Cameron and Mr Joel Deacon (RTCA) and Dr Luke Godwin and Mr Scott L'Oste-Brown (Central Queensland Cultural Heritage Management - CQCHM). In preparing the research program, these people drew on advice from an Expert Panel (consisting of Professor Jim Allen, Professor Richard Fullagar, Professor Ian Lilley and Dr Phillip Hughes) that RTCA convened in 2012 to consider a range of issues associated with the nature and occurrence of late Pleistocene and early Holocene sites in the Upper Hunter Valley. In particular, the panel considered those issues outlined in a brief provided to Panel members. Attachment A provides further details of the credentials of the members of the Expert Panel, and Attachment B provides some details of the brief they were given.

In conducting its review of the conditions and preparing the research program, the following was considered:

- commentary and advice from the Expert Panel, who had reviewed written material listed in Attachment C and undertaken a field examination of various locations where late Pleistocene and early Holocene occupation has been investigated or is likely to be located prior to providing that advice;
- written materials documenting investigations at various sites where issues relating to possible late Pleistocene and early Holocene occupation of the Upper Hunter Valley were addressed. (These materials are also listed in Attachment C); and
- results of field examinations of various locations where late Pleistocene or early Holocene occupation has been investigated or may be located.

Upper Hunter Valley Sand Bodies Study

(Warkworth Continuation Project SSD-6464 Consent Condition 43)

43. The Applicant shall prepare an Aboriginal Heritage Management Plan for the development to the satisfaction of the Secretary, and carry out the development in accordance with this plan. The plan must:

(a) be prepared in consultation with OEH and Aboriginal stakeholders, and submitted to the Secretary for approval prior to carrying out any development under this consent;

...

(c) include a research program, that has been prepared by suitably qualified and experienced persons whose appointment has been approved by the Secretary, for locating and evaluating sand bodies of likely Pleistocene and early Holocene age that may contain evidence of Aboriginal habitation in the Upper Hunter Valley.

Key Considerations

Taking account of the deliberations of the Expert Panel, this methodology has also been developed with a view to undertaking a program of a scale appropriate to address the research hypothesis. As such the excavation program has been designed with a view to

minimising the impact footprint on the identified landscape features and leaving material intact for any future improved investigation techniques or research priorities.

A certain degree of flexibility is required in the selection of sites and the specific design of the excavation strategy at each site. This will be required due to non-negotiable Occupational Health and Safety constraints or requirements pertaining to each location, such as safety in accessing sloping locations and similar issues. The first aspect of the fieldwork program, therefore, will include further assessment of each proposed location, undertaken with a view to examining the OH&S practicality of the proposed works. Locations will either be jettisoned or an alternate investigation methodology proposed to reflect advice. Where this occurs, regulatory agencies will be advised and agreement sought before implementation of the revised program.

The methodology proposed below has already been trialled at one possible late Pleistocene/early Holocene site: Sub Area A of the Warkworth Sandsheet (located on the eastern side of Wallaby Scrub Road) as part of the requirements under Consent Condition 61 of the Warkworth Extension Project DA_09_0202). The methodology was found both to be effective in implementation and in the results obtained. Accordingly, subject to commentary above, it seems appropriate to utilise this approach more generally unless specific conditions preclude this possibility.

Research Program

After due consideration of earlier studies and reports, review of the deliberations of the Expert Panel, examination of various sites and landscape features, and taking account of the terms of the above-mentioned consent condition, the suitably qualified and experienced people have designed the Upper Hunter Valley Sand Bodies Study. This program has two elements:

1. The first element is to collate the current state of knowledge about the origin, age, distribution and post-depositional history of sand bodies and their known and potential archaeologies. This will include consideration of existing geological and vegetation mapping. The purposes of this will be to:
 - define and discuss the gross distribution of sand bodies within the Upper Hunter Valley;
 - identify which such areas are situated within RTCA lands and the status of that land (e.g. mining, conservation, currently unknown / undecided);
 - demonstrate that the sample that is situated within RTCA lands constitutes a reasonable sample of these bodies;
 - consider whether sand bodies that are situated outside of RTCA lands should be included within the study and the basis for this assessment;
 - summarise the known surface and subsurface archaeological investigations and their results within these bodies.
2. The second element is to include a field component (Figure 1). The basic principle for this will be that the scale of the work be a minimum sufficient to provide an understanding of the origin, age, distribution and post-depositional history of sand

bodies within the context of the status of the lands. There may be a staged approach to this work. On the basis of investigations and deliberations undertaken, a series of five investigation areas have been identified and are recommended for the conduct of excavation works as follows:

- two excavations within the Archerfield area where an extensive flat-topped sand body has accumulated above a large bend in the Hunter River. The excavations are to be located on the northern crest (Archerfield 1) and flank (Archerfield 2) of this sand plain adjacent and closest to the Hunter River. These excavation areas are to be approximately 700m apart;
- an excavation within the heavily truncated sand body located in the Cheshunt area (Cheshunt 1) located above the southern side of the Hunter River and some 3km to the south west of the Archerfield area. To minimise disturbance to what remains of this feature, this excavation was to be placed in association with a disused exploration drill hole (ID 4078c) sump. With the passage of time, this sump has been back-filled and rehabilitated resulting in an alternative location for this excavation (some 150m to the north east) being identified;
- an excavation within the recently inspected sand body located alongside the Hunter River some 1.9km downstream of its confluence with Wollombi Brook (Clifford 1). An extended but relatively narrow flat-topped sand ridge has formed along the southern side of the Hunter River in this area;
- two excavations within the Warkworth West/Springwood area where an extended area of very high sand dunes has built up south-east and outwards from Wollombi Brook. The Warkworth West 1 excavation area is located atop the highest visible crest of this dune body on the western side of Wallaby scrub road and adjacent to a recently rehabilitation gravel quarry. The Springwood 1 excavation area is located atop the toe of this dune body immediately alongside Wollombi brook. These excavation areas are some 770m apart;
- two excavations within the Warkworth Village area (Village 1 and 2). This area is located on the inside of a large bend of Wollombi Brook and some 1.6km to the north of the Warkworth West/Springwood area. The area has been considerably impacted by construction and development activities within the village but two prospective remnant high sand dune areas have been identified some 550m apart.

Additional investigation of other sand bodies as may be present and accessible (e.g. land ownership does not present an obstacle to access) along the Hunter River and Wollombi Brook may also be undertaken. These additional areas will be identified during the first element of the Study.

The primary aim of these excavations will test the following hypothesis: are the cultural and landscape depositional patterns identified from previous relevant excavations replicated elsewhere in the Upper Hunter Valley.

Methodology

The following constitutes the methodology for the conduct of these excavations to test this hypothesis:

- Sites are to be sampled via the mechanical excavation of a series of trenches generally placed across the sands areas;
- the final location of the trenches will be finalised to cater for environmental and safety constraints with the intention being for the trenches to test a representative sample of the depths of the variously identified sand bodies;
- the trenches will be mechanically excavated using a minimum 900mm mud bucket;
- trenches will be excavated notionally in 5m pulls (constrained by excavator reach and mine site safety requirements);
- excavation units will be in the order of 100mm in depth;
- the sediments from each excavation unit will be sieved through a 10mm sieve mesh;
- all cultural material will be retained and dealt with in a manner consistent with provisions of the relevant Aboriginal Heritage Management Plan applying to the excavation area and /or other relevant Rio Tinto management instruments; and
- all trenches will be excavated through the sands to machine refusal in underlying deposits or as limited by the safe operating depth of the machine;

A geomorphic assessment will be conducted of all excavated sections in association with the Study project archaeologist. The timing of the geomorphological assessment will be dictated by the speed of completion of any excavation. The assessment, however, will be undertaken in stages. The aim of this assessment will be to provide an understanding of the origin, age and post-depositional history of the sand body. The geomorphic assessment is to be undertaken by a geomorphologist with expertise in Hunter Valley sand bodies and in collaboration with an OSL dating laboratory. The geomorphologist will decide the location and number of samples submitted for OSL dating. The maximum number of submitted samples for OSL assay will not exceed 20 per excavation without prior approval from RTCA.

To conform to mine site safety requirements, the initial excavated trenches will be widened prior to the conduct of the geomorphic assessment. This will be undertaken principally on one side and may, depending upon the trench's final depth and integrity, include the construction of a series of steps or battering. Additionally, the ends of each trench may be ramped outwards to allow for safe egress.

Provisions for Carrington Mine Colluvial Deposit 1 (CM-CD1)

The Expert Panel recommended, and the suitably qualified and experienced people agreed, that the only outstanding matter with respect the work that has been undertaken at CM-CD1 was a dating program. The following was to be undertaken in this regard:

- to the extent possible, relocate the original excavation, exposing the section of the squares which were excavated into the Older Stratum; and

- the creation of new clean faces sufficient to facilitate the collection of adequate sediment samples in order to obtain up to six OSL dates.

This program will definitively answer two issues surrounding this site:

- whether these colluvial sediments are Pleistocene in age; and
- whether there are late Pleistocene and early Holocene sites in settings other than sand bodies in the Upper Hunter Valley.

Timing of the Research Program

Date of Implementation: TBA

Fieldwork Program commencement: TBA

Expected Duration Fieldwork Program: 10 weeks duration (anticipated completion end of TBA)

Dates and Reporting: TBA

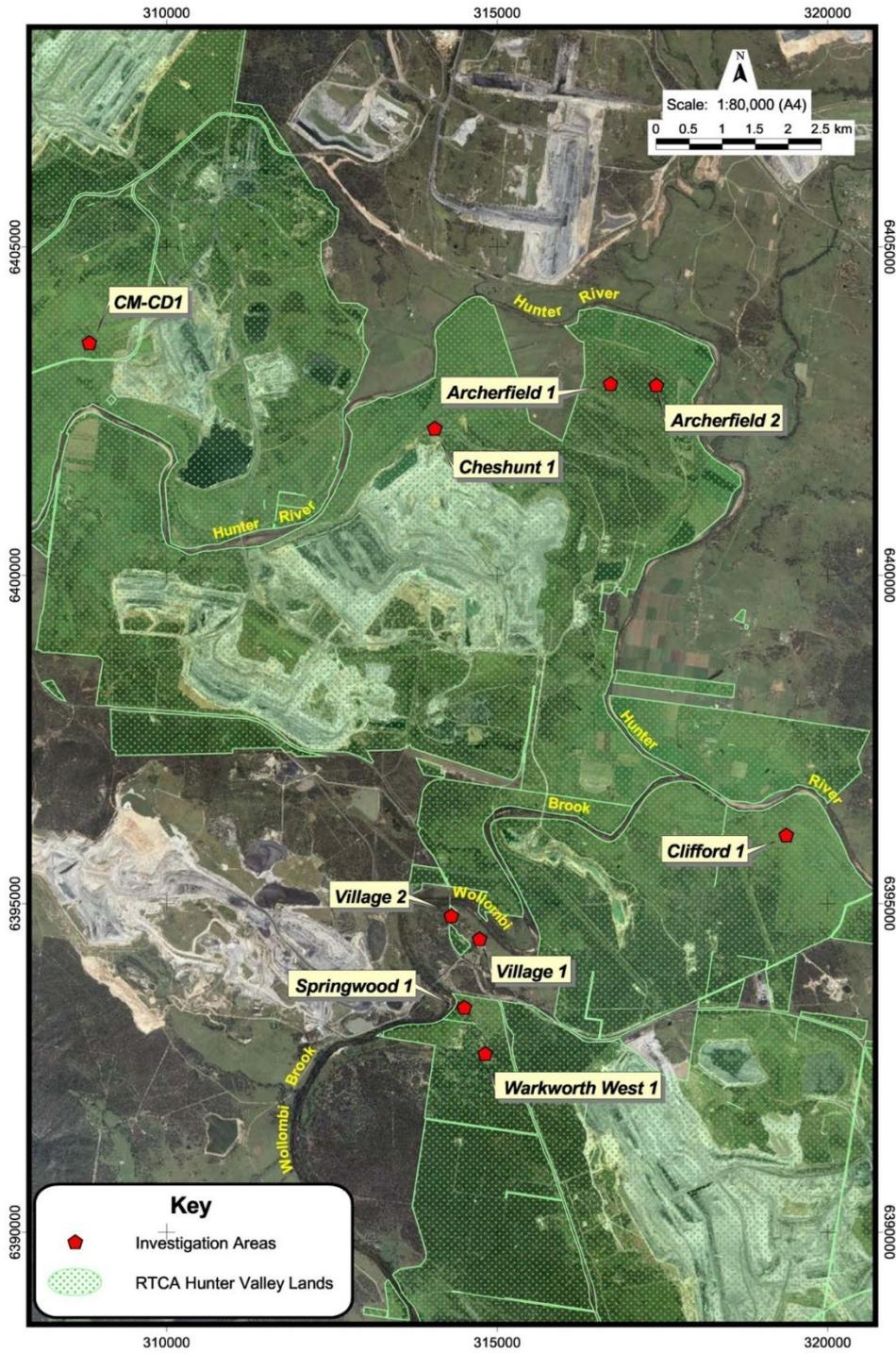


Figure 1: Investigation areas currently identified for inclusion in the Upper Hunter Valley Sand Bodies Study.

ATTACHMENT A

Professor Jim Allen BA (Sydney), MA (Cambridge), PhD (ANU)

From 1968 to 1998 Professor Allen held a series of academic positions in the University of Papua New Guinea (1968-1972), the Australian National University (1972-1985) and La Trobe University (1985-1998). Subsequently he has run his own consulting business (Jim Allen Archaeological Consultancies) while also continuing to research and publish in the academic field. Professor Allen has recently been elected a Foreign Associate of the US Academy of Sciences for original contributions to knowledge.

In 1985 Professor Allen became the Foundation Professor in Archaeology at La Trobe and subsequent to his retirement from there, has been made Professor Emeritus. He also holds the positions of Adjunct Professor of Anthropology in the University of Utah and Visiting Fellow, Centre for Archaeological Research, ANU, Canberra.

Since 1984 Professor Allen's particular interest has been the Pleistocene period of human occupation of Sahul. In 1984 he organised and led the Lapita Homeland Project which demonstrated the long-term Pleistocene occupation of the islands of the Bismarck Archipelago and was a first step in demonstrating the contemporaneous human occupation of Australia and PNG, an event currently set at c.47,000 years ago.

Between 1985 and 1992 Professor Allen initiated a number of La Trobe expeditions into the south-west rainforests of Tasmania to expand knowledge of the Pleistocene sites there, first recognised at Kutikina on the Franklin River. Eventually, sites approximately twice as old as Kutikina were found, fundamentally changing our knowledge of the first inhabitants of Tasmania (and Australia).

Amongst Professor Allen's consultancies, the extensive 2007 excavation for Theiss John Holland at Bend Road, a sand sheet site straddling the Mitcham to Frankston tollway, provided many insights of immediate relevance to potential Pleistocene sites in the Hunter Valley, particularly in respect to post-depositional disturbance vectors and determining the archaeological integrity of disturbed sites.

Professor Richard Fullagar BA (University of Melbourne), PhD (La Trobe University)

Professor Fullagar is an archaeologist with 35 years of field and research experience. He has undertaken research projects in all states of Australia and in parts of Papua New Guinea and the Philippines. Professor Fullagar has received Australian Research Council support for fellowships and grants in West New Britain, Papua New Guinea; the Keep River Area in the East Kimberley; Cuddie Springs, Western NSW; and Riversleigh, Northwestern Queensland. He is a Chief Investigator on two current Australian Research Council projects, one to re-excavate very early archaeological

sites in Australia and Timor (with current excavations at Malakunaja in the Northern Territory); and the other to undertake collaborative research into wetlands with Aboriginal groups in New England and Tasmania.

Professor Fullagar's research on stone tool function has linked him with several other large research projects.

After completing a BA at the University of Melbourne Professor Fullagar was employed by the Victoria Archaeological Survey; and his PhD was completed at La Trobe University. Since then he has held research positions at the Australian Museum, University of Sydney and the University of Wollongong. His current research base is as Professorial Fellow in the Centre for Archaeological Science at the University of Wollongong. Current research interests include:

- use-wear and residue analysis;
- history of plant food processing;
- modern human evolution and dispersal into Australia; and
- Australian and Pacific archaeology.

Professor Fullagar was a founding Co-Director of Scarp Archaeology, a company that focuses on cultural heritage management projects in the Pilbara and the Hunter Valley in NSW. A recent project with RTCA entailed large scale excavations and detailed study of a potential Pleistocene site in the Warkworth Sands in the Hunter Valley.

Professor Ian Lilley BA, MA (University of Queensland), PhD (ANU)

Ian is the Professor of Aboriginal and Torres Strait Islander Studies at the University of Queensland. He has worked in Australasian and Indo-Pacific archaeology and cultural heritage for 35 years and is currently undertaking fieldwork in Australia and the Pacific.

Professor Lilley was Specialist Adviser on Rio Tinto's recent publication project *Why cultural heritage matters*. He has run his own heritage consulting practice as well as the University of Queensland's heritage consulting unit, and was retained by Kinhill as Archaeologist – Queensland Region for five years.

He is Convenor of the International Heritage Group, a heritage capacity-building initiative of the universities of Oxford and Queensland, as well as Secretary-General of the Indo-Pacific Prehistory Association, the region's peak professional body. Professor Lilley is also Secretary-General of ICAHM, the international archaeological heritage management committee of ICOMOS, the statutory advisor to UNESCO on cultural heritage. He is also an ICOMOS World Heritage Assessor, and has also assisted with

the development of World Heritage nominations by the governments of the USA and Viet Nam. Professor Lilley has been Secretary of the World Archaeological Congress and President of the Australian Archaeological Association. He is currently a Fellow of the Society of Antiquaries of London and of the Australian Academy of Humanities.

Professor Lilley's interests include ancient migration and trade, the archaeology of social identity, archaeological ethics, and the role of archaeology and heritage in contemporary society. His most recent books are *Early Human Expansion and Innovation in the Pacific* (ICOMOS 2010) and *Archaeology of Oceania: Australia and the Pacific Islands* (Blackwell 2006).

Dr Phillip Hughes BSc (Auckland), MSc (UNSW), PhD (ANU)

Dr Hughes has had 45 years research and consulting experience in Australia, Papua New Guinea, the Pacific region, South and Southeast Asia and New Zealand. He has been an academic staff member in the University of New South Wales, the Australian National University (ANU) and at the University of Papua New Guinea (UPNG), and in 1990-91 was Pro-Vice Chancellor (Consulting) at UPNG. He is a Member of the Environmental Institute of Australia and New Zealand.

From 1991 to 1997 Dr Hughes was a Manager of Environmental Studies with Kinhill Engineers Pty Ltd. Since 1997 he has been a Director of Huonbrook Environment & Heritage Pty Ltd (HEH). He is currently a Visiting Fellow in the School of Archaeology and Anthropology at ANU where he co-supervises two PhD students working on HEH's ongoing Olympic Dam salvage archaeology project in South Australia.

Since 1981 Dr Hughes has worked variously as an archaeologist, geoarchaeologist and geomorphologist on more than thirty projects in the Hunter Valley. On most of these projects he was the principal investigator while on others he provided specialist geoarchaeological and geomorphological input. In 1984 he coordinated the National Parks and Wildlife Service's multidisciplinary Hunter Valley Region Archaeology Project and prepared Volume 1 (an overview of the regional archaeology and environment) of the resulting project reporting. In 2004 he prepared a chapter on the landscape history of the Upper Hunter Valley for the Aboriginal Heritage Baseline Study report produced by ERM Australia for the Upper Hunter Aboriginal Heritage Trust.

Dr Hughes has authored or co-authored more than ninety articles in refereed journals and monographs and has co-edited seven books. Since 1973 he has authored or co-authored more than 400 stand-alone reports and another 300 chapters or sections in EIAs and other planning documents on archaeological, geomorphological, environmental and social/poverty assessment consultancies carried out in a wide

range of environments in tropical, central and eastern Australia and in PNG, Kiribati, the wider South Pacific region, Indonesia, China and Vietnam.

ATTACHMENT B

DETAILS OF BRIEF PROVIDED TO EXPERT PANEL

BACKGROUND

Rio Tinto Coal Australia (RTCA) holds a range of tenements in the Hunter Valley on which it undertakes coal mining and a range of ancillary activities associated with the extraction of coal. It is planned to expand its operations, notably at Mount Thorley-Warkworth (MTW) and Hunter Valley Operations (HVO) Carrington Mine (CM), as well as develop greenfields projects, notably at Mount Pleasant (MTP).

RTCA decided that the best means by which it could determine what actions it should take to in relation to consent conditions pertaining to possible late Pleistocene and early Holocene sites was to convene an expert panel to advise it on:

- a. what opportunities existed in the Hunter Valley in relation to late Pleistocene and early Holocene sites;
- b. what issues existed in relation to the identification of late Pleistocene and early Holocene sites in the Hunter Valley, and the likely condition and location of such sites;
- c. taking account of (a) and (b), advised RTCA as to the design and implementation of a research program for late Pleistocene and early Holocene sites.

EXPERT PANEL DUTIES

1. Reviewed a series of reports and papers previously prepared regarding Pleistocene sites in the Hunter Valley, with same to be provided by RTCA and review to take place in advance of (2);
2. Attended a two day workshop held in the Hunter Valley on 6-7 August 2012;
3. In the course of the workshop, examined various locations that were relevant to the matters under consideration;
4. During the workshop reviewed pertinent information and data and commented on any issues arising, and considered to what extent and how any particular issue might be addressed), proposed and discussed research strategies and methodologies to address those issues;

OUTCOMES

1. At the conclusion of the workshop the Panel settled, by consensus, a series of recommendations;

2. These recommendations included advice on the research design and methodologies that should be adopted, as well measures by which the outcomes of any research program should be reviewed and determined whether any further work was required to answer outstanding research questions (e.g. reconvening of the Expert Panel to review and advise);
3. Provided (1) and (2) to RTCA as a communique that could be tabled by RTCA with regulatory agencies.

TENTATIVE AGENDA

- Day 1: Travelled to Singleton (arrive afternoon)
 Panel dinner – informal discussions
- Day 2: Preliminary discussions, anticipated objectives and outcomes
 Site visits (focusing on Warkworth Sands area, and CM-CD1, and other areas as time permits e.g. Cheshunt/Archerfield)
 Review issues observations from site visits, and preparation for day 2
 Panel dinner
- Day 3: Review session
 Discussion of issues, approaches, research design and suggested methodologies
 Preparation of communique

OTHER ISSUES

Panel members were made aware that officers of regulatory agencies could attend some, or all, of the workshop, including site visits.

RTCA proposed to record the Panel’s discussions for internal purposes. No external use was to be made of any recorded material, or transcript of same, without the express prior written permission of Panel members.

Reports and papers for review were provided in an on-line drop box facility. RTCA sent details re same to each member of the Expert Panel.

If any Panel member had any further questions they were to immediately contact Dr David Cameron re same.

ATTACHMENT C

The following materials were made available to the Expert Panel to aid them in the formulation of the recommendations contained within this communiqué.

AECOM 2009 Aboriginal Heritage Assessment: Mount Thorley Warkworth Mine Lease West of Wallaby Scrub Road.

AMBS 2002 'Abbey Green', Mt Thorley Mine, Hunter Valley Archaeological Assessment.

Brayshaw, H 1989 Archaeological Survey of Proposed 330KV Transmission Line Deviation Near Warkworth, Hunter Valley, NSW. Brayshaw McDonald Pty Ltd.

Brayshaw, H 1994 Salvage Excavation of Site #37-6-299 Mt Thorley- Hunter Valley, NSW. Brayshaw McDonald Pty Ltd.

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Schedule 18 – Aboriginal Community and Regulator Consultation Documents

Attachment/Schedule #: Excerpts of Aboriginal Stakeholder Consultation Documents



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 4th May 2017**

CHWG Meeting Agenda

- **1. Review of Minutes & Actions from previous CHWG meeting 23rd February 2017**
- **2. Business Update**
- **3. Warkworth Mine Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals**
 - Schedule for consultation on implementing consent conditions
 - Wollombi Brook ACH Conservation Area Plan of Management
 - Discussion on co-operative management of conservation areas with Wambo (Steve Peart)
- **4. Hunter Valley Operations**
 - HVO South (PA_06_0261) ACHMP review finalised
 - HVO North (DA 450-10-2003) HMP review finalised
 - HVO North (DA 450-10-2003) West Pit Dam 17 AHIP permit received
 - HVO North (DA 450-10-2003) Wandewoi conservation area survey results
 - HVO North (DA 450-10-2003) Mitchell Pit Stage 1 Salvage results

CHWG Meeting Agenda

- **5. 2017 Coal & Allied Q1/2 Work Program**
- Briefing on proposed Aboriginal cultural heritage management work programs, including:
 - HVO Mitchell Pit development salvage
 - HVO West Pit Dam 17 salvage (pending AHIP approval)
 - Warkworth AHMP Stage 1 Salvage (pending AHMP approval)
 - Warkworth Site M removal program (pending AHMP approval)
- Proposed work program schedule

- **6. Aboriginal Relations Update**

- **7. Other Business and Community Feedback/Issues**
- HVO Aboriginal Dialogue Group Cultural Display Update
- Scott Diggles water management presentation

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The Stage 1 AHMP (east of Wallaby Scrub Road) was approved by DP&E on 28 January 2016
- The whole of MTW integrated ACHMP was finalised in December & submitted to OEH for their review.
- OEH deemed plan adequate & appropriate
- Plan submitted to DP&E in January 2017 and awaiting response

**Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting (Excerpt)**

Date: Thursday 4th May 2017

Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga

Meeting Commenced: 9:15am

Present: Dr David Cameron – RTCA Manager Heritage & Aboriginal Relations
Joel Deacon – RTCA Cultural Heritage Specialist
Jessica Blackman – RTCA Cultural Heritage Advisor
Noel Downs – Wanaruah Local Aboriginal Land Council
Ross Pahuru – HVAC
Rhonda Ward- UCCS
Allen Paget – Ungooroo Aboriginal Corporation
Arthur Fletcher- Wonn 1
George Sampson- CCC
Jeff Matthews- Crimson Rosie
Barry French – Aleira French Trading
Rhoda Perry- UHWC
David Horton – Gomeroy CC

Apologies

Deidre Perkins – Divine Diggers

John & Margaret Matthews- Aboriginal Native Title Consultants

Darrel Matthews – Upper Hunter Heritage Consultants

Maree Wargh- Wallangan Cultural Services

Tracey Skeene – Culturally Aware

Des Hickey – WTC/ Wattaka

Luke Hickey – WTC / Hunter Valley Cultural Surveying

Vickie & Rod Slater- Kawul Cultural Services

Suzie Worth- WLALC

Dave thanked everybody for coming and Arthur led a minute of silence.

WML DP&E ACH Consent Conditions

Dave advised that the management plan is still sitting with the department of planning for feedback.

Dave talked to the slides (12), going over the conditions of the conservation area.

Arthur commented that he had read about companies drilling close to the brook, and he was concerned about people drilling in close proximity to the brook and the effects this may have.

Dave noted that the conservation agreement, which prohibits drilling of any description, covers all the areas that are close to the brook- Dave pointed to the map to demonstrate these areas. Dave noted that it is binding on the land, no matter who owns the land. So no matter which company owns it, the conservation agreement stays.

Dave advised that this has now been drafted, and will be submitted for approval in May.

Dave noted that the Plan of management would outline what activities are permissible in the conservation area, while the conservation agreement simply puts the land aside as conservation. It will not outline the permissible activities.

Noel asked what the actual wording of the Condition 38 was. Dave showed him the exact wording on slide 13.

Noel commented that in the summary of Condition 38, Dave had mentioned the protection from mining, but was not included on slide 13 in the exact wording. Dave replied that this protection condition is written into the Conservation Agreement, not the plan of management.

Noel replied that this is something that should be controlled by Aboriginal people, not CNA. This gives no control to other parties. It is not unheard of for ministers to decide to award mining to conservation areas if it is underground mining.

Dave agreed and noted that this was something that had been discussed before. The submission to the EIS included this information but the PAC rejected it and modified it.

Noel commented that this information was misleading.

Dave replied that he shared Noel's concerns, but there was nothing that can be done about this.

Meeting end 1:33

COAL & ALLIED

Managed by Rio Tinto Coal Australia

Invitation for Aboriginal parties in the Upper Hunter Valley to register their interest to participate in cultural heritage consultation with Coal & Allied

Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the Local Government Areas of Singleton, Muswellbrook and Upper Hunter, or within the Wanaruah Local Aboriginal Land Council boundary, are invited to participate in consultation with Coal & Allied regarding the assessment and management of Aboriginal Cultural Heritage associated with its development activities that may require assessment and/or Aboriginal Heritage Impact Permit (AHIP) approvals under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act), or assessment and approvals under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include your name/organisation, current contact details (postal address, email, phone number/s) and be received by Joel Deacon (see contact details at end of this notice) by close of business on Wednesday 3rd May, 2017. Details of people registering as Aboriginal Parties will be forwarded to the Office of Environment and Heritage (OEH), and also the Wanaruah Local Aboriginal Land Council unless you specify otherwise.

Aboriginal parties who register are invited to attend a **Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) meeting**, with the following details:

Date: Thursday 4th May 2017

Time: 9.00am to 2.00pm

Venue: **Wollombi Brook Conservation Area, 1916 Putty Road, Bulga** (Morning tea and lunch will be provided)

The following development proposals requiring an Aboriginal Heritage Impact Permit approval under Part 6 of the NPW Act are to be discussed at the CHWG meeting:

- Hunter Valley Operations North (DA 450-10-2003) Mitchell Pit Development; &
- Hunter Valley Operations North (DA 450-10-2003) West Pit Dam 17W Relocation Development.

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval.
- Mount Thorley Operations SSD-6465 development approval.
- Hunter Valley Operations South (PA06_0261).
- Hunter Valley Operations North (DA 450-10-2003).

CHWG discussions and other consultation with Registered Aboriginal Parties pertaining to operations & approvals regulated under the EP&A Act, and other activities requiring approvals under Part 6 of the NPW Act, are conducted in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

If you are unable to attend the meeting you can register your interest as an Aboriginal Party for consultation and may lodge comments, queries or feedback on these or other topics associated with Coal & Allied's cultural heritage management program via letter, fax, email or phone prior to the scheduled date of the CHWG meeting.

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Rio Tinto



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 23rd February 2017**

CHWG Meeting Agenda

1. Review of Minutes & Actions from previous CHWG meeting 15th December 2017

- HVO Mine Planning Presentation

2. Business Update – Sale of Coal & Allied to Yancoal Australia

3. Warkworth Mine Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

- Schedule for consultation on implementing consent conditions
- Submission of MTW integrated AHMP to DP&E
- Wollombi Brook ACH Conservation Area Plan of Management

4. Hunter Valley Operations

- HVO South (PA_06_0261) ACHMP review
- HVO North (DA 450-10-2003) HMP review
- HVO South (PA_06_0261) Goat Pit West – Barellan water management & dump salvage results
- HVO North (DA 450-10-2003) West Pit Dam 17 AHIP application update

CHWG Meeting Agenda

5. 2017 Coal & Allied Q1/2 Work Program

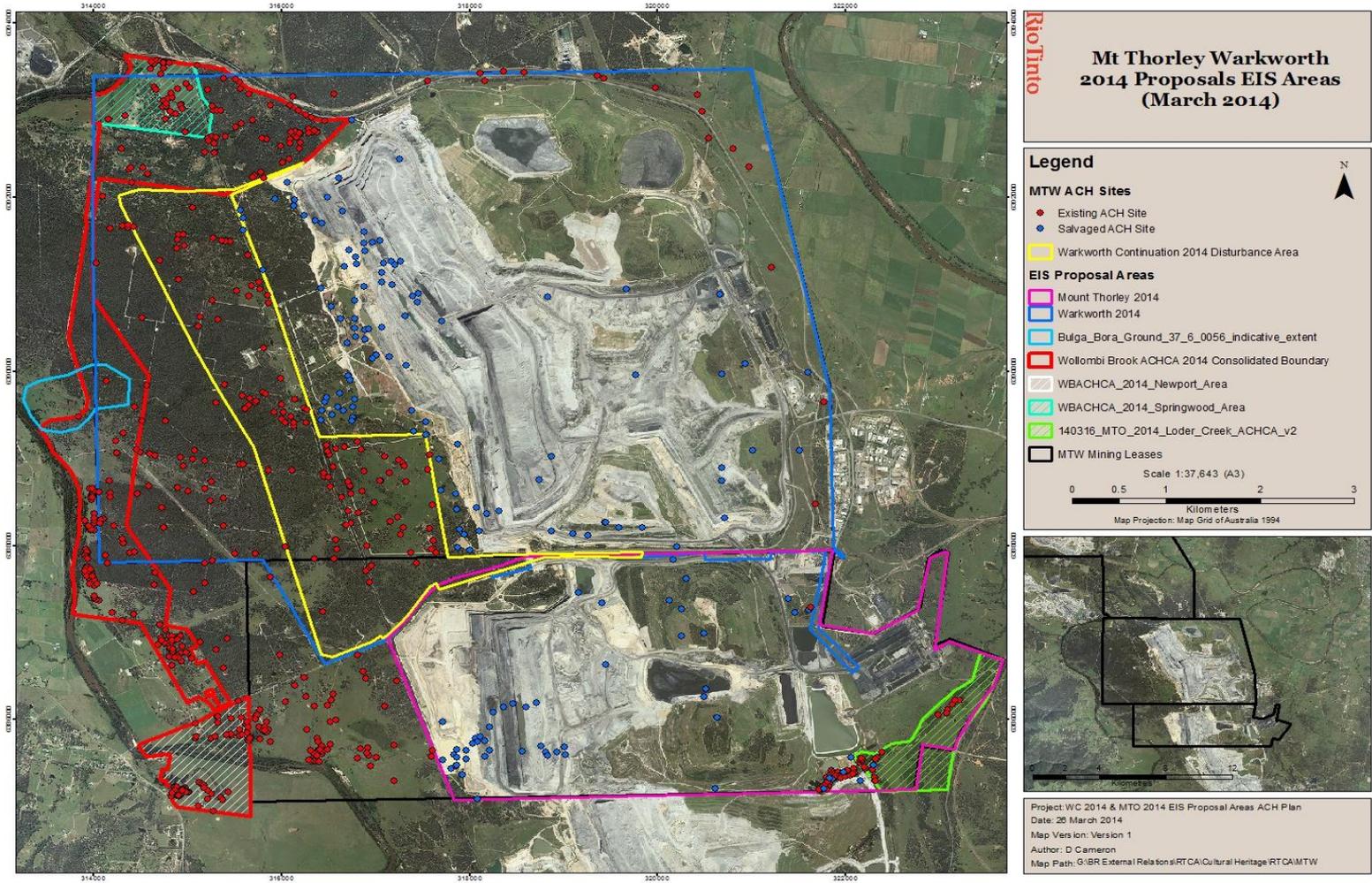
- Briefing on proposed Aboriginal cultural heritage management work programs, including:
 - HVO Wandewoi conservation area survey
 - HVO Mitchell Pit development salvage
 - HVO CM-CD1 further investigations
 - HVO North survey
 - HVO West Pit Dam 17 salvage (pending AHIP approval)
 - Warkworth AHMP Stage 1 Salvage (pending AHMP approval)
 - Warkworth Site M removal program (pending AHMP approval)
- Proposed work program schedule

6. Aboriginal Relations Update

7. Other Business and Community Feedback/Issues

- HVO Aboriginal Dialogue Group Cultural Display

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



3. Warkworth Continuation (SSD-6464) Development Approval

WML DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha) (early 2017 – prior to development west of Wallaby Scrub Road)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act (c.2017 - prior to development west of Wallaby Scrub Road)
- c.40 – No disturbance of human remains (procedure in place)
- c.41 – Protection of ACH sites listed in Table 1 of Appdx 5 (implemented)
- c.42 – Salvage mitigation for all ACH sites subject to development disturbance activities as listed in Table 2 of Appdx 5 (Stage 1 AHMP salvage implemented Feb 2016)
- c43 – Aboriginal Heritage Management Plan (Jan 2017)
 - Stage 1 AHMP approved February 2016
 - Integrated AHMP for whole of MTW submitted Jan 2017

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 38 – Wollombi Brook ACH Conservation Area

- WBACHCA covers a total area of approx. 685ha to be protected in perpetuity for the conservation & management of 265 Aboriginal cultural heritage places & landscape values
- Will provide for the protective management & cultural maintenance of the Bulga Bora Ground & associated cultural landscapes
- Will be protected permanently from all mining (open cut & underground), exploration drilling & associated development disturbance
- Managed collaboratively to protect & enhance biodiversity

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 38 – Wollombi Brook ACH Conservation Area

- The WBACHCA will be managed in accordance with a specific management plan developed in consultation with the CHWG
- The Aboriginal community, through a WBACHCA management committee, will oversee the implementation of the management plan
- C&A will continue to ensure an active Aboriginal community role in both Aboriginal cultural heritage and environmental management activities for the WBACHA
- Engage with Wambo Coal with a view to developing a collaborative management protocol for highly significant areas associated with and immediately adjacent the Bulga Bora Ground

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The Stage 1 AHMP (east of Wallaby Scrub Road) was approved by DP&E on 28 January 2016
- The whole of MTW integrated ACHMP was finalised in December & submitted to OEH for their review.
- OEH deemed plan adequate & appropriate
- Plan submitted to DP&E in January 2017

Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting (Excerpt)

Date: Thursday 24th February 2017

Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga

Meeting Commenced: 9:20am

Present: Dr David Cameron - RTCA Principal Advisor Cultural Heritage
Joel Deacon – RTCA Cultural Heritage Specialist
Jessica Blackman – RTCA Cultural Heritage Advisor
Pearl Garrett (PG) – HVO Senior Engineer, Technical Services
Noel Downs – Wanaruah Local Aboriginal Land Council
Ross Pahuru – HVAC
Rhonda Griffiths- HVAC
Allen Paget – Ungooroo Aboriginal Corporation
Arthur Fletcher-
Rod Hickey- HVAC

Apologies Deidre Perkins – Divine Diggers
David Horton
George Sampson- CCC

Dave thanked everybody for coming and asked if anybody would like to run through a minute of silence. Dave noted that they would capture apologies as there were a lot of people away on other work programs.

Arthur welcomed Pearl to country and ran through the minute of silence.

Dave introduced Pearl Garrett, the mine planner from HVO. Pearl was only available until 10:30 and so the meeting would commence with her discussion first before the minutes and previous actions would be discussed.

Break for morning tea at 10:30am.

Resumed at 10:40am

Dave ran through the agenda and past items. (Slides 2-3 and Agenda).

Review of actions and meeting minutes

AHMP Update

Dave noted that this is sitting with DP&E now and is awaiting feedback.

Noel asked DC who you would talk to about the transfer of land to the Aboriginal Community and taking the next steps prior to sale.

DC replied that he would formally contact Colin Mackey about this and forward Noel's email to him.

Noel commented that they would be happy to have Yancoal included in ongoing discussions.

ACTION: DC to contact CM about attending future CHWG meetings.

Meeting close 1:50pm

COAL & ALLIED

Managed by Rio Tinto Coal Australia

Invitation for Aboriginal parties in the Upper Hunter Valley to register their interest to participate in cultural heritage consultation with Coal & Allied

Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the Local Government Areas of Singleton, Muswellbrook and Upper Hunter, or within the Wanaruah Local Aboriginal Land Council boundary, are invited to participate in consultation with Coal & Allied regarding the assessment and management of Aboriginal Cultural Heritage associated with its development activities that may require assessment and/or Aboriginal Heritage Impact Permit (AHIP) approvals under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act), or assessment and approvals under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include your name/organisation, current contact details (postal address, email, phone number/s) and be received by Joel Deacon (see contact details at end of this notice) by close of business on Wednesday 22nd February, 2017. Details of people registering as Aboriginal Parties will be forwarded to the Office of Environment and Heritage (OEH), and also the Wanaruah Local Aboriginal Land Council unless you specify otherwise.

Aboriginal parties who register are invited to attend a **Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) meeting**, with the following details:

Date: Thursday 23rd February 2017
Time: 9.00am to 2.00pm
Venue: **Wollombi Brook Conservation Area, 1916 Putty Road, Bulga** (Morning tea and lunch will be provided)

The following development proposals requiring an Aboriginal Heritage Impact Permit approval under Part 6 of the NPW Act are to be discussed at the CHWG meeting:

- Hunter Valley Operations North (DA 450-10-2003) Mitchell Pit Development; &
- Hunter Valley Operations North (DA 450-10-2003) West Pit Dam 17W Relocation Development.

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval.
- Mount Thorley Operations SSD-6465 development approval.
- Hunter Valley Operations South (PA06_0261).
- Hunter Valley Operations North (DA 450-10-2003).

CHWG discussions and other consultation with Registered Aboriginal Parties pertaining to operations & approvals regulated under the EP&A Act, and other activities requiring approvals under Part 6 of the NPW Act, are conducted in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

If you are unable to attend the meeting you can register your interest as an Aboriginal Party for consultation and may lodge comments, queries or feedback on these or other topics associated with Coal & Allied's cultural heritage management program via letter, fax, email or phone prior to the scheduled date of the CHWG meeting.

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**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 15th December 2016**

CHWG Meeting Agenda

1. Review of Minutes & Actions from previous CHWG meeting 20th October 2016

2. Warkworth Mine Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

- Schedule for consultation on implementing consent conditions
- Presentation & detailed review of draft MTW integrated AHMP
- Review of draft management principles for Wollombi Brook ACH Conservation Area Plan of Management & tour logistics

3. Hunter Valley Operations

- HVO South (PA_06_0261) ACHMP review process
- HVO South (PA_06_0261) Goat Pit West – Barellan water management & dump
- Update on HVO North (DA 450-10-2003) Mitchell Pit AHIP application

CHWG Meeting Agenda

4. HVO North (DA_450_10_2003) West Pit Dam 17W Relocation AHIP Application

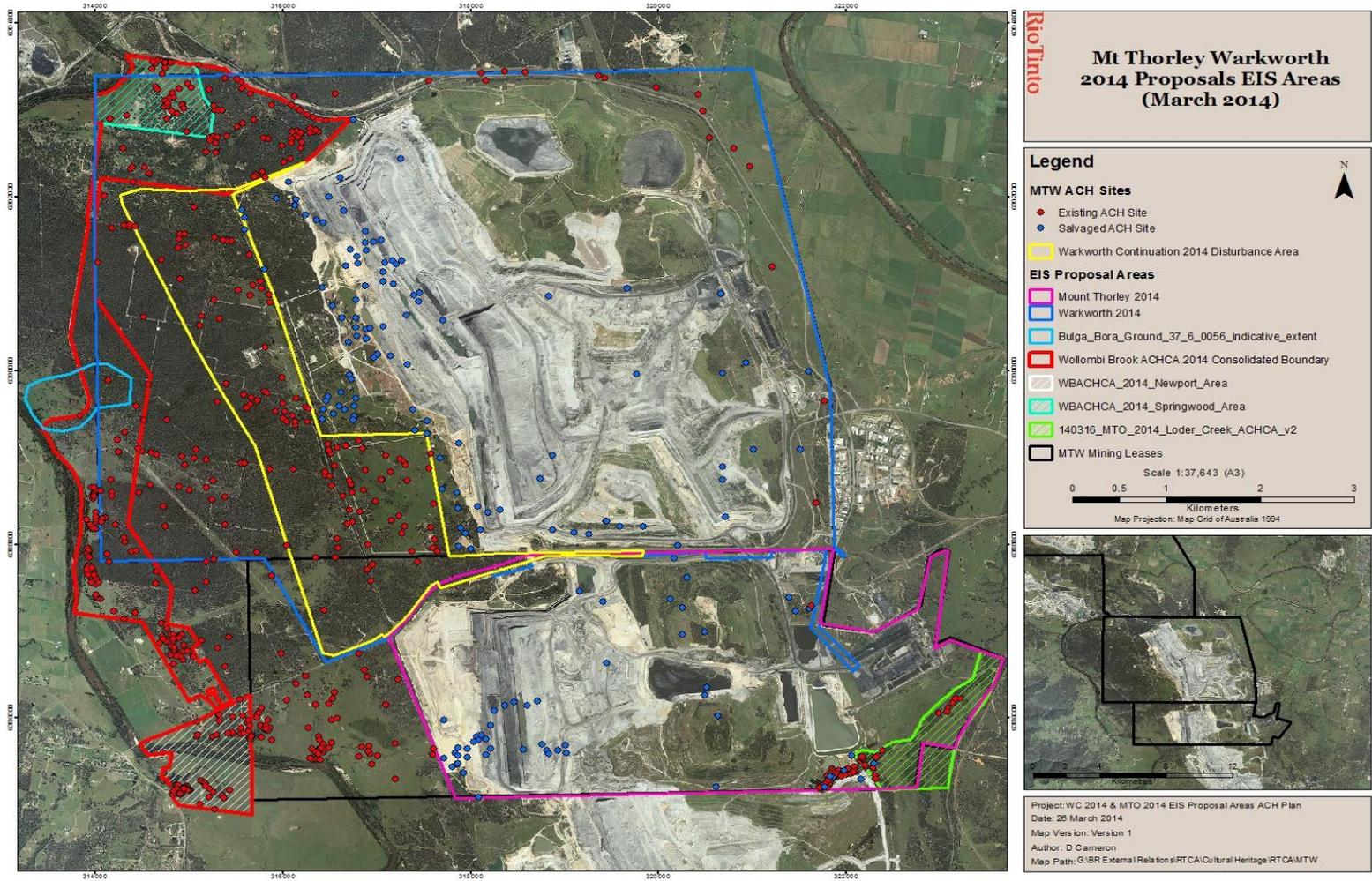
- Briefing on proposed AHIP application, including:
 - Outline of AHIP application process & timeframe
 - Presentation & detailed review of proposed impact management measures for draft ACHAR

5. Aboriginal Relations Update

6. Other Business & Community Feedback/ Issues

- HVO Mine Planning Presentation (next meeting)
- HVO Aboriginal Dialogue Group request to display cultural objects

2. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



2. Warkworth Continuation (SSD-6464) Development Approval

WML DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha) (early 2017 – prior to development west of Wallaby Scrub Road)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act (c.2017 - prior to development west of Wallaby Scrub Road)
- c.40 – No disturbance of human remains (procedure in place)
- c.41 – Protection of ACH sites listed in Table 1 of Appdx 5 (implemented)
- c.42 – Salvage mitigation for all ACH sites subject to development disturbance activities as listed in Table 2 of Appdx 5 (Stage 1 AHMP salvage implemented Feb 2016)
- c43 – Aboriginal Heritage Management Plan (Dec 2016)
 - Stage 1 AHMP approved February 2016
 - Integrated AHMP for whole of MTW to be finalised by Dec 2016
 - Sands Bodies Research Program methodology 2017

2. Warkworth Continuation (SSD-6464) Development Approval

Condition 38 – Wollombi Brook ACH Conservation Area

- WBACHCA covers a total area of approx. 685ha to be protected in perpetuity for the conservation & management of 265 Aboriginal cultural heritage places & landscape values
- Will provide for the protective management & cultural maintenance of the Bulga Bora Ground & associated cultural landscapes
- Will be protected permanently from all mining (open cut & underground), exploration drilling & associated development disturbance
- Managed collaboratively to protect & enhance biodiversity

2. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The Warkworth consent contains the provision, with the approval of the Secretary, to:
 - Submit any strategy, plan or program required by this consent on a progressive basis; &
 - Combine any strategy, plan or program required by this consent with any similar strategy, plan or program required for the Mount Thorley mine.
- The Stage 1 AHMP (east of Wallaby Scrub Road) was approved by DP&E on 28 January 2016

2. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- Develop the whole of MTW integrated ACHMP with CHWG before the end of the year
- Draft MTW integrated AHMP circulated to RAPs for review ahead of this meeting (Dec)
- Review of document & comments from RAPs today
- Will finalise after today's meeting & submit to OEH for their review ahead of finalising for submission to DP&E early 2017
- Any further comments?

Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting (Excerpt)

Date: Thursday 15th December, 2016

Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga

Meeting Commenced: 9:15am

Present: Dr David Cameron - RTCA Principal Advisor Cultural Heritage
Joel Deacon – RTCA Cultural Heritage Specialist
Jessica Blackman – Cultural Heritage Advisor
Des Hickey – Wonnarua Traditional Custodians/Wattaka
Luke Hickey- Wonnarua Traditional Custodians/HVCS
Noel Downs – Wanaruah Local Aboriginal Land Council
Rhonda Ward – UCCS
George Sampson- CCC
Kate Wood-Pahuru - HVAC
Margaret Matthews- ANTC
John Matthews- ANTC
Steven Hickey - Widescope
Ross Pahuru - HVAC

Apologies Rhonda Griffiths- HVAC
Deidre Perkins – Divine Diggers
Allen Paget – Ungooroo Aboriginal Corporation

Welcome.

Rhonda Ward said an acknowledgement of Wonnarua People, elders and ancestors and led a minute's silence as a mark of respect.

Review of Minutes & Actions from previous CHWG meeting 9th June 2016

Dave: So I want to talk about the AHMP for Warkworth. As you know we did a Stage 1 plan that was approved, that is confined to the eastern side of Wallaby Scrub Road, and the next stage was to integrate the Warkworth plan with Mount Thorley, as one

integrated plan, which we've been working on over the last few months. Basically it'd be the same conditions as in the original plan, but extended to include all of the MTW operations, as well as the buffer lands and the conservation areas, when we have a plan for those. So that will take the better part of half of next year probably, but we can't go west of Wallaby Scrub Road until we have that. Of course at the moment we don't have approval to close the road, so that may happen sometime next year, but in the meantime we have to manage the sites and the conservation areas and such.

So we circulated that plan again after the last meeting, so we just wanted to get any final comments or feedback on the plan, so we can finalise it and send it to OEH to review. Any other comments?

Luke: Is this the amended document?

Dave: This was Stage 2 of the Management Plan. (standing and pointing to slide) This is the current Management Plan that covers the Eastern side, and Warkworth, and then Mount Thorley. You have your two conservation areas too. At the moment we have one plan that looks after one part, and another over Thorley that is only 18 months or so old. The idea is to bring them together as one plan now, not just the development footprint, but our lands that sit between that and the conservation areas. We'll need specific plans for the Wollombi Brook area and for Loder Creek.

Noel: Tuesday brought up a little issue. We were at a MACH Energy meeting, to discuss their new AHMP. So we now have a concern with Management plans that are piecemeal. We want to see the offsets secured in such a way that they can't be modified on sale, that they are more part of the consent conditions. The assurance you gave us is that it's in the management plan, they can't change it.

Dave: Well no, they can change it, but they'd have to go through consultation and approval to do so first.

Noel: So our first step is to ensure that offsets and the processes around the offsets are secured into perpetuity, before we start agreeing to anything else in a management plan. We want something that will say 'this is going to happen' and not 'this is going to happen until we decide to change it'. This is what happened at Mount Pleasant. The first thing they did was get rid of the CHWG at Mt. Pleasant. It demonstrated just how shaky a ground the aboriginal community is on.

They also said they gave us six weeks, but they essentially gave us two, because I'm on leave.

Dave: A couple of things. We acted in good faith, as you know-

Noel: Oh no, Mt. Pleasant is done and dusted now, and is gone, however it just pointed out how easily these things could be changed and how fragile the foundation of these Management plans were. MACH Energy had changed a huge amount of things. We to make sure that the Wollombi Brook and the Bora grounds were suitably protected. We need to go through it all to see what procedures and processes they took out.

Dave: The facts are these: the development consent is there. It can only be changed through a modification or EIS process. I assume MACH is doing a modification, but I'm not sure.

Noel: They've said 'we've been working under a C&A management plan, and now are doing our own', which is fine, but they've changed a lot of things and we have to go through it word by word to see if they've removed whole swathes of procedures and processes.

One thing we do know they took out was the CHWG, but hopefully they will put that back in later.

Dave: Or, if any of the RAPs wanted to see that as part of the consultation could raise that very question.

Noel: What we asked them, was what they would put out in its place, and they were talking about select people going onto it, which the Lands Council objects to. It's about consultation. If people want to turn up, they will. If they're not interested they'll let others make the decision. Now that we've seen that this does and can happen, we want to make sure that the Bora ground and Wollombi Brook are protected.

Dave: Regarding the conservation offset areas, they're already nominated in the consent that they cannot be disturbed. We cannot mine to the west of Wallaby Scrub Road without those conservation agreements in place, so we are limited to that anyway. We cannot change that without going through a modification or new EIS. If company XY or Z bought us tomorrow and decided they wanted to change that consent, they'd be back at square one, they'd have to go through the whole process of PAC approval to develop the conservation area.

Noel: It's very easy to get a new PAC approval once you've already had one.

Steven: I thought this was a package deal?

Dave: Let's be clear: the development footprint, that is actually approved, does not include the conservation areas. We cannot do anything on them- they're excluded.

Noel: Yes but it could be on sold tomorrow. It might have the VCA over it, but all the community's hard work could be thrown away tomorrow.

Whether or not CNA is sold is out of our hands. All we are saying is that now we have had a very shocking wakeup call, we now know there is a potential that Warkworth will be sold in the next 18 months, that Warkworth will transfer out of C&A's hands, and all the management plan could be on sold shortly thereafter. We want to make sure that can't happen. We want those sites protected into perpetuity.

Dave: This is the final piece in the puzzle, to get those covenants in place, but at the moment we have the ongoing issue of 69b

Noel: So let's arrange a meeting for the 12th February with the Minister, both for planning and National Parks.

Dave: Yes, but I think we need to do the workshop first.

Noel: No, we don't need to do the workshop. No point doing a workshop, going to the government and having them say 'no way, you can't do that'. Instead let's find out their boundaries, and try to work within those constraints.

Dave: The first question any of them will ask is 'what do you want to do?'

Noel: We have an outline that we are willing to negotiate. We have a draft already written. It's general but it's the direction we want to follow. Why bother going over the same old ground only for them to say no? It'll just waste time.

Dave: Noted, thanks Noel.

Luke: That's a good plan, get informed from them how far we can go and what boxes we have to tick to get our plan across.

Noel: I'm hopeful they'll come around and say 'oh you want to be the senior managers, yep we'll write that into the 69b contract.' Great, done and dusted. At this stage we have zero coming back from them.

Dave: Okay. And again this comes back to who would attend such a meeting, from the RAPs. If we can get a senior person from within the departments, who would they meet with?

Noel: They should come to an open Aboriginal meeting.

Dave: So you're suggesting to basically invite them to a CHWG meeting?

Noel: Yep.

Dave: Okay, we can try that, yes.

Luke: We can find out from them what the limits are and the boundaries and what we will be able to do to push our agenda across the line.

Dave: It might be useful to have that discussion with the manager or Director General or whoever ahead of the workshop, and have them come here, if we can, and we can ask the question. They can hear your views and we can let them know our concerns and seek their support.

Luke: Ten-odd year ago we developed a document that went hand in hand with this proposal?

Dave: That was a draft of the Management Plan.

Noel: Joel was to send it out ahead of the Working Group meeting.

Luke: Did you send that out, Joel?

Noel: No, because he was on leave.

Joel: No, well, ahead of the invitation to the workshop, that was all going to go out, but it's been postponed now so I haven't sent it.

Noel: Joel will send that out to all the RAPs just in case they've misplaced theirs or have an old version- there were about 4 different versions out there.

Dave: We will forward that out to you. I will approach the departments to see if we can arrange a date as early as we can, say February, and if we get an affirmative, we will let people know the where and when.

Luke: There should be an exemption in the Act for offset areas. We aren't developers.

Noel: February 10th looks good for me.

Dave: Alright well we'll look for a date in February, and see if we can get the Ministers or the Director General to come out, so you can talk to them.

Luke: Put a section 90 over the lot. So then we can do what we want because we have a consent to destroy. We as Aborigines will put a section 90 over it, that's another way to do it.

Dave: Right, well we have some things to think about between then and now anyway.

Meeting close at 12:40pm

COAL & ALLIED

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Invitation for Aboriginal parties in the Upper Hunter Valley to register their interest to participate in cultural heritage consultation with Coal & Allied

Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the Local Government Areas of Singleton, Muswellbrook and Upper Hunter, or within the Wanaruah Local Aboriginal Land Council boundary, are invited to participate in consultation with Coal & Allied regarding the assessment and management of Aboriginal Cultural Heritage associated with its development activities that may require assessment and/or Aboriginal Heritage Impact Permit (AHIP) approvals under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act), or assessment and approvals under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include your name/organisation, current contact details (postal address, email, phone number/s) and be received by Joel Deacon (see contact details at end of this notice) by close of business on Wednesday 14th December, 2016. Details of people registering as Aboriginal Parties will be forwarded to the Office of Environment and Heritage (OEH), and also the Wanaruah Local Aboriginal Land Council unless you specify otherwise.

Aboriginal parties who register are invited to attend a **Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) meeting**, with the following details:

Date: Thursday 15th December 2016
Time: 9.00am to 2.00pm
Venue: **Wollombi Brook Conservation Area, 1916 Putty Road, Bulga** (Morning tea and lunch will be provided)

The following development proposals requiring an Aboriginal Heritage Impact Permit approval under Part 6 of the NPW Act are to be discussed at the CHWG meeting:

- Hunter Valley Operations North (DA 450-10-2003) Mitchell Pit Development; &
- Hunter Valley Operations North (DA 450-10-2003) West Pit Dam 17W Relocation Development.

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval.
- Mount Thorley Operations SSD-6465 development approval.
- Hunter Valley Operations South (PA06_0261).
- Hunter Valley Operations North (DA 450-10-2003).

CHWG discussions and other consultation with Registered Aboriginal Parties pertaining to operations & approvals regulated under the EP&A Act, and other activities requiring approvals under Part 6 of the NPW Act, are conducted in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

If you are unable to attend the meeting you can register your interest as an Aboriginal Party for consultation and may lodge comments, queries or feedback on these or other topics associated with Coal & Allied's cultural heritage management program via letter, fax, email or phone prior to the scheduled date of the CHWG meeting.

Joel Deacon
Specialist Cultural Heritage
Rio Tinto Coal Australia Pty Ltd
Hunter Valley Services
PO Box 315, Singleton NSW 2330
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Rio Tinto



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 20th October 2016**

CHWG Meeting Agenda

1. Review of Minutes & Actions from previous CHWG meeting 11th August 2016

2. Warkworth Mine Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

- Schedule for consultation on implementing consent conditions
- Presentation & detailed review of draft MTW integrated AHMP
- Review of draft management principles for Wollombi Brook ACH Conservation Area Plan of Management & tour logistics

3. Hunter Valley Operations

- HVO South (PA_06_0261) EA Modification & ACHMP review process
- HVO South (PA_06_0261) Goat Pit West – Barellan water management & dump
- Update on HVO North (DA 450-10-2003) Mitchell Pit AHIP application

CHWG Meeting Agenda

4. HVO/MTW AHMP Compliance Inspection results

5. HVO North (DA_450_10_2003) West Pit Dam 17W Relocation AHIP Application

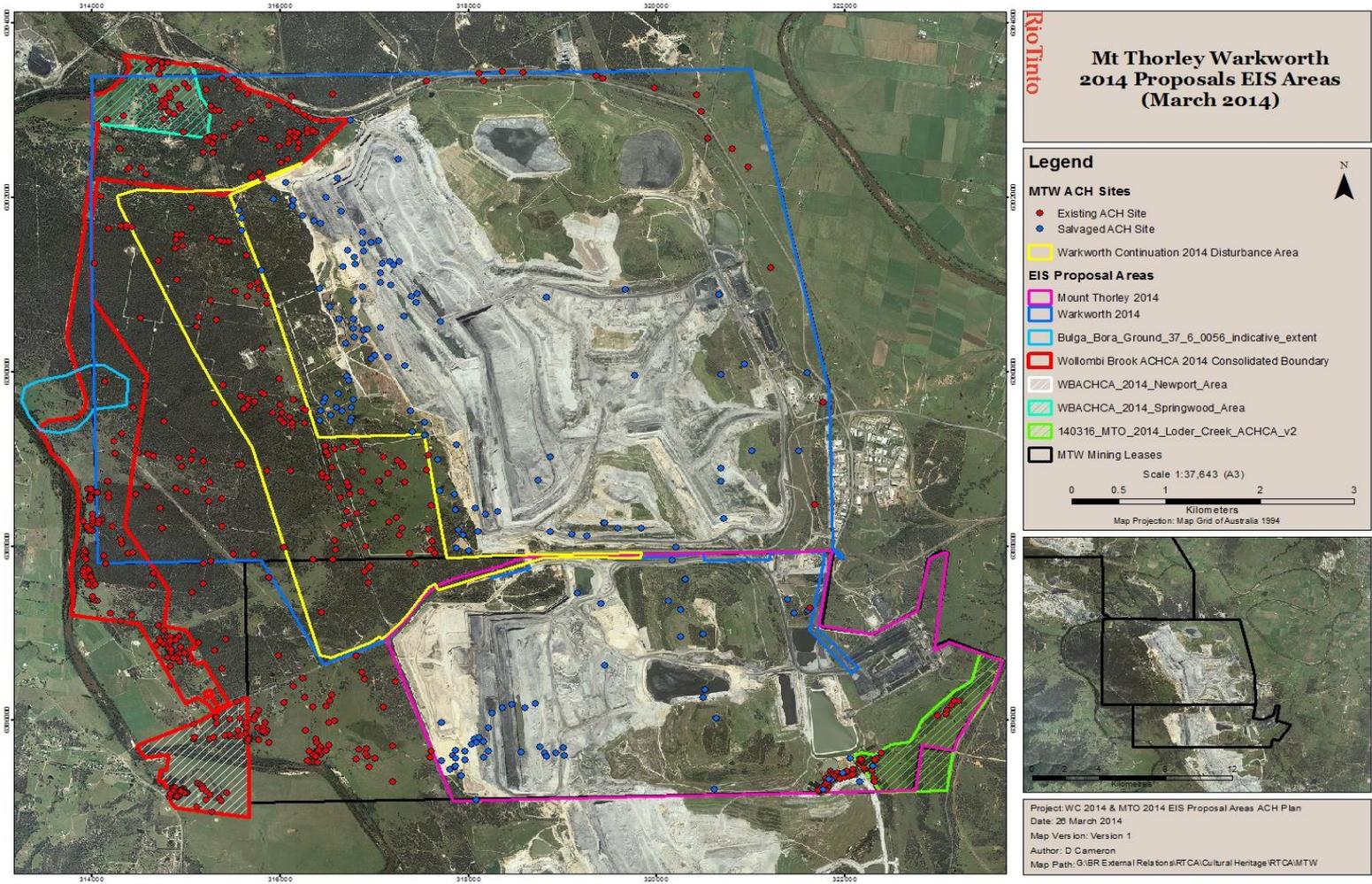
- Briefing on proposed AHIP application, including:
 - Review of proposed development works
 - Outline of AHIP application process & timeframe
 - Review of proposed impact management measures for draft ACHAR

6. Aboriginal Relations Update

7. Other Business & Community Feedback/ Issues

- Environmental Services presentation on rehabilitation

2. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



2. Warkworth Continuation (SSD-6464) Development Approval

WML DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha) (Dec 2016)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act (c.2017 - prior to development west of Wallaby Scrub Road)
- c.40 – No disturbance of human remains (implemented)
- c.41 – Protection of ACH sites listed in Table 1 of Appdx 5 (implemented)
- c.42 – Salvage mitigation for all ACH sites subject to development disturbance activities as listed in Table 2 of Appdx 5 (Stage 1 AHMP salvage implemented Feb 2016)
- c43 – Aboriginal Heritage Management Plan (Nov 2016)
 - Stage 1 AHMP approved February 2016
 - Integrated AHMP for whole of MTW to be developed by Oct 2016
 - Sands Bodies Research Program methodology by Sept 2016

2. Warkworth Continuation (SSD-6464) Development Approval

Condition 38 – Wollombi Brook ACH Conservation Area

- WBACHCA covers a total area of approx. 685ha to be protected in perpetuity for the conservation & management of 265 Aboriginal cultural heritage places & landscape values
- Will provide for the protective management & cultural maintenance of the Bulga Bora Ground & associated cultural landscapes
- Will be protected permanently from all mining (open cut & underground), exploration drilling & associated development disturbance
- Managed collaboratively to protect & enhance biodiversity

2. Warkworth Continuation (SSD-6464) Development Approval

Condition 38 – Wollombi Brook ACH Conservation Area

- The WBACHCA will be managed in accordance with a specific management plan developed in consultation with the CHWG
- The Aboriginal community, through a WBACHCA management committee, will oversee the implementation of the management plan
- C&A will continue to ensure an active Aboriginal community role in both Aboriginal cultural heritage and environmental management activities for the WBACHA
- Engage with Wambo Coal with a view to developing a collaborative management protocol for highly significant areas associated with and immediately adjacent the Bulga Bora Ground

2. Warkworth Continuation (SSD-6464) Development Approval

Condition 38 – Wollombi Brook ACH Conservation Area

CHWG RAPs vision & management principles (Nov 2010 workshop)

- Acknowledgement and respect for the Wonnarua people as the Traditional Owners of the lands;
- Aboriginal community ownership and control of lands;
- Aboriginal community control of access to country;
- Protection and management of the cultural heritage landscape;
- Protection and management of ecosystems – flora, fauna and water resources;
- Management in accordance with the Traditional Owners' lores and customs;
- Transmission of cultural knowledge;
- Sustainable long term social, cultural and economic benefits that improve the lives of local Wonnarua Aboriginal people on their lands in the Upper Hunter Valley;
- Establishment of partnerships that support these objectives for the Aboriginal community

2. Warkworth Continuation (SSD-6464) Development Approval

CHWG RAPs objectives of the conservation area (Nov 2010 workshop)

- Protection of cultural heritage values (the cultural landscape)
- Economic opportunities
- Adequate resources for continuing after mining life – sustainability
- Access to country controlled by the community
- Rehabilitate country with training opportunities
- Develop a sound business plan
- Develop appropriate representative governance
- Develop a heritage management plan
- Develop a strategic plan for engagement

2. Warkworth Continuation (SSD-6464) Development Approval

Next steps – RAP WBACHCA Plan of Management Workshop 2016

- Inspection of conservation area (bus tour)
 - Review/update vision & objectives
 - Identify key management issues/priorities
 - Identify potential community access, use & activities
 - Potential community governance models
- Q – RAP participation: as per fieldwork criteria (logistically max about 30 people)

2. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The Warkworth consent contains the provision, with the approval of the Secretary, to:
 - Submit any strategy, plan or program required by this consent on a progressive basis; &
 - Combine any strategy, plan or program required by this consent with any similar strategy, plan or program required for the Mount Thorley mine.
- The Stage 1 AHMP (east of Wallaby Scrub Road) was approved by DP&E on 28 January 2016
- Develop the whole of MTW integrated ACHMP with CHWG before the end of the year

2. Mount Thorley Operations (SSD-6465) Development Approval

MTO DP&E ACH consent conditions

- c.26 – Protection of ACH sites listed in Table 1 of Apdx 4 (Implemented)
- c.27 – Establish the Loder Creek ACHCA (87 ha approx.), Conservation Agreement under s.69B of NP&W Act (before Nov 2018)
- c.28 – Aboriginal Heritage Management Plan (including plan of management for the Loder Creek ACHCA) (Oct 2016 – MTW AHMP)
- Develop the integrated MTO & WCP (MTW) AHMP along with Wollombi Brook & Loder Creek ACH Conservation Areas plans of management
- Will continue to operate under existing AHMP during the period when integrated MTW AHMP is being developed & until it is approved by DP&E

Minutes of the Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting

Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group Community Consultation Meeting (Excerpt)

Date: Thursday 20th October 2016

Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga

Meeting Commenced: 09:20

Present: Dr David Cameron - RTCA Principal Advisor Cultural Heritage
Jessica Blackman – RTCA Cultural Heritage Advisor
Suzie Worth – WLALC
Des Hickey – Wonnarua Traditional Custodians/Wattaka
Rhoda Perry - UHWC
Noel Downs – Wanaruah Local Aboriginal Land Council
Rhonda Ward – UCCS
Allen Paget – Ungooroo Aboriginal Corp
Rhonda Griffiths – HVAC
Ross Pahuru - HVAC
Paulette Ryan – HTO Environmental Management Services
Donna and George Sampson- Cacatua General Services

Apologies

Joel Deacon- RTCA Specialist Cultural Heritage
Arthur Fletcher – Wonn 1
David Horton – Gomeroy CC
Rod and Vicky Slater – Kawul Cultural Services
Margaret Matthews – Aboriginal Native Title consultants
Maree Waugh – Wallangan Cultural Services
Kevin Taggart

Welcome.

Rhonda Ward said an acknowledgement of Wonnarua People, elders and ancestors & moments silence for the recently passed as mark of respect.

1. Review of Minutes & Actions from previous CHWG meeting 9th June 2016

2. Warkworth Mine Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

- DC talks to slides from presentation.
- DC: There are a number of requirements under the consent condition for the ACHMP and the conservation area, which we will come back to, around developing a management plan. Other conditions around non-disturbance, protection, the standard stuff, and what would be mitigated. Then, we have the Stage 1 plan of the AHMP for the east of Wallaby Scrub Road, and we are working on an integrated plan for the rest of MTW, that is Warkworth and Mount Thorley managed together, which we have a map to show you around this. We have started to develop a draft plan, which we will look at today, and which will be sent out. There is also a requirement for a Sands Bodies research program, the excavations into the additional sands sheets to test for Pleistocene archaeology, so we'll address the proposal for these excavations today which will ultimately go into the plan as well.
- Noel: under c40, it says you have implemented the Human Remains procedure, where have you found human remains?
- Dave: Implemented just means that we have a procedure in place.

Wollombi Brook ACH Conservation Area

- DC: speaking to the conservation area, we know it's the area with the sites that have been preserved in perpetuity from development, and managed collaboratively to protect both biodiversity and aboriginal heritage. It's an integrated landscape, so all the plans we develop around that have to work together. In the first instance we have to look at what we want to manage in terms of conservation, things like community access, cultural activities, and ultimately, the governance- how we want to govern it moving forward. This might be looking far into the future but it's important to decide what is appropriate in advance and have it set up. There is also discussion with Wambo Mine around the co-management of the Bulga Bora Ground Area, which straddles the area between CNA and Wambo Coal, and it's in the consent to engage with them, which we have been doing.

When we did the workshops in 2010 (slides 9-10), there were statements on community vision and management principles that came out of that which helped people focus on what were the key things they wanted out of it; acknowledgement and respect of the Wonnarua people as Traditional Owners of the land, community

Community Consultation Meeting

ownership and control of the land. At the moment this land is owned by CNA but ultimately we'd want it to be owned by the Aboriginal Community. Other visions were community control, to access the country. We're happy to facilitate it but there need to be controls in place around who can come to land, who can use it, what is culturally appropriate. Obvious examples are the Bora Ground, where there is currently no consensus on cultural protocols for accessing and managing that area.

DC continues talking to individual points on Slides 9 and 10, explaining each in more detail.

- Noel: I am reminded of a meeting with Wambo in 2002-2003 about the Bora ground. A few people were there who claimed to be Wonnarua who said that the Bora ground is gone now, there's nothing there and not worth protecting. We'd be concerned about people like that having control over the visitation of the area now that it's worth something. The Bora ground was only ever a no-go zone during ceremonial times and that's how it should remain now. We don't want ownership by people coming on here, bankrupting themselves and then being at risk of being bought out by other companies.
- Dave: this was a big issue that was raised and something that needs to be discussed and worked out, this is a matter of cultural protocol. Also how will this be resourced and set up to ensure sustainability into the future.
- Rhonda G: What I would like to see maybe is someone like a ranger or tour guide who lets people on site, shows them around, and who is also a carer who keeps the place clean and keeps an eye on what people are doing.
- Dave: That's exactly what was discussed. I think the term Cultural Custodian was used.
- Rhonda G: The Land Council for me would the port of call for getting these skilled individuals.
- Noel: companies invest a lot in the ranger training projects.
- Donna: What happened to the people who finished traineeships that CNA offered up?
- Dave: We actually had people getting jobs and leaving us! It was quite effective in that outcome.
- Donna: We pick up a lot of people who do the 2 year cert training who can't get a job. Admittedly this wasn't CNA but I have seen it happen from elsewhere.
- Rhonda: Is that still happening (the funding/training)?
- Dave: No the funding has finished now.
- Noel: This has been our complaint all the time. Only a few people, the top tier, get the contracts to hold the training and then the bulk of the dollars. The Aboriginal community as a whole has no input around who does the training and where they end up. Another example is the CNA drug and alcohol training.
- Dave: So to move on- to help facilitate the discussion and focus on ideas to go into the plan, we are looking to do a workshop in November. This is in two stages- to firstly get a good look around the area, re-familiarise ourselves with the area, and talk about these sorts of management issues and objectives in the field. I am suggesting the 24th November. I will send out invitations and these will be around

the previous discussions about participate, Wonnarua people wherever they live, and the three shires. We expect a number of around 30. What we would want is people to arrive on the day prepared to discuss issues, and capture points raised while wandering about on site. After Christmas and the New Year, the second stage will be more a sit-down session with a facilitator to help bring it all together.

Des Hickey joins meeting.

- Allen: Will you send out the 2010 workshop minutes?
- Dave: Yes, we have a package to send out of all the information. We will send that out before the next site visit.

Action: DC to send out 2010 workshop minutes/documentation ahead of 2016 workshop/visit

Slide 12- Warkworth Continuation Development Approval

- Dave: So as mentioned we are working toward an integrated plan for all of Mount Thorley and Warkworth, all of the buffer lands, and linked to that of course are the two conservation areas, which will have their own plans but will link back into this.

Dave talks to paper AHMP Draft Map – points out development footprint, conservation areas and joint management plan areas.

- Des enquires about where conservation areas are. Dave points out the location and extent of the conservation areas.
- Dave: We also now own land in this block (speaks to map), only recently we've purchased this, and people may know it as the old AGL land.

Points out newly purchased 'AGL' land that will now require CH Survey.

- Des: So the AGL block is within the conservation area?
- Dave: It isn't, but it is surrounded by it, and while I can't make any promises, it would be good if we could extend the conservation area over this block in the future. And we'll certainly treat it like a conservation area in regards to the heritage sites as there is no development planned there. It would be good too as it would create that connection again back to the Brook.
- Noel: That little creek that flows along the top of that block, it used to have silver perch in it, around 1990.
- Dave: Another point in regards to this block: when we bought it, it was noted that there was a large sandstone slab in the garden which had grooves on it, most of them looking natural, but some could be grinding grooves. We were concerned as tenants are coming in to rent this house, so we contacted OEH, who gave us permission to pick it up and relocated to here (Putty Road) for safekeeping. This was done last week during the compliance audit, with the RAPs in attendance. It is sitting outside, so if anybody would like to have a look at it during morning tea, feel

free and we'd be interested in your opinions. We will have morning tea and come back afterward to discuss the MTW document.

Break for Morning Tea 10:25am

Several people inspect the relocated possible grinding groove block stored in the undercover area with the other grinding grooves relocated from Warkworth site PN 10.

Meeting resumed 10:40am

DC talks to MTW Integrated AHMP document draft.

- Dave: we don't have printouts of this today, but we will send it out with the other information. This is just a bit of an overview of the draft plan, but it will look familiar to you as it is basically the same as the more recent plans we've developed. As mentioned this is for both Thorley and Warkworth. It's really the table of contents, around the purpose of it, the consultation with the CHWG, the cultural heritage measures database, and so on. This ties in with individual plans, so for example there will be a small section on the conservation areas, that will basically say "refer to separate plan", which will talk more specifically about that particular area.

I know this is in some ways quite 'boring', but we can't have any grey areas. Everyone wants to be certain on what is the commitment, what are we going to do, as a minimum so to speak; we'll never do less than that. It's to give you the confidence that it will be managed appropriately.

Detail on items that are mentioned on the front end. If things change over time, for example methodologies, the schedule can be amended and approved, rather than the entire AHMP itself.

Sands Bodies Research Project:

- Dave: the condition requires us to do a research proposal methodology to investigate other sand bodies that are on CNAs lands, to see if there are any other landforms in that which might support Pleistocene (>12,000 years old) cultural sites. We did a lot of work on the other sand body and got some very old dates, but due to the sands being subjected to bioturbation, it was hard to establish where any of those sites might have been. That's not to say that that isn't the case elsewhere.
- Allen: How would this research be done? Coring, trenches etc.? Will SCARP be involved?
- Dave: At the moment, SCARP isn't involved, it would be Luke and Scott from CQCHM. They have designed the methodology but we haven't decided yet who would supervise the excavations. Similarly to what we did over at the other sands body, we'd probably bring in the other methodologies.
- Allen: Has the methodology been finalised?
- Dave: No it hasn't yet- this is just an overview. We'll have a detailed methodology and Terms of Reference. What they are outlining here is where

Community Consultation Meeting

and why. There is a map we can look at (shown on slide) but basically they're going to do two excavations up at Archerfield, at HVO overlooking the Hunter River, and another at Cheshunt also at HVO. You might remember a drilling rig was operating nearby and they found artefacts in the sump, which were reported and we came out to have a look. We realised that there was subsurface material so they'll put a trench in nearby on that landform. There will be another excavation down near Wollombi Brook, down near Long Point. There were a lot of sites recorded down along there in 2010 as it is essentially a giant pad.

- Noel: That's the one that just keeps going on, from one side of the property to another, they have no idea how big it is do they?
- Dave: Correct. So we'll put a test pit or two in there. Warkworth West and Springwood, part of the sandsheet is inside of the conservation area, so one pit will go within an old gravel quarry and another location away from the already disturbed dune. There will also be a couple of excavations down near the Warkworth Village. We own a number of blocks there and a sand dune/body sits on these, so we'll put in a couple of test pits there, as that area has never been excavated before.

Then the other one is CMCD1 which is at HVO Carrington. It is a bit different as it is a colluvial deposit but it has the sand layer in it, so it's not strictly a sand body, but there is still question around the dating of that. We'll come back to this one as it has a slightly complex and controversial history, about its age. It is currently protected, but when they did the work, Phillip Hughes and others, one thing they regretted was not taking samples to date. They estimated the dates from inspecting the material rather than taking a sample.

Looking at page 16 of the AHMP Draft- map. Dave points to location of sand bodies and excavation areas.

- Dave: So that is the overview. What we will develop now is the methodology, the finer detail into a detailed proposal, which will flow into a Terms of Reference. Now we can proceed with this work under the co-practice for archaeological excavations, but that's subject to things like excavating inside of the conservation areas. Once we've done the proposal, and consulted with you guys, then it has to go through as part of the plan to the Department of Planning to be approved. We are looking at hopefully early next year.

Meeting Close 1:25pm

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Invitation for Aboriginal parties in the Upper Hunter Valley to register their interest to participate in cultural heritage consultation with Coal & Allied

Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the Local Government Areas of Singleton, Muswellbrook and Upper Hunter, or within the Wanaruah Local Aboriginal Land Council boundary, are invited to participate in consultation with Coal & Allied regarding the assessment and management of Aboriginal Cultural Heritage associated with its development activities that may require assessment and/or Aboriginal Heritage Impact Permit (AHIP) approvals under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act), or assessment and approvals under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include your name/organisation, current contact details (postal address, email, phone number/s) and be received by Joel Deacon (see contact details at end of this notice) by close of business on Wednesday 19th October, 2016. Details of people registering as Aboriginal Parties will be forwarded to the Office of Environment and Heritage (OEH), and also the Wanaruah Local Aboriginal Land Council unless you specify otherwise.

Aboriginal parties who register are invited to attend a **Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) meeting**, with the following details:

Date: Thursday 20th October 2016
Time: 9.00am to 2.00pm
Venue: **Wollombi Brook Conservation Area, 1916 Putty Road, Bulga** (Morning tea and lunch will be provided)

The following development proposals requiring an Aboriginal Heritage Impact Permit approval under Part 6 of the NPW Act are to be discussed at the CHWG meeting:

- Hunter Valley Operations North (DA 450-10-2003) Mitchell Pit Development; &
- Hunter Valley Operations North (DA 450-10-2003) West Pit Dam 17W Relocation Development.

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval.
- Mount Thorley Operations SSD-6465 development approval.
- Hunter Valley Operations South (PA06_0261).
- Hunter Valley Operations North (DA 450-10-2003).

CHWG discussions and other consultation with Registered Aboriginal Parties pertaining to operations & approvals regulated under the EP&A Act, and other activities requiring approvals under Part 6 of the NPW Act, are conducted in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

If you are unable to attend the meeting you can register your interest as an Aboriginal Party for consultation and may lodge comments, queries or feedback on these or other topics associated with Coal & Allied's cultural heritage management program via letter, fax, email or phone prior to the scheduled date of the CHWG meeting.

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Rio Tinto



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 11th August 2016**

CHWG Meeting Agenda

1. Review of Minutes & Actions from previous CHWG meeting 9th June 2016

2. Mt Pleasant Project DA92/97

- Divestment process update
- MTP 2016 AHIP Application
- MTP Broomfield ACH Conservation Area

3. Warkworth Mine Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

- Schedule for consultation on implementing consent conditions
- Review of draft management principles for Wollombi Brook ACH Conservation Area Plan of Management
- Review of draft management principles for MTW integrated AHMP

CHWG Meeting Agenda

4. Hunter Valley Operations

- Hunter Valley Operations South (PA_06_0261) EA Modification
- Update on HVO North (DA 450-10-2003) Mitchell Pit AHIP application, including:
 - Project description overview
 - AHIP application process timeframe

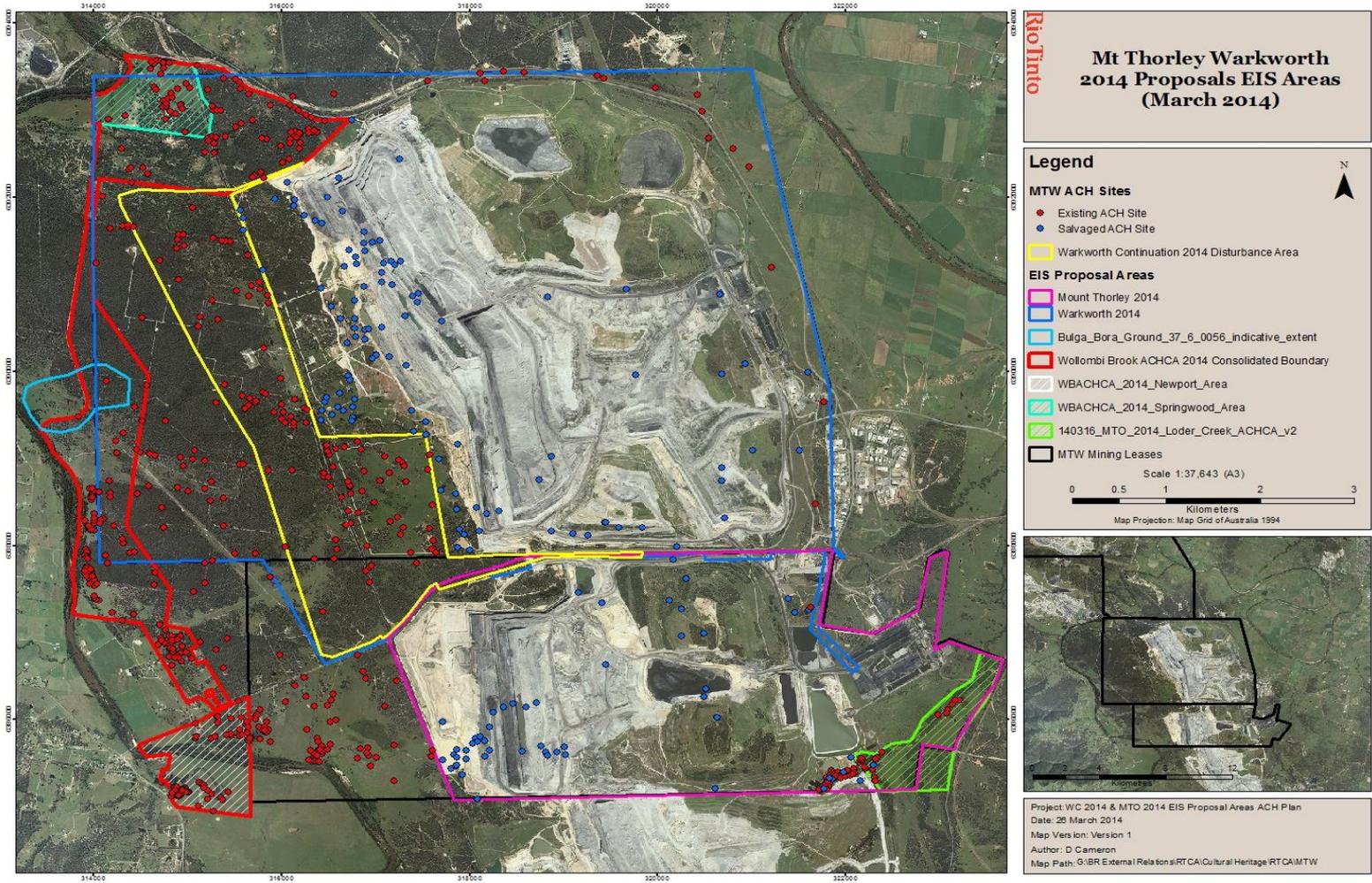
5. Hunter Valley Operations North (DA_450_10_2003) West Pit Dam 17W Relocation AHIP Application

- Briefing on proposed AHIP application, including:
 - Review of proposed development works
 - Outline of AHIP application process & timeframe
 - Review of proposed impact management measures for draft ACHAR

6. Aboriginal Relations Update

7. Other Business and Community Feedback/Issues

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



3. Warkworth Continuation (SSD-6464) Development Approval

WML DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha) (Dec 2016)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act (c.2017 - prior to development west of Wallaby Scrub Road)
- c.40 – No disturbance of human remains (implemented)
- c.41 – Protection of ACH sites listed in Table 1 of Appdx 5 (implemented)
- c.42 – Salvage mitigation for all ACH sites subject to development disturbance activities as listed in Table 2 of Appdx 5 (Stage 1 AHMP salvage implemented Feb 2016)
- c43 – Aboriginal Heritage Management Plan (Nov 2016)
 - Stage 1 AHMP approved February 2016
 - Integrated AHMP for whole of MTW to be developed by Oct 2016
 - Sands Bodies Research Program methodology by Sept 2016

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 38 – Wollombi Brook ACH Conservation Area

- WBACHCA covers a total area of approx. 685ha to be protected in perpetuity for the conservation & management of 265 Aboriginal cultural heritage places & landscape values
- Will provide for the protective management & cultural maintenance of the Bulga Bora Ground & associated cultural landscapes
- Will be protected permanently from all mining (open cut & underground), exploration drilling & associated development disturbance
- Managed collaboratively to protect & enhance biodiversity

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 38 – Wollombi Brook ACH Conservation Area

- The WBACHCA will be managed in accordance with a specific management plan developed in consultation with the CHWG
- The Aboriginal community, through a WBACHCA management committee, will oversee the implementation of the management plan
- C&A will continue to ensure an active Aboriginal community role in both Aboriginal cultural heritage and environmental management activities for the WBACHA
- Engage with Wambo Coal with a view to developing a collaborative management protocol for highly significant areas associated with and immediately adjacent the Bulga Bora Ground

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The Warkworth consent contains the provision, with the approval of the Secretary, to:
 - Submit any strategy, plan or program required by this consent on a progressive basis; &
 - Combine any strategy, plan or program required by this consent with any similar strategy, plan or program required for the Mount Thorley mine.
- The Stage 1 AHMP (east of Wallaby Scrub Road) was approved by DP&E on 28 January 2016
- Develop the whole of MTW integrated ACHMP with CHWG before the end of the year

3. Mount Thorley Operations (SSD-6465) Development Approval

MTO DP&E ACH consent conditions

- c.26 – Protection of ACH sites listed in Table 1 of Apdx 4 (Implemented)
- c.27 – Establish the Loder Creek ACHCA (87 ha approx.), Conservation Agreement under s.69B of NP&W Act (before Nov 2018)
- c.28 – Aboriginal Heritage Management Plan (including plan of management for the Loder Creek ACHCA) (Oct 2016 – MTW AHMP)
- Develop the integrated MTO & WCP (MTW) AHMP along with Wollombi Brook & Loder Creek ACH Conservation Areas plans of management
- Will continue to operate under existing AHMP during the period when integrated MTW AHMP is being developed & until it is approved by DP&E

Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group Community Consultation Meeting (Excerpt)**Date:** Thursday 11th August 2016**Venue:** Wollombi Brook Conservation Area, 1916 Putty Road, Bulga**Meeting Commenced:** 10.00

Present: Dr David Cameron - RTCA Principal Advisor Cultural Heritage
 Joel Deacon – RTCA Cultural Heritage Specialist
 Jessica Blackman – Cultural Heritage Advisor
 Des Hickey – Wonnarua Traditional Custodians/Wattaka
 Rhoda Perry - UHWC
 Noel Downs – Wanaruah Local Aboriginal Land Council
 Vicky Slater – Kawul Cultural Services
 Rhonda Ward – UCCS
 Allen Paget – Ungooroo Aboriginal Corp
 Rhonda Griffiths - HVAC

Apologies Tracey Skeene – Culturally Aware
 Arthur Fletcher – Wonn 1
 Suzie Worth – WLALC
 Deidre Perkins – Divine Diggers
 Les Atkinson – Jarban & Mugreaba
 David Horton – Gomeroy CC

Welcome.

Noel Downs said an acknowledgement of Wonnarua People, elders and ancestors & moments silence for the recently passed as mark of respect.

1. Review of Minutes & Actions from previous CHWG meeting 9th June 2016

2. Warkworth Mine Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

Dave: [review of slide 10, 11, 12] will talk about process for developing management plan for WBACHCA.

Noel: Regarding respecting biodiversity, for Aboriginal people its one & the same with heritage.

Dave: There are scientific aspects of the consent that have specific biodiversity conditions.

Runs through RAPs visions for the WBACHCA [slide 13] determined at the Singleton Showgrounds in 2010. Runs through objectives for WBACHCA [slide 14] – things that might make it into the management plan. [Slide 15] Looking at next steps – proposing a workshop. Asks question about who participates in this process?

Allen: Will it be like the previous bus trip & meeting at the Quest?

Dave: That's what I want to hear from this group about. Is it a one day thing or should it be 2 days?

**Minutes of the Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting**

Allen: I heard that because of the issues at that Quest meeting Rio wouldn't have all the RAPs together again like that.

Dave: That's my call, that's ancient history

Allen: You're saying 30 RAPs – might numbers be culled?

Dave: No, I mean in terms of logistics its really difficult to get more than that many around the area. Its not to restrict anyone. Lets try & get down to those people who have a genuine interest & consistently turn up, or are a representative of a peak body – that will be about 30 people. I'm not saying that's the cut off. Could be a bit more or a bit less.

Allen: What if we get 84 turn up?

Dave: This is what I'm asking you guys, I'm going to develop a list on the basis of interest & participation. All RAPs are welcome to be involved in the broader consultation, but this is a piece of work.

Allen: You get some of the RAPs that come in, get nominated for work & you don't see them for 3 years?

Dave: We've been discussing that at recent meetings & we're very focussed on acknowledging participation as a basis for getting work. We really appreciate you people volunteering your time to attend these meetings, but the workshop is a different matter – its paid work, either 1 or 2 days. We'll do the work here [1916 Putty Rd] & in the paddock. Selection for paid work should be representative but based on participation.

Des: You have to be careful about advertising a paid workshop – you'll have people coming out of the woodwork.

Dave: It will be by invitation. What I'll probably do is circulate a list of names & groups & seek feedback. We'll be looking to do that some time in the next couple of months, organise some dates & look at availability. Putting aside who's going to be there for a moment, what are people's views on how you might run this?

Allen: A good neutral facilitator.

Dave: That's a really good start.

Allen: If you're on site do you have to wear PPE & are we under the OH&S rules?

Dave: When we're on the lease we're bound by the safety regulations but we won't need to wear hard hats, just proper footwear, long clothing – sensible stuff for working through the bush. Regarding people's behaviour, strong disagreements will occur, but any aggression won't be tolerated. So the facilitator – any ideas?

Des: What exactly are we going to be doing at the workshop?

Dave: Going back a step, we want to develop a plan of management & long term vision for the WBACHCA.

Des: Didn't we do this in 2010?

Dave: We did, we drafted a plan of management & established a steering group. So we can bring a summary of that together & refresh it. Having an independent facilitator is a good idea to help with this.

Des: Who did we have last time?

**Minutes of the Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting**

Dave: Dan Gillespie, who had a history in parks & conservation in the NT

Des: We gave him a lot of ideas down at the showgrounds, what happened with that?

Dave: We have a draft plan

Des: Have we still got that?

Dave: We do, but what happened right at that point was the Warkworth approval was overturned so we parked it

Rhoda: Because of all the different stakeholders we didn't have a governance committee set up

Dave: That was one of the key issues to be resolved. Currently it sits with C&A, but how do we get to community governance? It may not be solved straight away but we need to start setting it up

Noel: I don't see native title as being a huge issue for it because if its going to be community run then native title rights will still prevail

Dave: & they will still have an opportunity to participate in the process.

Rhonda G: I can see a new entity set up that brings a manager in. You need to be really switched on to meet your requirements under ORIC

Noel: The WLALC will want a seat at the table regarding management & ensuring that ownership doesn't transfer away from the Aboriginal community. We don't want to see it run by an organisation that blocks access

Des: Going back to the original workshop at the showgrounds, didn't we put some of these things in place? Can we have a look at that?

Dave: Absolutely, we'll send a package of information out prior to meeting about it again so people can refamiliarise themselves with it.

ACTION: Compile information on the WBACHCA from previous workshops & circulate to RAPs ahead of next discussions.

Dave: Has anyone got any thoughts on a facilitator? They don't need the content knowledge, just experience in facilitating with the community.

Noel: I don't know anyone off the top of my head right now but I would disagree with Tony Hanrahan or PWC's Aboriginal Unit

Dave: I was thinking of someone that does community engagement

Allen: Maybe a volunteer so there's no conflict of interest?

Dave: How about Glen Morris? If anyone's got any names let me know & we can plan ahead for that. We've already done a lot of work, we just need to refresh it.

Joel: You guys yourselves now have more experience with the conservation areas concept than you did in 2010 too. You've seen what has worked & what hasn't.

Noel: I know that in 2010 we didn't know how miserable that s69 was.

Dave: We need people to bring that experience to the table so that we don't make the mistakes that have been made elsewhere.

**Minutes of the Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting**

Dave: Two or three days for the workshop?

Noel: If its two days they should be separated – one day to visit & get the old information, then go away & digest it before a workshop a week or two later.

Dave: That's a good idea

Des: Let's get the old information & draft report first.

Dave: [slides 16 & 17] We will also make a MTW complex AHMP for both sites, & the WBACHCA plan will sit inside this. Then we will work on a similar type plan for the Loder Creek ACHCA.

Rhoda: We have discussed this & we think that only people who regularly attend meetings should be involved in the workshop, or invited as a first preference.

Dave: Would someone like to make that suggestion & I can circulate a list amongst the regular attendees. There may only be 20 or so that need to be invited

Noel: I suggest you send the invite out & request an RSVP & then filter from there. We didn't get many here today.

Rhoda: Its different when there's money involved.

Rhonda W: Don't tell them there's any money involved.

Rhoda: I think we need to be transparent about it.

Allen: People will be upset if they hear about it later & didn't get invited

Dave: Any NT party with interests should be invited to participate

Noel: That's right

Rhoda: But then still look at prioritising other places for regular meeting attendees.

Dave: I'm confident there'll be no more than 30 attend. Did you want to move something along those lines?

Noel: The Lands Council's status is neutral but we need to abide by the OEH consultation requirements

Dave: The consultation process will continue with all the RAPs, but in terms of the workshop, because its work C&A have the right to decide who to 'employ', in consultation with you guys. It would be appropriate if that's the peak bodies & those regular attendees of meetings. It should be C&A's accountability.

Allen: We need to avoid the situation where you have 30 people attend but only 10 or so do the work.

Dave: I can only do so much, its important for the attendees to also encourage total participation.

Noel: One other option is to make the workshop unpaid, but C&A make a donation to those regular attendees that turn up.

Dave: We can't do business like that.

**Minutes of the Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting**

Joel: The way to approach it is like it's a survey – apply the same criteria for field workers & invite accordingly. And talking about ensuring everyone participates, that's also a role for the independent facilitator.

Dave: OK, I'll organise as per these discussions.

No further business.

Meeting closed at 12.15pm



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Date: Thursday 11th August 2016

Time: 9.00am to 2.00pm

Venue: **Wollombi Brook Conservation Area, 1916 Putty Road, Bulga** (Morning tea and lunch will be provided)

The following development proposals requiring an Aboriginal Heritage Impact Permit approval under Part 6 of the NPW Act are to be discussed at the CHWG meeting:

- Hunter Valley Operations North (DA 450-10-2003) Mitchell Pit Development;
- Hunter Valley Operations North (DA 450-10-2003) West Pit Dam 17W Relocation Development; and
- Mount Pleasant Coal Project (DA92/97).

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval.
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Rio Tinto



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 9th June 2016**

CHWG Meeting Agenda

- 1. Review of Minutes & Actions from previous CHWG meeting 28th April 2016**
- 2. Update on status of Coal & Allied operations and business outlook**
- 3. Warkworth Mine Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals**
 - Schedule for consultation on implementing consent conditions
 - Review of draft management principles for MTW integrated AHMP
 - Review of draft management principles for Wollombi Brook Conservation Area Plan of Management
- 4. Hunter Valley Operations North (DA_450_10_2003) Mitchell Pit Proposed AHIP Application**
 - Consultation on proposed AHIP application, including:
 - AHIP application process & ACHAR methodology
 - Review of proposed management measures and final draft ACHAR document

CHWG Meeting Agenda

5. Hunter Valley Operations North (DA_450_10_2003) West Pit Dam 17W Relocation AHIP Application

- Briefing on proposed AHIP application, including:
 - Review of proposed development works
 - Outline of AHIP application process & timeframe
 - Review of proposed impact management measures for draft ACHAR

6. Divestment of Mount Pleasant Project to MACH Energy Australia

- Divestment process and timeframe update
- MTP Native Title Agreement & ACDF transition

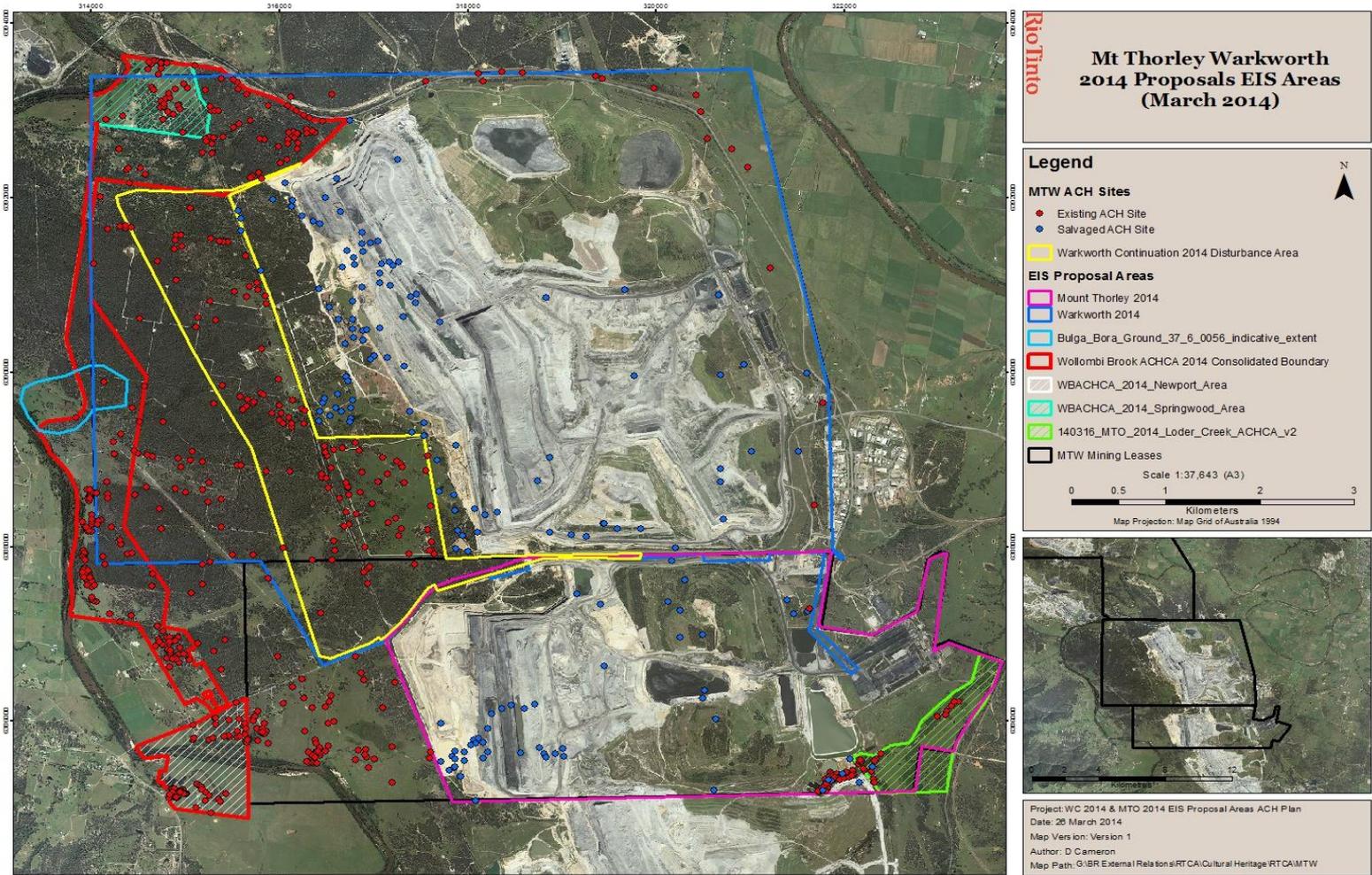
7. Mount Pleasant Project DA 92/97 2016 AHIP application

- Briefing on proposed 2016 Stage 1 AHIP application, including:
 - Review of proposed construction & development works
 - Outline of AHIP application process & timeframe
 - Review of management measures & final draft ACHAR document

8. Aboriginal Relations Update

9. Other Business and Community Feedback/Issues

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



3. Warkworth Continuation (SSD-6464) Development Approval

WML DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha) (Dec 2016)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act (c.2017 - prior to development west of Wallaby Scrub Road)
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- c43 – Aboriginal Heritage Management Plan (Oct 2016)
 - Stage 1 AHMP approved February 2016
 - Integrated AHMP for whole of MTW to be developed by Oct 2016
 - Sands Bodies Research Program methodology by Sept 2016

3. Mount Thorley Operations (SSD-6465) Development Approval

MTO DP&E ACH consent conditions

- c.26 – Protection of ACH sites listed in Table 1 of Apdx 4 (Implemented)
- c.27 – Establish the Loder Creek ACHCA (87 ha approx.), Conservation Agreement under s.69B of NP&W Act (before Nov 2018)
- c.28 – Aboriginal Heritage Management Plan (including plan of management for the Loder Creek ACHCA) (Oct 2016 – MTW AHMP)
- Develop the an integrated MTO & WCP (MTW) AHMP along with Wollombi Brook & Loder Creek ACH Conservation Areas plans of management
- Will continue to operate under existing AHMP during the period when integrated MTW AHMP is being developed & until it is approved by DP&E

Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group Community Consultation Meeting (Excerpt)

Date: Thursday 9th June 2016

Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga

Meeting Commenced: 9.20

Present: Dr David Cameron - RTCA Principal Advisor Cultural Heritage
Joel Deacon – RTCA Cultural Heritage Specialist
Vicki Claydon – Aboriginal Administration Assistant
Des Hickey – Wonnarua Traditional Custodians
Rhoda Perry - UHWC
Noel Downs – Wanaruah Local Aboriginal Land Council
Suzie Worth – Wanaruah Local Aboriginal Land Council
Rhonda Ward – UCCS
Arthur Fletcher – Kawul trading as Wonn1
Richard Edwards - Wonnarua Elders Council

Apologies Rhonda Griffiths – HVAC

Welcome & introduction for new attendee – Richard Edwards.

Arthur Fletcher said an acknowledgement of Wonnarua People, elders and ancestors & minute silence as mark of respect.

1. Review of minutes from previous meeting accepted.

3. Warkworth Mine Continuation SSD-6464/MTO SSD-6465

Dave: explains approvals with reference to map on Slide 6. Talks to conditions outlined on Slide 7. Dave explains the changes currently being made to Biodiversity legislative review that may make s69B redundant, therefore we may need to find a different mechanism to protect the WBACHCA under.

Arthur: Do the mining companies or Aboriginal community have any input into this review?

Noel: You would be able to find out about the consultation process online.

Dave: I don't think there has been much public consultation – its more an administrative change. We can provide a briefing at the next meeting once we better understand the proposed changes.

Suzie: Are you aware of new draft guidelines for ACH assessment for mining projects which outlines a significance matrix for sites impacted by mining.

Dave: Don't think so – only the proposed ACH legislation changes.

Suzie: No this is different, its 2015. I can flick it across to you & it is currently being applied.

Dave: Thank you

Discussion on new government guidelines for ACH consultation & RTCA assessment process.

Dave: continues running through slide 7 & the MTO conditions on slide 8.

**Minutes of the Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting**

When we are done with the current batch of AHIPs we will get cracking on implementing the MTW conditions, which will include a workshop for important issues, particularly the WBACHCA – framework for management plan, governance, et.c

Dave: Thanked all for attending & then meeting closed for lunch.

Meeting closed at 12 midday

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Rio Tinto



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 28th April 2016**

CHWG Meeting Agenda

1. **Review of Minutes & Actions from previous CHWG meeting 17th March 2016**
2. **Update on status of Coal & Allied operations & business outlook**
3. **Warkworth Mine Continuation SSD-6464 & Mount Thorley Operations SSD-6465 Development Approvals**
 - Schedule for consultation on implementing ACH consent conditions
4. **Hunter Valley Operations North Mitchell Pit Proposed AHIP Application**
 - Consultation on proposed AHIP application, including:
 - AHIP application process & ACHAR methodology
 - Review of proposed management measures & draft ACHAR document

CHWG Meeting Agenda

5. HVO North West Pit Dam 17W Relocation AHIP Application

- Briefing on proposed AHIP application, including:
 - Review of proposed development works
 - Outline of AHIP application process & timeframe
 - Review of ACHAR methodology & proposed management measures

6. Divestment of Mount Pleasant Project to MACH Energy Australia

- Update on divestment process and timeframe

7. Mount Pleasant Project DA 92/97 2016 AHIP application

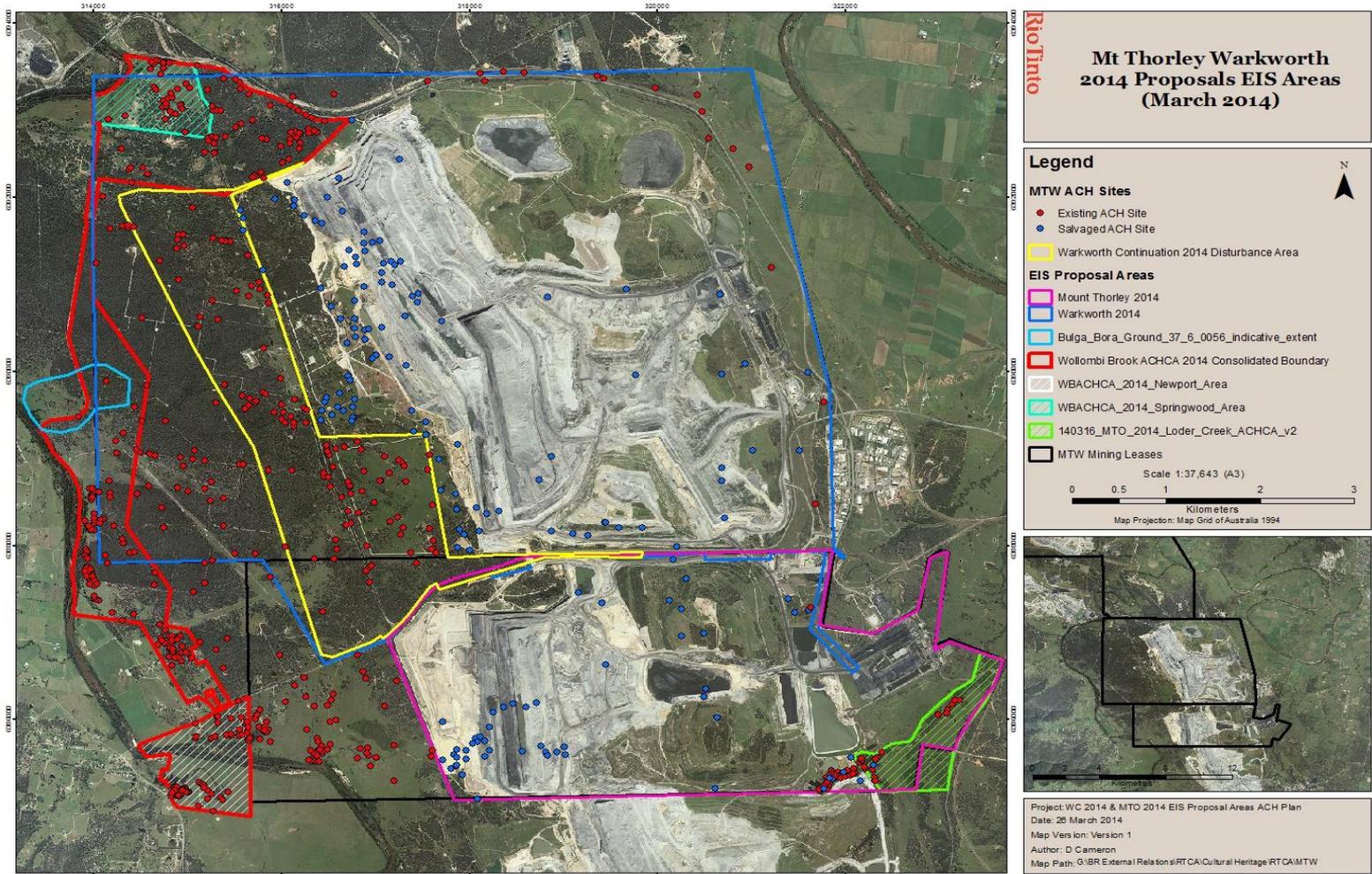
- Briefing on proposed AHIP application, including:
 - Review of proposed construction & mining development works
 - Outline of AHIP application process & timeframe
 - Review of proposed management measures & draft ACHAR document

8. Aboriginal Relations Update

9. Other Business and Community Feedback/Issues

- C&A Care & Control Permits

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



3. Warkworth Continuation (SSD-6464) Development Approval

WML DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha) (Dec 2016)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act (c.2017 - prior to development west of Wallaby Scrub Road)
- c.40 – No disturbance of human remains (implemented)
- c.41 – Protection of ACH sites listed in Table 1 of Appdx 5 (implemented)
- c.42 – Salvage mitigation for all ACH sites subject to development disturbance activities as listed in Table 2 of Appdx 5 (Stage 1 AHMP salvage implemented Feb 2016)
- c43 – Aboriginal Heritage Management Plan (Oct 2016)
 - Stage 1 AHMP approved February 2016
 - Integrated AHMP for whole of MTW to be developed by Oct 2016
 - Sands Bodies Research Program methodology by Sept 2016

3. Mount Thorley Operations (SSD-6465) Development Approval

MTO DP&E ACH consent conditions

- c.26 – Protection of ACH sites listed in Table 1 of Apdx 4 (Implemented)
- c.27 – Establish the Loder Creek ACHCA (87 ha approx.), Conservation Agreement under s.69B of NP&W Act (before Nov 2018)
- c.28 – Aboriginal Heritage Management Plan (including plan of management for the Loder Creek ACHCA) (Oct 2016 – MTW AHMP)
- Develop the an integrated MTO & WCP (MTW) AHMP along with Wollombi Brook & Loder Creek ACH Conservation Areas plans of management
- Will continue to operate under existing AHMP during the period when integrated MTW AHMP is being developed & until it is approved by DP&E

**Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working
Group Community Consultation Meeting**

Date: 28th April 2016

Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga

Meeting Commenced: 9.25

Present: Dr David Cameron - RTCA Principal Advisor Cultural Heritage
Scott L'Oste-Brown - CQHCM
Vicki Claydon – Aboriginal Administration Assistant
Des Hickey – Wonnarua Traditional Custodians
Rhoda Perry - UHWC
Rhonda Griffiths - HVAC
Noel Downs – Wanaruah Local Aboriginal Land Council
Suzie Worth – Wanaruah Local Aboriginal Lands Council
Rhonda Ward – UCCS
Rod Hickey – Kawul
David Horton – Gomer C/C
Josh Hickey - Wattaka
Apologies Arthur Fletcher, Joel Deacon, Jill Green, David Ahoy

Minutes Vicki Claydon

Des said an acknowledgement of Wonnarua People, elders and ancestors & minute silence as mark of respect.

DC welcomed all and opened the meeting.

Review of minutes from previous meeting 17th March 2016

3 Warkworth Mine Continuation SSD-6464/MTO SSD-6465

DC: referred to slides 7-9 with update on progress implementing development consent conditions. Noted conditions 40, 41, 42 & 43 implemented in whole or partly, such as Stage 1 AHMP. Key outcomes are to develop the integrated AHMP by October 2016 & the Wollombi Brook conservation area plan of management by December. This would be used as model for Loder Creek conservation area.

ND: WLALC would like to have a say on why the conservation area to be protected under agreement through s.69 of NP&W Act. Again noted concerns where this has not worked at other mines & wants the Planning Assessment Commission or DP&E to change this condition.

Others: some also concerned about managing the land under NP&W Act as this might stop them from managing the area for cultural purposes.

DC: Explained that PAC have made their decision & DP&E unlikely or may be unable to make any changes. In any event the key is the Plan of Management that is the tool to detail what can & can't be done, the conservation agreement is more focused on no future development of the land to ensure protection in perpetuity.

Others: Some general discussion on the plan & process for ensuring cultural activities are approved.

RG: Noted that the BMPA have appealed against the Warkworth approval & this will be heard in June

Meeting closed at 12.15

COAL & ALLIED

Managed by Rio Tinto Coal Australia

Invitation for Aboriginal parties in the Upper Hunter Valley to register their interest to participate in cultural heritage consultation with Coal & Allied

Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the Local Government Areas of Singleton, Muswellbrook and Upper Hunter, or within the Wanaruah Local Aboriginal Land Council boundary, are invited to participate in consultation with Coal & Allied regarding the assessment and management of Aboriginal Cultural Heritage associated with its development activities that may require assessment and/or Aboriginal Heritage Impact Permit (AHIP) approvals under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act), or assessment and approvals under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include your name/organisation, current contact details (postal address, email, phone number/s) and be received by Joel Deacon (see contact details at end of this notice) by close of business on Wednesday 27th April, 2016. Details of people registering as Aboriginal Parties will be forwarded to the Office of Environment and Heritage (OEH), and also the Wanaruah Local Aboriginal Land Council unless you specify otherwise.

Aboriginal parties who register are invited to attend a **Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) meeting**, with the following details:

Date: Thursday 28th April 2016
Time: 9.00am to 2.00pm
Venue: **Wollombi Brook Conservation Area, 1916 Putty Road, Bulga** (Morning tea and lunch will be provided)

The following development proposals requiring an Aboriginal Heritage Impact Permit approval under Part 6 of the NPW Act are to be discussed at the CHWG meeting:

- Hunter Valley Operations North (DA 450-10-2003) Mitchell Pit Development;
- Hunter Valley Operations North (DA 450-10-2003) West Pit Dam 17W Relocation Development; and
- Mount Pleasant Coal Project (DA92/97).

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval.
- Mount Thorley Operations SSD-6465 development approval.
- Hunter Valley Operations South (PA06_0261).
- Hunter Valley Operations North (DA 450-10-2003).
- Mount Pleasant Coal Project (DA92/97).

CHWG discussions and other consultation with Registered Aboriginal Parties pertaining to operations & approvals regulated under the EP&A Act, and other activities requiring approvals under Part 6 of the NPW Act, are conducted in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

If you are unable to attend the meeting you can register your interest as an Aboriginal Party for consultation and may lodge comments, queries or feedback on these or other topics associated with Coal & Allied's cultural heritage management program via letter, fax, email or phone prior to the scheduled date of the CHWG meeting.

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Rio Tinto



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 17th March 2016**

CHWG Meeting Agenda

- 1. Review of Minutes & Actions from previous CHWG meetings 21st Jan 2016**
- 2. Update on status of Coal & Allied operations & business outlook**
- 3. Warkworth Mine Continuation SSD-6464 & Mount Thorley Operations
SSD-6465 Development Approvals**
 - Approval of Warkworth Stage 1 AHMP
 - Implementation & results of Stage 1 ACH salvage program
 - Steps for developing the MTW Integrated AHMP & associated Plans of Management
- 4. Hunter Valley Operations North Mitchell Pit Proposed AHIP Application**
 - Briefing on proposed AHIP application, including:
 - AHIP application process & ACHAR methodology
 - Review of December ACHAR fieldwork preliminary results
 - Review of proposed management measures for draft ACHAR

CHWG Meeting Agenda

5. HVO North West Pit Dam 17W Relocation AHIP Application

- Briefing on proposed AHIP application, including:
 - Review of proposed development works
 - Outline of AHIP application process & ACHAR methodology
 - Review of December ACHAR fieldwork results

6. Divestment of Mount Pleasant Project to MACH Energy Australia

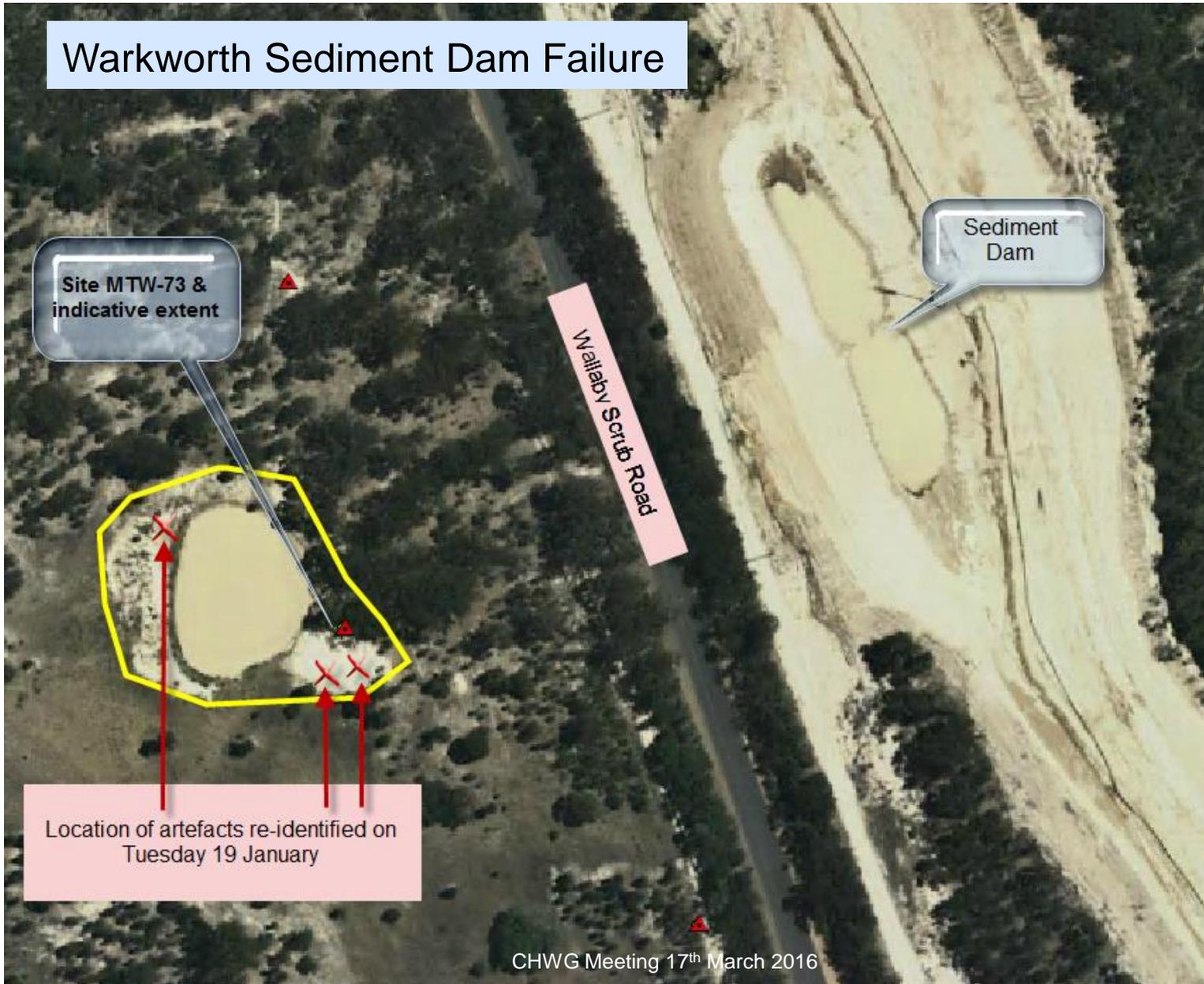
- Introduction to MACH Energy representatives
- Divestment process and timeframe
- New AHIP consent application process
- Assignment of MTP Native Title Agreement
- Questions & Answers session

7. Aboriginal Relations Update

8. Other Business and Community Feedback/Issues

- C&A Care & Control Permits

2. Coal & Allied Business Update

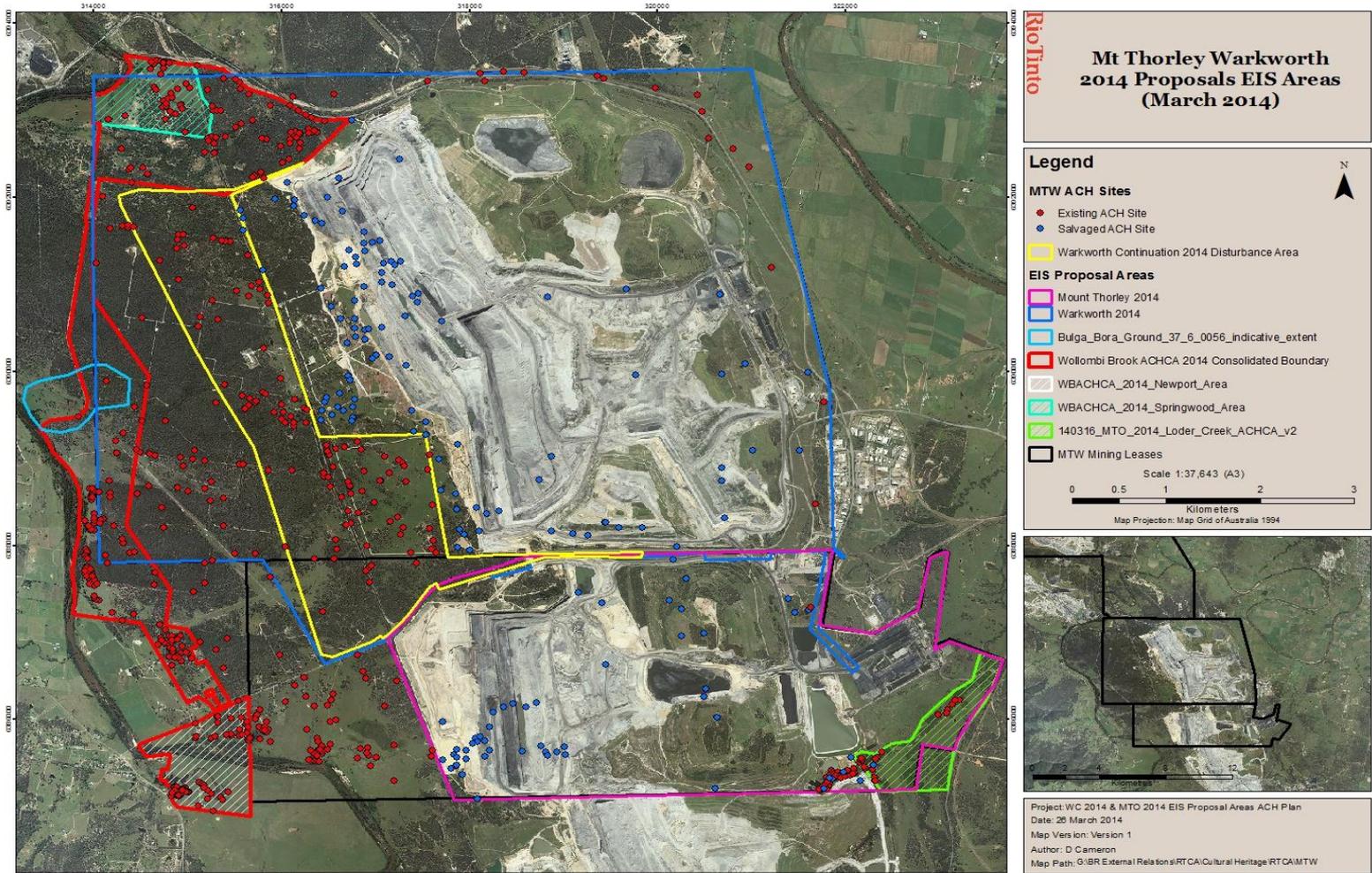


3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

1. The Warkworth Continuation (SSD-6464) Development Approval permits mining to continue beyond the limits of previous approval DA 300-9-2002-i.
2. The Mount Thorley Operations (SSD-6465) Development Approval allows for additional time to complete mining & rehabilitation activities within the limits of previous approval DA 34/95.

Both applications were approved by the PAC, with conditions, on 26 November 2015.

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



3. Warkworth Continuation (SSD-6464) Development Approval

DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act
- c.40 – No disturbance of human remains
- c.41 – Protection of ACH sites listed in Table 1 of Appdx 5
- c.42 – Salvage mitigation for all ACH sites subject to development disturbance activities as listed in Table 2 of Appdx 5
- c43 – Aboriginal Heritage Management Plan

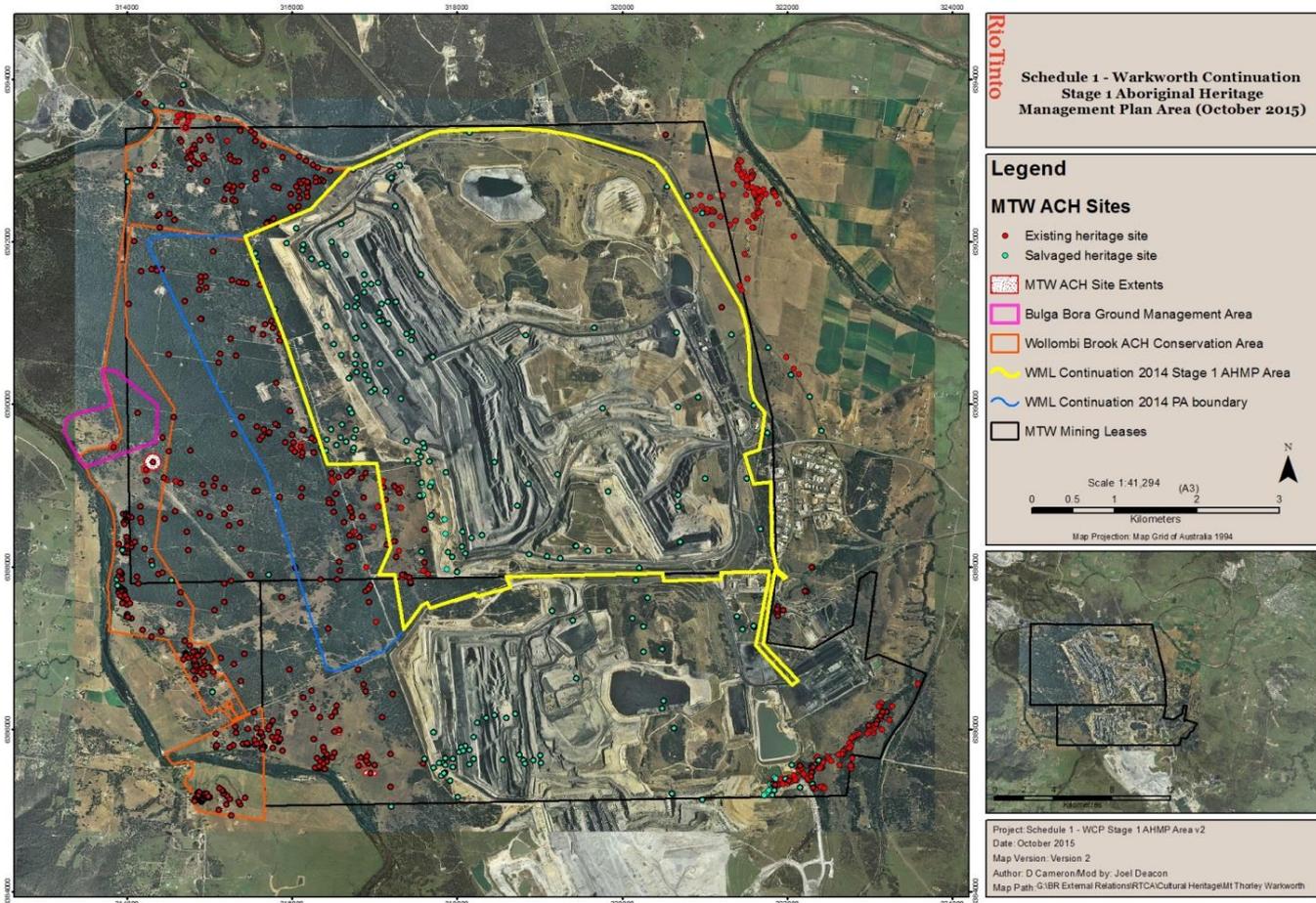
3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The Warkworth consent contains the provision, with the approval of the Secretary, to:
 - Submit any strategy, plan or program required by this consent on a progressive basis; &
 - Combine any strategy, plan or program required by this consent with any similar strategy, plan or program required for the Mount Thorley mine.
- As noted during EIS & subsequent RAP CHWG consultation, C&A have submitted a 'Stage 1' Warkworth AHMP to cover the area required for development works in 2016 for continuation of West Pit mining operations & associated infrastructure areas .
- This Stage 1 AHMP was approved by DP&E on 28 January 2016 & salvage work implemented during the week of 15th February

3. Warkworth Continuation (SSD-6464) Development Approval

Stage 1 - Aboriginal Heritage Management Plan area overview



3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The 19 sites located within the Stage 1 AHMP area were salvaged by representatives of the CHWG on 15th February.
- Each site was visited by the field team & the artefacts collected & recorded.
- Nearby areas were also searched for artefacts, as were any other areas that the RAPs wished to investigate.
- 42 stone artefacts were previously recorded in the Stage 1 AHMP area.
- 43 stone artefacts were collected by the field team.
- In addition to the salvage activities, the field team visited 94 sites throughout the MTW MLs to monitor their condition
- No unauthorised site disturbances were identified, but revegetation & stabilisation of eroded areas at Loder Ck was recommended by the team.

3. Warkworth Continuation (SSD-6464) Development Approval

Stage 1 Aboriginal Heritage Management Plan Salvage



3. Mount Thorley Operations (SSD-6465) Development Approval

DP&E ACH consent conditions

- c.26 – Protection of ACH sites listed in Table 1 of Appdx 4
- c.27 – Establish the Loder Creek ACHCA (87 ha approx.), Conservation Agreement under s.69B of NP&W Act
- c.28 – Aboriginal Heritage Management Plan (including plan of management for the Loder Creek ACHCA)
- With this approval we will now commence the RAP consultation process to develop the an integrated MTO & WCP (MTW) AHMP along with Wollombi Brook & Loder Creek ACH Conservation Areas plans of management
- Will continue to operate under existing AHMP during the period when integrated MTW AHMP is being developed & until it is approved

**Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working
Group Community Consultation Meeting**

Date: 17th March 2016

Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga

Meeting Commenced: 9.25am

Present: Dr David Cameron – RTCA Manager Heritage & Aboriginal Relations
Scott L'Oste-Brown - CQCHM
Joel Deacon – RTCA Cultural Heritage Specialist
Vicki Claydon – Aboriginal Administration Assistant
David Horton – Gomeroy CC
Rhonda Ward – UCCS
Des Hickey - WTC
Luke Hickey - HVCS
Rhoda Perry - UHWC
Rhonda Griffiths - HVAC
Noel Downs – Wanaruah Local Aboriginal Land Council
Paulette Ryan – Hunter Traditional Owner Environmental Services
Tom Miller - LHWC

Apologies Arthur Fletcher, Jill Green, Deidre Perkins, Vicky Slater

3 Warkworth Mine Continuation

DC: gave overview of development consent conditions and progress made in complying with these conditions, such as the AHMP.

JD spoke about the West Pit South Stage 1 AHMP salvage work completed during week 15-19 February. Nineteen sites located and 43 stone artefacts collected.

ND asked is there plans for Loder Creek. He would like to see the erosion remediated in Loder Creek.

DC: This work would be part of the management plan for the offset area, with community involvement in the remediation work on the site.

ND would like to be involved in the process. He has had experience with CMA. He does not want bulldozers used.

Condition 43: Aboriginal Heritage Wollombi Brook Conservation management plan.

RP: What year was the conservation area management plan approved?

DC: The Warkworth Extension was approved in 2012. The original conservation area was 500ha and has now been increased to 700ha for the new approval. We only got to stage of developing a draft Plan of Management for the conservation area, after the workshop we had at the Singleton Showground. Then the development approval was overturned and we have been managing it as a voluntary conservation area.

LH: Work is on the outside of the site. He feels footprint needs to be looked at. He also feels the infrastructure needs to be addressed as well.

DC: Will look at these issues as we develop the plan of management for the conservation area.

ND: Does not want people to bring plans forward after the management plan has been developed, need to get ideas into the plan now.

**Excerpted Minutes of the Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group
Community Consultation Meeting**

JD: showed photos of the AHMP salvage work. He also spoke about the Mt Thorley conditions, mainly the need to develop a whole of complex MTW AHMP, including Mount Thorley

LH: Is concerned with flood levels, the one in one hundred year levels to be precise. It is also lacking an LEP Boundary.

Meeting closed at 13.10



Managed by Rio Tinto Coal Australia

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If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include your name/organisation, current contact details (postal address, email, phone number/s) and be received by Joel Deacon (see contact details at end of this notice) by close of business on Wednesday 16th March, 2016. Details of people registering as Aboriginal Parties will be forwarded to the Office of Environment and Heritage (OEH), and also the Wanaruah Local Aboriginal Land Council unless you specify otherwise.

Aboriginal parties who register are invited to attend a **Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) meeting**, with the following details:

Date: Thursday 17th March 2016
Time: 9.00am to 2.00pm
Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga (Morning tea and lunch will be provided)

The following development proposals requiring an Aboriginal Heritage Impact Permit approval under Part 6 of the NPW Act are to be discussed at the CHWG meeting:

- Hunter Valley Operations North (DA 450-10-2003) Mitchell Pit Development;
- Hunter Valley Operations North (DA 450-10-2003) West Pit Dam 17W Relocation Development; and
- Mount Pleasant Coal Project (DA92/97) Stage 1 AHIP 11311247.

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval.
- Mount Thorley Operations SSD-6465 development approval.
- Hunter Valley Operations South (PA06_0261).
- Hunter Valley Operations North (DA 450-10-2003).
- Mount Pleasant Coal Project (DA92/97).

CHWG discussions and other consultation with Registered Aboriginal Parties pertaining to operations & approvals regulated under the EP&A Act, and other activities requiring approvals under Part 6 of the NPW Act, are conducted in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

If you are unable to attend the meeting you can register your interest as an Aboriginal Party for consultation and may lodge comments, queries or feedback on these or other topics associated with Coal & Allied's cultural heritage management program via letter, fax, email or phone prior to the scheduled date of the CHWG meeting.

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Rio Tinto



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 21st January 2016**

CHWG Meeting Agenda

1. **Review of Minutes & Actions from previous CHWG meetings 18th December 2015**
2. **Update on status of Coal & Allied operations & business outlook**
3. **Warkworth Mine Continuation SSD-6464 & Mount Thorley Operations SSD-6465 Development Approvals**
 - Discussion & review of Warkworth Continuation & Mount Thorley Development Approvals Aboriginal cultural heritage management conditions, including:
 - Review of all management conditions
 - Finalisation of Warkworth Continuation SSD-6464 Stage 1 Aboriginal Heritage Management Plan RAP consultation draft document & review of consultation process
 - Warkworth Stage 1 ACH management field process
 - Conservation Areas management process

CHWG Meeting Agenda

4. Hunter Valley Operations Mitchell Pit Proposed AHIP Application

- Briefing on proposed development activities, including:
 - Review of proposed development works
 - Outline of AHIP application process & ACHAR methodology
 - Review of December ACHAR fieldwork preliminary results

5. Updates on other Coal & Allied cultural heritage management activities

- Mount Pleasant Coal Project (DA92/97)
- Hunter Valley Operations (PA_06_0261 & DA_450_10_2003)
- Mount Thorley Warkworth (DA 300-9-2002i & DA_34/95)

6. Aboriginal Relations Update & Enterprise Facilitator Introduction

7. Other Business and Community Feedback/Issues

1. Review of minutes & actions from previous meeting

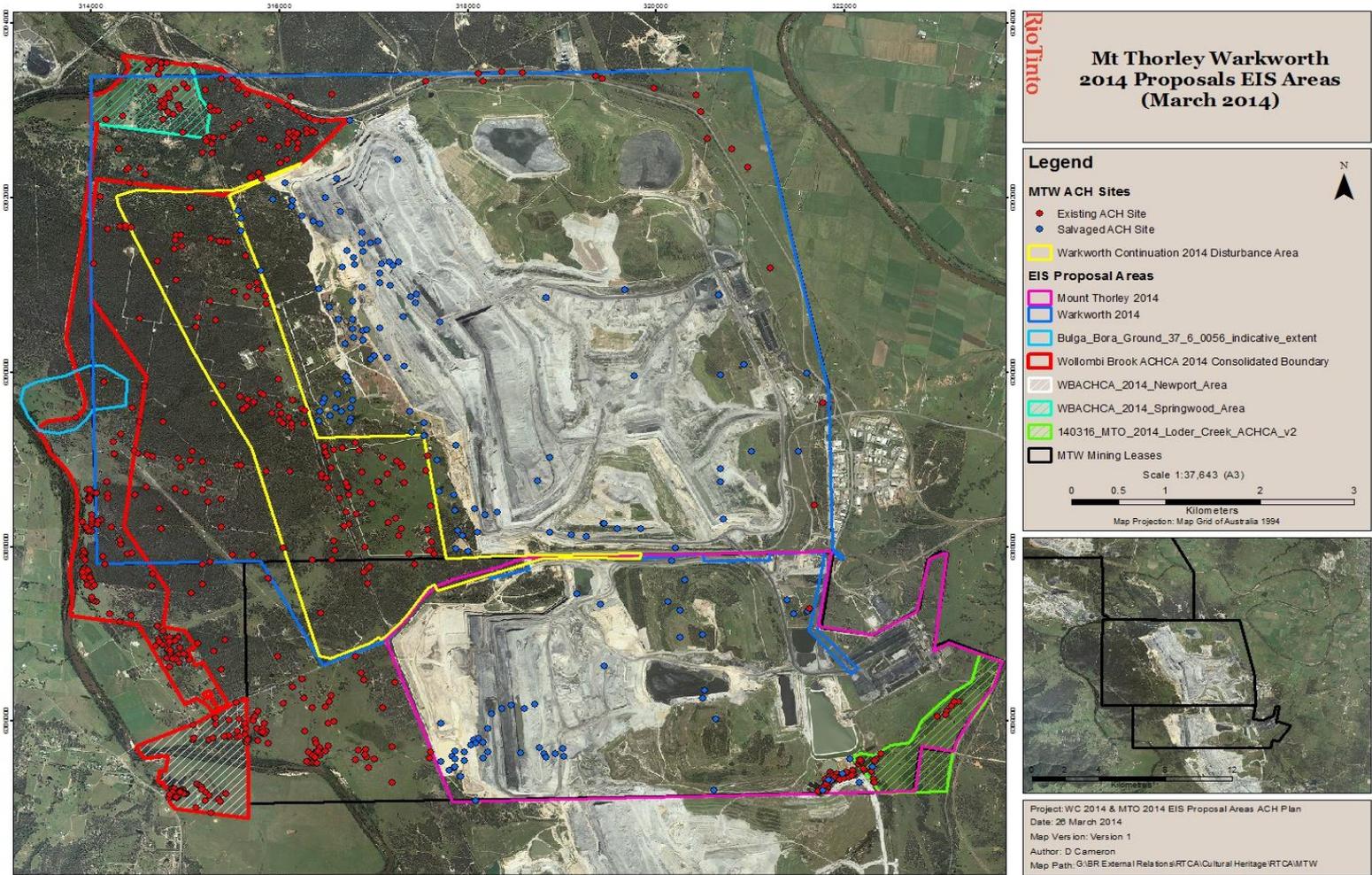
- **ACTION 1: Report if the AGL property is going to be purchased by C&A.**
 - The AGL property is in the Zone of Acquisition for the Warkworth Continuation Development Approval.
- **ACTION 2: Confirm what size the Warkworth 350m Modification Area was.**
 - 36.4ha
- **ACTION 3: Report on the current land ownership of the areas along Wollombi Brook to the Hunter River at HVO South.**
 - C&A owns the land immediately adjacent to both banks of Wollombi Brook for c.5km upstream from the junction with the Hunter River.

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

1. The Warkworth Continuation (SSD-6464) Development Approval permits mining to continue beyond the limits of previous approval DA 300-9-2002-i.
2. The Mount Thorley Operations (SSD-6465) Development Approval allows for additional time to complete mining & rehabilitation activities within the limits of previous approval DA 34/95.

Both applications were approved by the PAC, with conditions, on 26 November 2015.

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



3. Warkworth Continuation (SSD-6464) Development Approval

DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act
- c.40 – No disturbance of human remains
- c.41 – Protection of ACH sites listed in Table 1 of Appdx 5
- c.42 – Salvage mitigation for all ACH sites subject to development disturbance activities as listed in Table 2 of Appdx 5
- c43 – Aboriginal Heritage Management Plan

3. Warkworth Continuation (SSD-6464) Development Approval

Warkworth Consent Condition 43 - Aboriginal Heritage Management Plan (AHMP)

The Applicant shall prepare an AHMP for the development to the satisfaction of the Secretary, & carry out the development in accordance with this plan. The plan must:

- a. Be prepared in consultation with OEH & Aboriginal stakeholders & submitted to the Secretary for approval prior to carrying out any development under this consent;
- b. Include a program to:
 - Salvage, investigate &/or manage Aboriginal sites & PADs within the disturbance area;
 - Assess & remove scarred trees within the disturbance area;
 - Protect & monitor Aboriginal sites outside the disturbance areas;
 - Manage the discovery of any new Aboriginal objects or skeletal remains during the development;
 - Facilitate access to archaeological sites on site for Aboriginal stakeholders; &
 - Aboriginal stakeholders are consulted & involved in the conservation & management of Aboriginal cultural heritage on the site; &
- c. Include a research program, that has been prepared by suitably qualified & experienced persons whose appointment has been approved by the Secretary, for locating & evaluating sand bodies of likely Pleistocene & early Holocene age that may contain evidence of Aboriginal habitation in the Upper Hunter Valley.

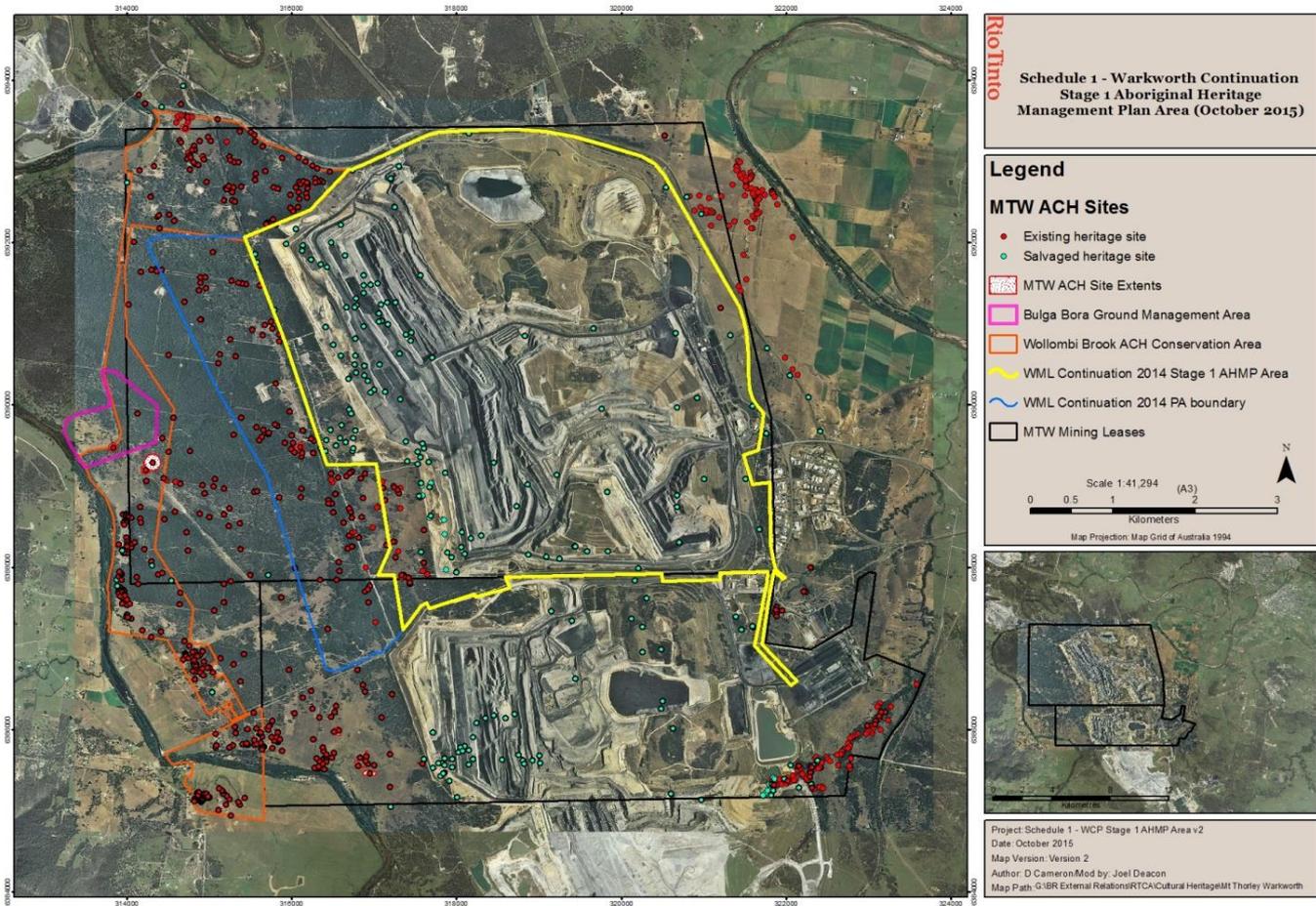
3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The Warkworth consent also contains the provision, with the approval of the Secretary, to:
 - Submit any strategy, plan or program required by this consent on a progressive basis; &
 - Combine any strategy, plan or program required by this consent with any similar strategy, plan or program required for the Mount Thorley mine.
- As noted during EIS & subsequent RAP CHWG consultation, C&A propose to submit a 'Stage 1' Warkworth AHMP to cover the area required for development works in 2016 for continuation of West Pit mining operations & associated infrastructure areas .
- The management provisions to be incorporated the Stage 1 Warkworth AHMP will be consistent with the management commitments made in the WCP 2014 EIS.

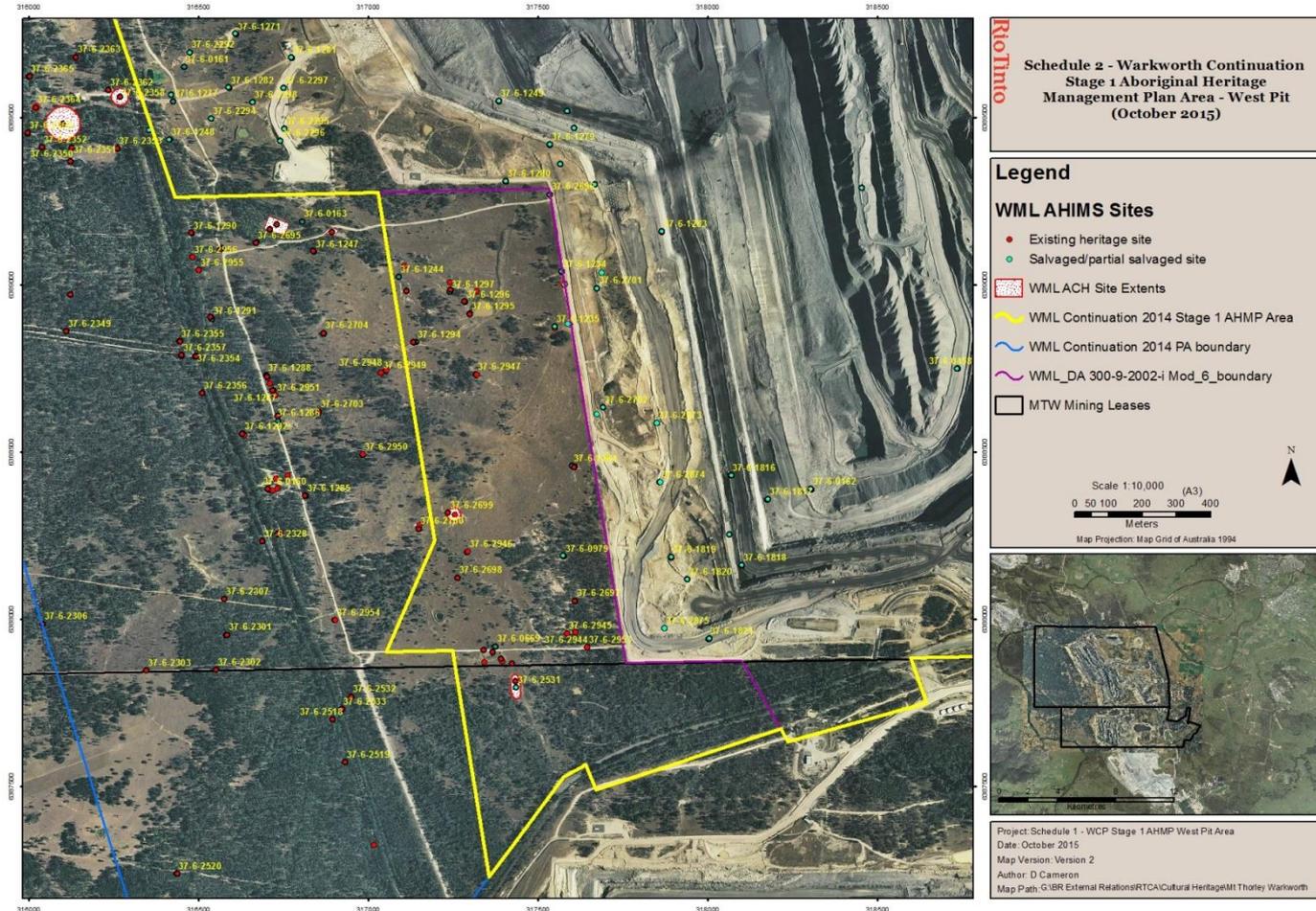
3. Warkworth Continuation (SSD-6464) Development Approval

Stage 1 - Aboriginal Heritage Management Plan area overview



3. Warkworth Continuation (SSD-6464) Development Approval

Stage 1 – AHMP West Pit development area



Stage 1 AHMP West Pit Development Area AHIMS Sites

AHIMS #	SITE NAME	DATE RECORDED	EASTING	NORTHING	SITE TYPE	SITE ATTRIBUTES	ACHMP Schedule
37-6-1284	MTW-561	25/11/2013	317608.9	6388458.1	Isolated Stone Artefact/s	1RF(M)	Schedule 11
37-6-1235	MTW-562	25/11/2013	317548.8	6388869.4	Isolated Stone Artefact/s	1FP(M)	Schedule 11
37-6-2944	MTW-566	26/11/2013	317610	6387962	Isolated Stone Artefact/s	3F(M)	Schedule 11
37-6-2945	MTW-567	26/11/2013	317586.3	6387958.1	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-2699	MTW-568	26/11/2013	317253.8	6388313.4	Isolated Stone Artefact/s/Scatter	1SC(M), 1SC(S), 3F(S)	Schedule 10
37-6-2946	MTW-569	26/11/2013	317292.5	6388202.9	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-1296	MTW-570	26/11/2013	317318.8	6388982.8	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-2947	MTW-571	26/11/2013	317318.6	6388732.3	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-1297	MTW-572	26/11/2013	317239.4	6389008.9	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-1294	MTW-574	26/11/2013	317133.6	6388827.3	Isolated Stone Artefact/s	1F(S)	Schedule 11
37-6-0669	MTW-586	25/02/2014	317395	6387873.7	Isolated Stone Artefact/s	2F(S), 1F(C)	Schedule 11
37-6-2531	MTW-234	29/07/2009	317436.2	6387797.9	Isolated Stone Artefact/s/Scatter	1MC(M), 1SC(M), 1SC(QZ), 4F(S), 4F(M), 1SCR(M)	Schedule 10
37-6-1244	MTW-573	26/11/2013	317106.4	6389057.1	Isolated Stone Artefact/s	1B(M), 1FP(M)	Schedule 11
37-6-2953	MTW-585	25/02/2014	317644.7	6387917.5	Isolated Stone Artefact/s	1BB(M)	Schedule 11
37-6-0682	Wark-2	20/10/1994	321204	6391191	Isolated Stone Artefact/s	1F(S)	Schedule 11
37-6-1295	W59	26/11/2013	317300	6399812	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-1234	W12	26/11/2013	317569	6389041	Isolated Stone Artefact/s	5?F(M)	Schedule 11
37-6-2698	PL3	26/11/2013	317262	6388125	Isolated Stone Artefact/s	1F(C)	Schedule 11
37-6-2697	PL2	26/11/2013	317609	6388056	Isolated Stone Artefact/s	1SC(S)	Schedule 11
37-6-0979	BP4	26/11/2013	317574	6388191	Isolated Stone Artefact/s	Incorrect coordinates, not in AHMP area	

3. Warkworth Continuation (SSD-6464) Development Approval

Stage 1 - Aboriginal Heritage Management Plan

- The Stage 1 AHMP West Pit mining development area covers approx. 107ha
- The Stage 1 AHMP West Pit area encompasses 19 AHIMS sites that will be subject to salvage works
- These sites are comprised of 16 isolated artefacts, 2 isolated artefacts/scatters & 1 partially salvaged isolated artefacts/scatter
- The Stage 1 AHMP area does not include the Site M grinding grooves area
- Salvage activities will be undertaken only over the area required for development for the first year (2016)
- Pending approval of the Stage 1 AHMP we will commence the RAP consultation process to develop the an integrated WCP & MTO (MTW) AHMP along with Wollombi Brook & Loder Creek ACH Conservation Areas plans of management

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- Consultation will be conducted as per the OEH ACHCRPs timeframe
- Following the PAC approval on 26th November RAPs were notified of the December 2015 CHWG meeting (14 days notice) to review draft Stage 1 AHMP document, which was sent out with that CHWG meeting notice letter
- Following the December 2015 CHWG meeting the consultation draft of the Stage 1 AHMP was sent back out to all RAPs with 28 days to comment (allowing for mail out time & public holidays closing date for comment was **COB Wednesday 20th January**)
- Today's CHWG meeting will review all RAP comments & finalise the Stage 1 AHMP
- After today the Stage 1 AHMP will be revised as required & then provided to OEH for comment prior to submission to DP&E for approval
- Once approved, a fieldwork program involving salvage of the Stage 1 AHMP sites, & barricading & monitoring of sites outside this area will be conducted.

3. Mount Thorley Operations (SSD-6465) Development Approval

DP&E ACH consent conditions

- c.26 – Protection of ACH sites listed in Table 1 of Appdx 4
- c.27 – Establish the Loder Creek ACHCA (87 ha approx.), Conservation Agreement under s.69B of NP&W Act
- c.28 – Aboriginal Heritage Management Plan (including plan of management for the Loder Creek ACHCA)
- With this approval we will now commence the RAP consultation process to develop the an integrated MTO & WCP (MTW) AHMP along with Wollombi Brook & Loder Creek ACH Conservation Areas plans of management
- Will continue to operate under existing AHMP during the period when integrated MTW AHMP is being developed & until it is approved

Coal and Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group Community Consultation Meeting (excerpt)

MINUTES

Date: 21 January 2016 **Time:** 0900 - 1400

Venue: Wollombi Brook ACH Conservation Area, 1916 Putty Rd, BULGA.

Chairperson: Joel Deacon

Attendees: Joel Deacon – RTCA Specialist Cultural Heritage
David Cameron - RTCA Manager Cultural Heritage
Georgia Bennett – RTCA Advisor Cultural Heritage
Cate Sims - RTCA Specialist Aboriginal Relations
Mathew Goddard – RTCA Enterprise Facilitator
Noel Downs – Wanaruah Local Aboriginal Land Council
Arthur Fletcher – Kawul trading as Wonn 1
Rhonda Griffiths – Hunter Valley Aboriginal Corporation
Suzie Worth - Wanaruah Local Aboriginal Land Council
Leanne Kirkman – Gomery Cultural Consultants
Allen Paget – Ungoороo Aboriginal Corporation
Rod Matthews – Giwiirr Consultants
John Matthews – Aboriginal Native Title Consultants
Margaret Matthews – Aboriginal Native Title Consultants
Colleen Stair – Crimson Rosie
Steven Hickey – Widescope Indigenous Group
Des Hickey – Wonnarua Traditional Custodians

Apologies: Donna & George Sampson, Richard Edwards, Deidre Perkins

Minutes: Georgia Bennett

Acknowledgement & mark of respect: minutes silence.

Apologies are given.

Agenda is reviewed & the minutes of last meeting 18th December 2015 and actions arising are reviewed.

Warkworth Stage 1 AHMP document review

Joel – Warkworth is a State Significant Development approval which means no AHIP is required only the Aboriginal Heritage Management Plan. The Warkworth approval is to continue mining in an additional area westwards and the Mount Thorley approval is to mine in the existing footprint, being an extension of time to complete mining in the approval footprint.

(Dave points out the development approval areas on a map).

Slide 15 (of screen presentation) – Overview of Warkworth Continuation SSD-6464 Development Approval ACH consent conditions.

Slide 16 - specifics pertaining to consent condition 43 Aboriginal Heritage Management plan (AHMP).

Noel – questions the Sand Bodies research program consent condition

Dave – the Development Approval allows for all plans, including the AHMP, to be staged and submitted on a progressive basis and also to be combined into whole of MTW integrated management plans. The Stage 1 AHMP is for the first section, while we develop the whole of MTW complex integrated AHMP. Stage 1 is for a limited area for development works required to be done over the next 12 months.

Slide 18 – map of the Stage 1 AHMP area is reviewed in detail. It is noted that the Site M grinding grooves site is not included in the Stage 1 development area. The Stage 1 works will allow the mine to progress over the next year and to build associated infrastructure etc. such as water management structures west of the mining area.

There are 19 ACH sites in the Stage 1 area but one of those is an AHIMS error so there are 18 sites to mitigate, most of which are isolated artefacts. The Stage 1 area is 107 ha. When the Stage 1 AHMP is approved we'll begin the RAP consultation process to develop the integrated MTW plan.

Slide 22 – today we'll review RAP and DP&E comments / changes received for the Stage 1 AHMP. If any RAPs here today have comments please raise them for discussion as we go through the draft plan document.

Dave – (the AHMP Stage 1 plan is brought up on the screen for live review and revision). The comments/ changes made by DP&E on the Stage 1 plan are discussed and shown to the group.

Noel – Provision 37 (Hunter Valley Sand Bodies Research Program) requests the CHWG to have a say in who is appointed as technical advisor. We want to have a say on who is employed.

All agree on the change and Provision 37 is amended accordingly.

Schedule 14 – specified which OEH code to comply with for discovery of Human Remains. This amendment was requested by DP&E and accepted.

Dave – does anyone have any further comments on this provision? None

Noel – Provision 1. Clarification on does this plan supersede the 2003 plan? Isn't there a Warkworth archaeology management plan? Does this cover the Wollombi Brook Offset area?

Dave – this AHMP only covers the Stage 1 development area and does not permit us to disturb any ACH sites anywhere else in the development approval area or offset areas outside of the approved project footprint.

Noel - where's the paragraph telling us this?

Dave- this plan supersedes the 2003 plan, it still requires us to protect sites not inside the Stage 1 area.

Noel – concern is that under the old plan there was a delineated boundary of an offset, it's not mentioned in the new plan.

Discussion about the new plan superseding the old plan and how the RAPs feel that there may be a loss of protection as a result.

Noel – would like to see it say in the plan “ this plan only supersedes the area inside the Stage 1 AHMP plan...”

All agree on the change and Provision 1, paragraph 2 is amended accordingly.

Dave – any other comments? NONE

Morning Tea

The AHMP is reviewed with the table of contents Provisions 1 – 37 followed by schedules 1 – 14.

Dave – the schedules can be amended / varied if policy changes etc. with consultation with RAPs and DPE approval required.

Noel – Provision 32:3 – Technical Advisor: it doesn't say endorsed by the CHWG, it should say prior to appointment they need to be endorsed by the CHWG.

All agree on the change and Provision 32.4 is amended accordingly.

Schedule 14 - regarding the forensic archaeologist we want a say in who we want to work with/ do this work.

Dave - we have no say in what the Police do as it's a legally mandated process.

Noel – want a step in the plan where, when the Police are contacted they are told that there are some people (Forensic archaeologists) we don't want to work with.

Dave – the Police will appoint the archaeologist for the initial inspection on advice from OEH we don't have any say in that. However, if the remains are determined to be archaeological remains then the exhumation and repatriation work would come back to the CHWG for consultation and endorsement of an appropriate technical advisor.

Noel – also regarding notifying the CHWG specify a time frame of, suggest nominally two working days be added to clause 5.

All agree on the change and Clause 5 of Schedule 14 is amended accordingly.

Provision 27 - Procedural breaches – timeframe for notification of incident with potential to disturb ACH to CHWG – nominally 2 working days is requested to be written into the plan.

All agree on the change and Provision 27 is amended accordingly.

Dave – Ok, we have reviewed the draft plan and does anyone have any further comments or feedback before finalise the plan? None.

Ok, thank you all, we will finalise the document for submission to OEH this week for their comments and then to DPE for approval.

COAL & ALLIED

Managed by Rio Tinto Coal Australia

Invitation for Aboriginal parties in the Upper Hunter Valley to register their interest to participate in cultural heritage consultation with Coal & Allied

Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the Local Government Areas of Singleton, Muswellbrook and Upper Hunter, or within the Wanaruah Local Aboriginal Land Council boundary, are invited to participate in consultation with Coal & Allied regarding the assessment and management of Aboriginal Cultural Heritage associated with its development activities that may require assessment and/or Aboriginal Heritage Impact Permit (AHIP) approvals under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act), or assessment and approvals under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include your name/organisation, current contact details (postal address, email, phone number/s) and be received by Joel Deacon (see contact details at end of this notice) by close of business on Wednesday 20th January, 2016. Details of people registering as Aboriginal Parties will be forwarded to the Office of Environment and Heritage (OEH), and also the Wanaruah Local Aboriginal Land Council unless you specify otherwise.

Aboriginal parties who register are invited to attend a **Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) meeting**, with the following details:

Date: Thursday 21st January 2016
Time: 9.00am to 2.00pm
Venue: Wollombi Brook Conservation Area, 1916 Putty Road, Bulga (Morning tea and lunch will be provided)

The following development proposal requiring an Aboriginal Heritage Impact Permit approval under Part 6 of the NPW Act is to be discussed at the CHWG meeting:

- Proposed Hunter Valley Operations North (DA 450-10-2003) Mitchell Pit Development

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval and proposed Stage 1 Aboriginal Heritage Management Plan
- Mount Thorley Operations SSD-6465 development approval
- Hunter Valley Operations South (PA06_0261)
- Hunter Valley Operations North (DA 450-10-2003)
- Mount Pleasant Coal Project (DA92/97)
- Mount Thorley Operations (DA 34/95)
- Warkworth Operations (DA-300-9-2002-i)

CHWG discussions and other consultation with Registered Aboriginal Parties pertaining to operations & approvals regulated under the EP&A Act, and other activities requiring approvals under Part 6 of the NPW Act, are conducted in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

If you are unable to attend the meeting you can register your interest as an Aboriginal Party for consultation and may lodge comments, queries or feedback on these or other topics associated with Coal & Allied's cultural heritage management program via letter, fax, email or phone prior to the scheduled date of the CHWG meeting.

Joel Deacon
Specialist Cultural Heritage
Rio Tinto Coal Australia Pty Ltd
Hunter Valley Services
PO Box 315, Singleton NSW 2330
joel.deacon@riotinto.com
Fax: 02 6570 0350
Ph: 02 6570 0462

Rio Tinto



**Coal & Allied Aboriginal Cultural Heritage Working Group
Meeting – 18th December 2015**

CHWG Meeting Agenda

1. **Review of Minutes & Actions from previous CHWG meeting 19th November 2015**
2. **Update on status of Coal & Allied operations & business outlook**
3. **Warkworth Mine Continuation SSD-6464 & Mount Thorley Operations SSD-6465 Development Approvals**
 - Discussion & review of Warkworth Continuation & Mount Thorley Development Approvals Aboriginal cultural heritage management conditions, including:
 - Review of all management conditions
 - Review of Warkworth Continuation SSD-6464 Stage 1 Aboriginal Heritage Management Plan RAP consultation draft document & consultation process
 - Conservation Areas management process

CHWG Meeting Agenda

4. Hunter Valley Operations Mitchell Pit Proposed AHIP Application

- Briefing on proposed development activities, including:
 - Review of proposed development works
 - Outline of AHIP application process & ACHAR methodology
 - Review of December ACHAR fieldwork preliminary results

5. Updates on other Coal & Allied cultural heritage management activities

- Mount Pleasant Coal Project (DA92/97)
- Hunter Valley Operations (PA_06_0261 & DA_450_10_2003)
- Mount Thorley Warkworth (DA 300-9-2002i & DA_34/95)

6. Aboriginal Relations Update

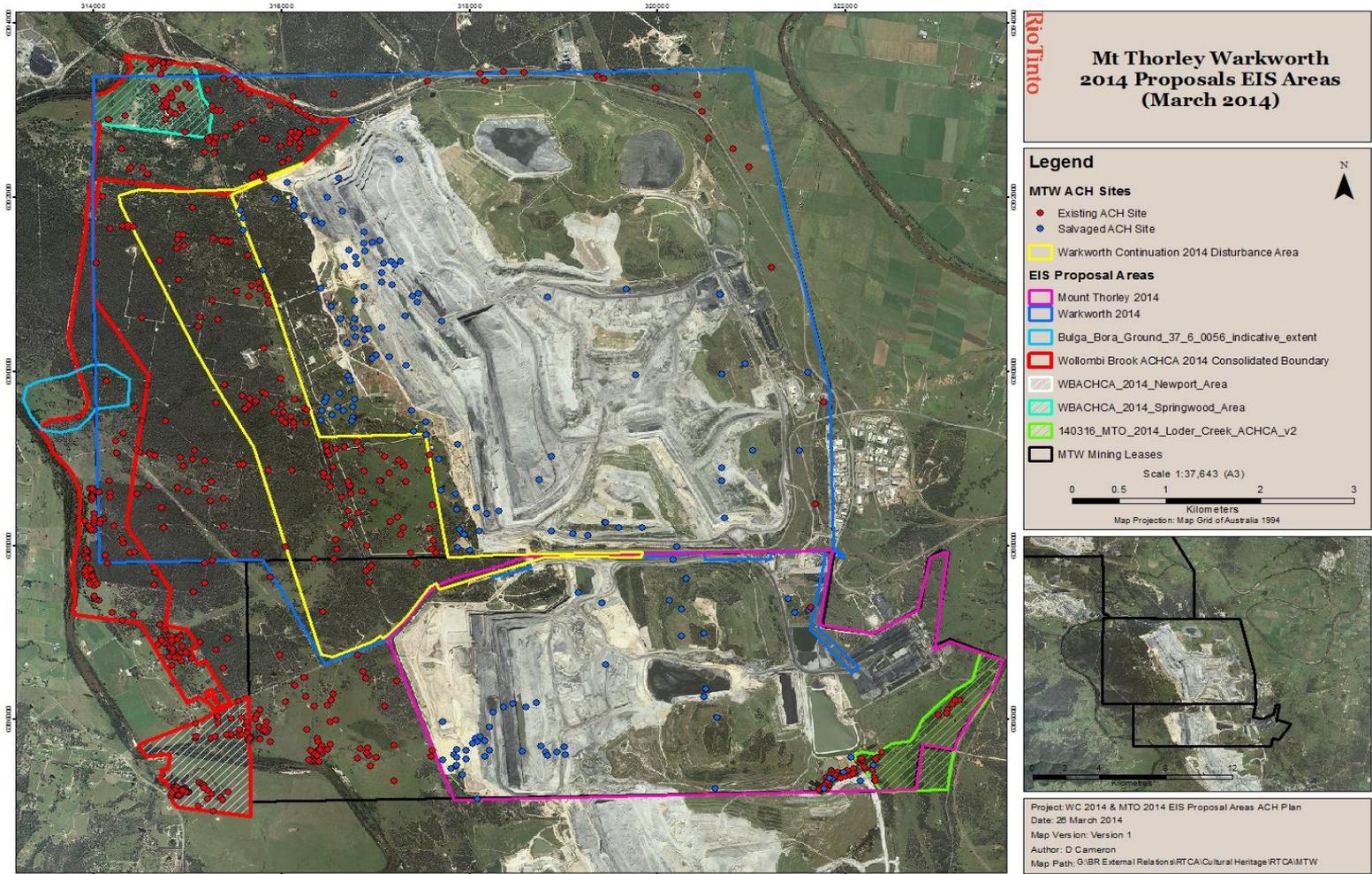
7. Other Business and Community Feedback/Issues

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

1. The Warkworth Continuation (SSD-6464) Development Approval permits mining to continue beyond the limits of previous approval DA 300-9-2002-i.
2. The Mount Thorley Operations (SSD-6465) Development Approval allows for additional time to complete mining & rehabilitation activities within the limits of previous approval DA 34/95.

Both applications were approved by the PAC, with conditions, on 26 November 2015.

3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals



3. Warkworth Continuation (SSD-6464) & Mount Thorley Operations (SSD-6465) Development Approvals

- **ACH Consultation & PAC Process & Timelines:**
 - May 2014: Provided the EIS submission ACH impact assessment report to RAPs
 - June 2014: EISs placed on Public Exhibition (until August)
 - November 2014: PAC review of EISs completed
 - December 2014: PAC submissions & public hearing
 - March 2015: PAC review report (recommending approval)
 - May 2015: Project referral to 2nd PAC for determination – DP&E recommended development consent conditions posted on PAC website
 - September 7th 2015: PAC referred project to a 3rd public hearing prior to decision
 - October 22nd: PAC 2nd review report recommending approval
 - November 26th: Applications approved by PAC

3. Warkworth Continuation (SSD-6464) Development Approval

EIS Heritage Impact Management Commitments

- Development of heritage management plan for WMC 2014 area & adjacent C&A lands
- In perpetuity protection for the WBACHCA (c.696ha)
- Aboriginal community management & access for the WBACHCA
- Protective management of ACH sites located on adjacent C&A owned lands
- Mitigation for all ACH sites subject to development disturbance activities
- Comprehensive recording & excavation of Site M grinding grooves site & recovery of sections subject to geotechnical assessment
- Implementation of the Hunter Valley Sand Bodies Research Study

3. Warkworth Continuation (SSD-6464) Development Approval

DP&E ACH consent conditions

- c.38 – Conservation Management Plan for the in perpetuity protection for the Wollombi Brook ACHCA (approx.696 ha)
- c.39 – WBACHCA Conservation Agreement under s.69B of NP&W Act
- c.40 – No disturbance of human remains
- c.41 – Protection of ACH sites listed in Table 1 of Appdx 5
- c.42 – Salvage mitigation for all ACH sites subject to development disturbance activities as listed in Table 2 of Appdx 5
- c43 – Aboriginal Heritage Management Plan

3. Warkworth Continuation (SSD-6464) Development Approval

Warkworth Consent Condition 43 - Aboriginal Heritage Management Plan (AHMP)

The Applicant shall prepare an AHMP for the development to the satisfaction of the Secretary, & carry out the development in accordance with this plan. The plan must:

- a. Be prepared in consultation with OEH & Aboriginal stakeholders & submitted to the Secretary for approval prior to carrying out any development under this consent;
- b. Include a program to:
 - Salvage, investigate &/or manage Aboriginal sites & PADs within the disturbance area;
 - Assess & remove scarred trees within the disturbance area;
 - Protect & monitor Aboriginal sites outside the disturbance areas;
 - Manage the discovery of any new Aboriginal objects or skeletal remains during the development;
 - Facilitate access to archaeological sites on site for Aboriginal stakeholders; &
 - Aboriginal stakeholders are consulted & involved in the conservation & management of Aboriginal cultural heritage on the site; &
- b. Include a research program, that has been prepared by suitably qualified & experienced persons whose appointment has been approved by the Secretary, for locating & evaluating sand bodies of likely Pleistocene & early Holocene age that may contain evidence of Aboriginal habitation in the Upper Hunter Valley.

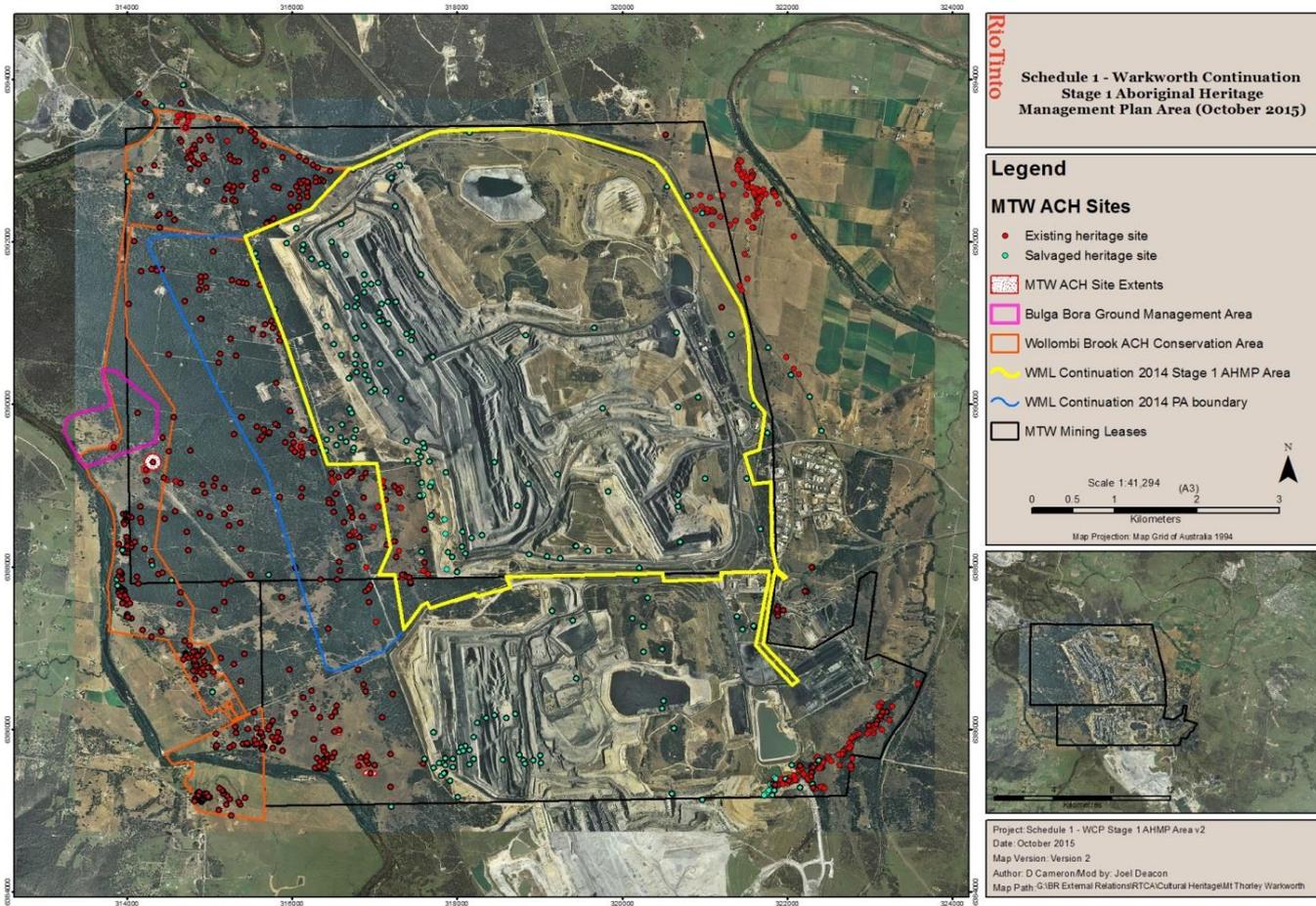
3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- The Warkworth consent also contains the provision, with the approval of the Secretary, to:
 - Submit any strategy, plan or program required by this consent on a progressive basis; &
 - Combine any strategy, plan or program required by this consent with any similar strategy, plan or program required for the Mount Thorley mine.
- As noted during EIS & subsequent RAP CHWG consultation, C&A propose to submit a 'Stage 1' Warkworth AHMP to cover the area required for development works in 2016 for continuation of West Pit mining operations & associated infrastructure areas .
- The management provisions to be incorporated the Stage 1 Warkworth AHMP will be consistent with the management commitments made in the WCP 2014 EIS.

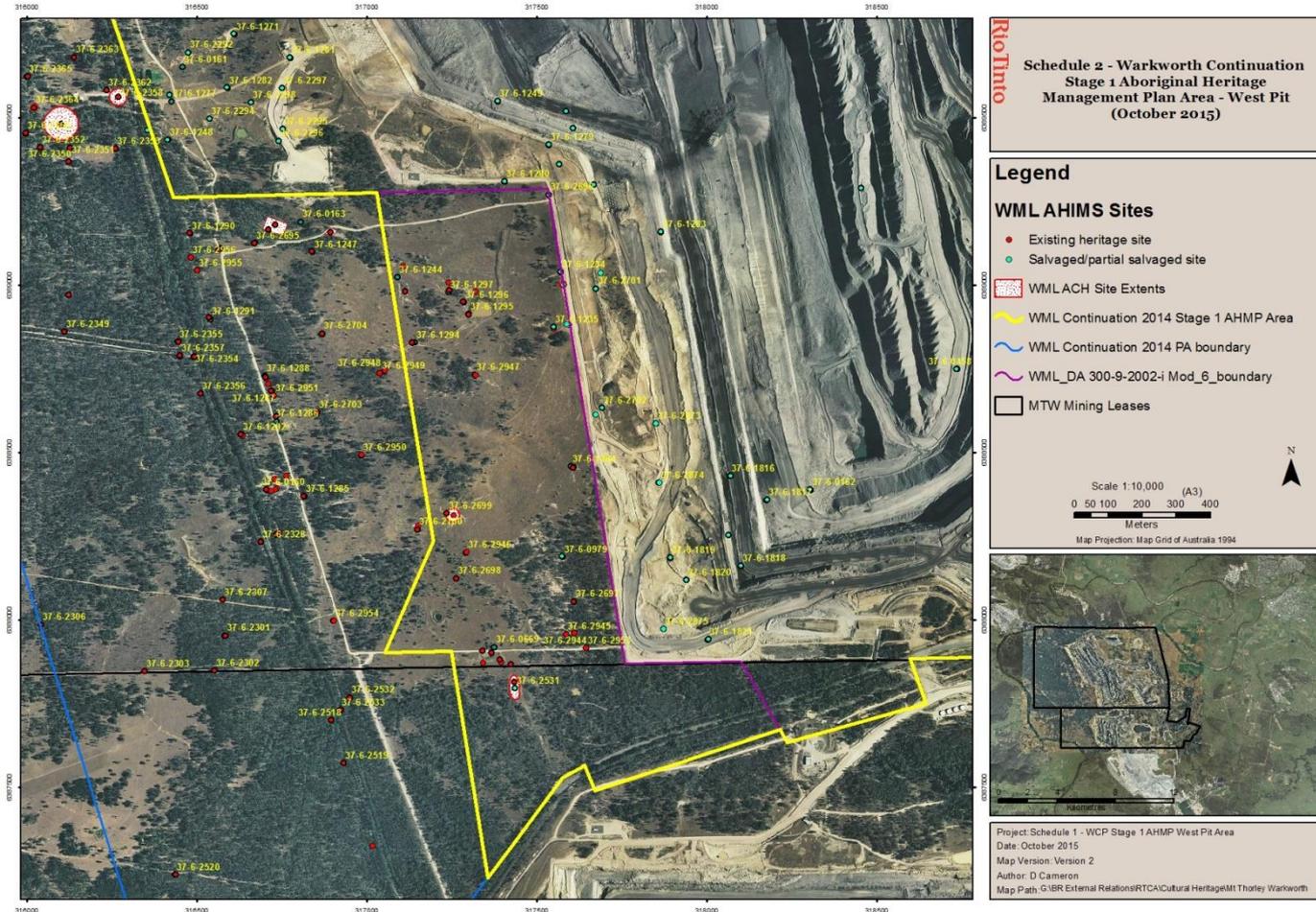
3. Warkworth Continuation (SSD-6464) Development Approval

Stage 1 - Aboriginal Heritage Management Plan area overview



3. Warkworth Continuation (SSD-6464) Development Approval

Stage 1 – AHMP West Pit development area



Stage 1 AHMP West Pit Development Area AHIMS Sites

AHIMS #	SITE NAME	DATE RECORDED	EASTING	NORTHING	SITE TYPE	SITE ATTRIBUTES	ACHMP Schedule
37-6-1284	MTW-561	25/11/2013	317608.9	6388458.1	Isolated Stone Artefact/s	1RF(M)	Schedule 11
37-6-1235	MTW-562	25/11/2013	317548.8	6388869.4	Isolated Stone Artefact/s	1FP(M)	Schedule 11
37-6-2944	MTW-566	26/11/2013	317610	6387962	Isolated Stone Artefact/s	3F(M)	Schedule 11
37-6-2945	MTW-567	26/11/2013	317586.3	6387958.1	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-2699	MTW-568	26/11/2013	317253.8	6388313.4	Isolated Stone Artefact/s/Scatter	1SC(M), 1SC(S), 3F(S)	Schedule 10
37-6-2946	MTW-569	26/11/2013	317292.5	6388202.9	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-1296	MTW-570	26/11/2013	317318.8	6388982.8	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-2947	MTW-571	26/11/2013	317318.6	6388732.3	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-1297	MTW-572	26/11/2013	317239.4	6389008.9	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-1294	MTW-574	26/11/2013	317133.6	6388827.3	Isolated Stone Artefact/s	1F(S)	Schedule 11
37-6-0669	MTW-586	25/02/2014	317395	6387873.7	Isolated Stone Artefact/s	2F(S), 1F(C)	Schedule 11
37-6-2531	MTW-234	29/07/2009	317436.2	6387797.9	Isolated Stone Artefact/s/Scatter	1MC(M), 1SC(M), 1SC(QZ), 4F(S), 4F(M), 1SCR(M)	Schedule 10
37-6-1244	MTW-573	26/11/2013	317106.4	6389057.1	Isolated Stone Artefact/s	1B(M), 1FP(M)	Schedule 11
37-6-2953	MTW-585	25/02/2014	317644.7	6387917.5	Isolated Stone Artefact/s	1BB(M)	Schedule 11
37-6-0682	Wark-2	20/10/1994	321204	6391191	Isolated Stone Artefact/s	1F(S)	Schedule 11
37-6-1295	W59	26/11/2013	317300	6399812	Isolated Stone Artefact/s	1F(M)	Schedule 11
37-6-1234	W12	26/11/2013	317569	6389041	Isolated Stone Artefact/s	5?F(M)	Schedule 11
37-6-2698	PL3	26/11/2013	317262	6388125	Isolated Stone Artefact/s	1F(C)	Schedule 11
37-6-2697	PL2	26/11/2013	317609	6388056	Isolated Stone Artefact/s	1SC(S)	Schedule 11
37-6-0979	BP4	26/11/2013	317574	6388191	Isolated Stone Artefact/s	Incorrect coordinates, not in AHMP area	

3. Warkworth Continuation (SSD-6464) Development Approval

Stage 1 - Aboriginal Heritage Management Plan

- The Stage 1 AHMP West Pit mining development area covers approx. 107ha
- The Stage 1 AHMP West Pit area encompasses 19 AHIMS sites that will be subject to salvage works
- These sites are comprised of 16 isolated artefacts, 2 isolated artefacts/scatters & 1 partially salvaged isolated artefacts/scatter
- The Stage 1 AHMP area does not include the Site M grinding grooves area
- Salvage activities will be undertaken only over the area required for development for the first year (2016)
- Pending approval of the Stage 1 AHMP we will commence the RAP consultation process to develop the an integrated WCP & MTO (MTW) AHMP along with Wollombi Brook & Loder Creek ACH Conservation Areas plans of management

3. Warkworth Continuation (SSD-6464) Development Approval

Condition 43 - Aboriginal Heritage Management Plan

- Consultation will be conducted as per the OEH ACHCRPs timeframe
- Following the PAC approval on 26th November RAPs were notified of this CHWG meeting (14 days notice) to review draft Stage 1 AHMP document sent out with the 18 December 2015 CHWG meeting notice letter
- Following today's CHWG meeting the consultation draft of the Stage 1 AHMP will be sent back out to all RAPs with 28 days to comment (allowing for mail out time & public holidays closing date for comment is **COB Wednesday 20th January**)
- Another CHWG meeting will be held on **Thursday 21st January 2016** to review RAP comments & finalise the Stage 1 AHMP
- Following the RAP review period the Stage 1 AHMP will be revised as required & then provided to OEH for comment prior to submission to DP&E for approval

Coal and Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group Community Consultation Meeting (excerpt)

MINUTES

Date: 18th December 2015 **Time:** 0900 - 1400

Venue: Wollombi Brook ACH Conservation Area, 1916 Putty Rd, BULGA.

Chairperson: Joel Deacon

Attendees: Joel Deacon – RTCA Specialist Cultural Heritage
David Cameron - RTCA Manager Cultural Heritage
Georgia Bennett – RTCA Advisor Cultural Heritage
Cate Sims - RTCA Specialist Aboriginal Relations

Arthur Fletcher – Wonn 1
Jill Green – Lower Hunter Aboriginal Corp
Deidre Perkins – Divine Diggers
George Sampson - Cacatua
Noel Downs – WLALC
Allen Paget – Ungooroo Aboriginal Corporation
Rhonda Ward – Ungooroo Cultural & Community Services
Maree Waugh - Wallangan Cultural Services
Tracey Skene – Culturally Aware
Rhonda Griffiths - Hunter Valley Aboriginal Corp

Apologies: David Horton – Gomeroy Cultural Consultants
Des Hickey – Wonnarua Traditional Custodians
Kathie Kinchela – Yinarr Cultural Services
Rod Hickey – Kawul Cultural Services
Vicky Slater - Kawul Cultural Services

Minutes: Georgia Bennett

Acknowledgement & mark of respect: Arthur leads a minute's silence.

Apologies are given.
Agenda is run through.

Agenda Item 3: Warkworth Mine Continuation SSD-6464 & Mt Thorley Operations SSD-6465 Development Approvals

Tracey – how far is the mine coming over Wallaby Scrub rd?

Dave - will show you on map when we get to that section. There are 2 projects which we've spoken about over and over during the past few years: The Warkworth Continuation which is for crossing Wallaby Scrub and through NDA1 which was the conservation area and Mount Thorley Operations which is a continuation of time; mining in the same footprint, just need more time. Both were approved on 26th November, sadly on the same day that Drayton was rejected.

Map referred to – see slide 7 for the project areas. MTW will cross Wallaby Scrub road and Mt Thorley will stay within its current footprint so no additional impact on ACH sites at MTO from mining operations.

Deidre - How deep will they dig?

Dave - they can only go as far down as they have consent for. They apply for a certain number of seams. The government had kept Bayswater seam quarantined from mining and reserved for the power station supply but now it is available for companies to apply to mine it. Now there's a lot more known thermal coal so they don't need to keep it in reserve.

Deidre – what's the average depth they go down?

Dave – good question, there are multiple seams, I think in Warkworth there are 18 seams they go through. They can only go so deep with open cut, so in the future you may see underground operations underneath the open cut.

Loder Creek Conservation Area – **see map on slide 7.** In the EIS there was a commitment made to set that area aside as a conservation area in perpetuity so that is now a consent condition.

Ramp 22 area - there are sites in this area subject to an AHIP and that's do with remediation works, such as bank erosion but it's not part of the actual mining area.

Warkworth – approved development consent area shown on a map, and infrastructure such as access track for the RFS shown etc.

Arthur – what's the hectares on that?

Dave – about 700ha in terms of additional disturbance, that's almost the same as the conservation area as it stands now at 696ha. We worked towards finding enough land with high ACH values to be a one for one offset. The Wollombi Brook Conservation Area which we proposed in 2010 was about 500ha and we've now acquired Hawkes property and Newport property, this enabled us to be able to enlarge the Conservation Area.

Noel – are you going to acquire the AGL property?

Dave - that's a good question, I don't know the details to that, it might be in the zone of acquisition. I'll need to confirm that.

ACTION – to look into if the AGL property is going to be purchased by Coal & Allied.

(Answer: The AGL property is in the Zone of Acquisition for the Warkworth Continuation development approval)

Dave – discussion about one of the consent conditions being to engage with Wambo about joint management arrangements with the RAPs. Area to be subject to a conservation agreement under s.69 of NP&W Act (a mandated condition) and there'll be a lot of work next year to set up management plans for those agreements. Community access, sites protection, pest and weed control, remediation etc. all need to be discussed, along with community governance arrangements. C&A made a commitment in the EIS that we'll only do salvage incrementally i.e. 1 year in advance of mining.

Allen- the government won't issue permits that far in advance will they? They won't issue ten years in advance?

Dave- they can with AHIPs but we'll get to that. MTW is a state significant development approval, so it will be an AHMP which will include the incremental salvage limit.

Rhonda - how will we have access to the Conservation Area if Wallaby Scrub road closes?

Dave – that's part of what we need to work out in the management plan. We'll have access from the north into that area and through the mine along the western boundary, there will be an emergency services access road along there, and also from this facility off Putty Road. Tracks and access need to be addressed in the plan.

Noel – there's no mention of the extension along Wollombi Brook down to Glencore? We talked about perhaps making a 50m to 100m wide.

Dave - As part of the EIS discussions with Glencore Bulga Mine we brought this issue up of developing a corridor (map referred to) for accessing between our respective conservation areas on Wollombi Brook. The Bulga Mine people were supportive of a walking corridor and an access gate so people can access through our land and vice versa. This is about connectivity along the Brook so people can walk on country through and between the conservation areas.

Noel – (referring to the OEH “Conservation Partnerships: a guide for landholders” document provided for the CHWG meeting) Yorks Creek conservation area at Mt Owen is a case study in the OEH guide. The document talks about how much National Parks is going to do, and what their responsibilities are as listed in the plan of management. National Parks haven’t been out there since 2004, they haven’t conducted any audits etc. It only gets looked at if the mine is audited through the mining process. If that’s the example of them saying this is our case study of how our badge of excellence is, then the Land Council will strongly object to and consider that, no longer a Conservation Area because if that’s the level of care that National Parks are going to have it’s not going to last long. Once C&A have left, it (Conservation area) basically won’t exist anymore.

Dave - that’s one of the things we’d need to consider in the management plan and the agreement. There will a Conservation Agreement with OEH and attached to that is the management plan, these issues will be addressed in the plan.

[RAPs general discussion on Yorks Creek management issues]

Dave – these are the sorts of issues you can bring to the table, because you can see what has worked and what hasn’t worked before, so that way we can get it right as much as possible.

Noel – we would want to see a joint management. You can do it under National Parks and Aboriginal Community organizations can belong to a joint management committee and the Land is technically owned by the Land Council or the Aboriginal group that’s got the joint management, National Parks leases it back and part of that lease back agreement is that it enables the Aboriginal organization then, to enforce law over National Parks. Which under this kind of agreement we have no say.

Dave – the key thing is the Conservation Agreement is basically a template agreement with the department, what’s important is the management plan. That’s because it tells you how the whole thing will be managed and who is accountable. OEH won’t own the land it will belong to C&A and will be jointly managed by C&A and the Aboriginal community.

Noel – only if the plan it’s followed.

Dave – that’s why there needs to be processes in place to hold people and organizations accountable.

Noel – that comes under joint management agreements not conservation agreements.

Dave- the PAC has told us what we have to do, we don’t have any choice in that. What we can do is work together to develop a management plan, which would include joint management arrangements, that also delivers on the those management principles we have developed with the RAPs, but it has to be under a Conservation Agreement as mandated by the PAC in the consent conditions.

Noel – Dave, we’re telling you, certainly from the Land Council’s perspective that these things don’t work for the Aboriginal community. Our Aboriginal community will happily walk away from it if that’s the only way it’s going to be, because it won’t work. Unless there is something else on the table that you guys are fighting for, you guys need to come up with a plan that will enable them to hold the government to account other than some piece of paper we call a management plan which is un-enforceable under law, as it’s just a management plan, then what’s the point in us going ahead with it? York’s Creek represents a legal reality, it’s miss-managed. When it passes out of the mining companies hands into private ownership it’s going to disappear which is the same for this area. Once this area passes out of your ownership it’s gone to the Aboriginal community, this is something you’re saying will be a conservation area in perpetuity that is not a reality under that document.

Dave – It can be a reality under a future transfer of land ownership to an Aboriginal corporation / group / entity. To your first point about conservation agreements and the issues with them; those were raised by the RAPs all the way through, totally accept that. C&A's position was that a Conservation Agreement under the NP&W act wasn't the most appropriate way to do it. We pressed for a covenant on title or secure tenure in perpetuity. We put that case forward, we agreed with the RAPs on this issue, but unfortunately the PAC has taken that out of our hands and said it must be a section 69J Conservation Agreement. Best we can do is enforce a good management plan and tie it back to the consent conditions because they are enforceable. No point in walking away from it as it's there, we need to protect it and to ensure the community have a real role in managing the area.

Noel - it's a temporary thing that's the whole point

Dave – the conservation agreement is in perpetuity and is binding on future owners

Noel – that means nothing if it's not managed.

Dave – this is what we need to sit down and work out in detail through the management plan. We need to get people along to a workshop to discuss these issues, develop appropriate management measures, including community governance, it'll take a lot of work and time. Ok, I think we have gone as far as we can with that issue for today.

Dave – Continues on with the presentation. Slide 8: the consultation and PAC process timelines. Slide 9: EIS management commitments. One of the key commitments made in the EIS was to develop a management plan. Slide 10: Consent conditions are discussed Slide 11: what is required under Warkworth Consent Condition 43 – Aboriginal Heritage Management Plan (AHMP). Regarding the plan we don't want to rush people into developing a plan for the whole area. As we have stated throughout the EIS process, even going back to 2010, our intention is to develop an integrated whole of Warkworth - Mount Thorley Aboriginal Heritage Management Plan (this is allowed for under the conditions of the two consents). We will eventually have one AHMP covering both mining sites with a separate plan for the Wollombi Brook Conservation Area and Loder Creek Conservation Area. As we also noted in the EIS process, we are able to stage our plans, so C&A is proposing to have a Stage 1 AHMP approved for the initial area for the first year of mining whilst we pull the bigger plan together. We sent out a draft Stage 1 AHMP before this meeting for people to consider and it is consistent with our commitment to only disturb ACH sites a year in advance of mining development works. We will be seeking approval from DPE for the Stage 1 AHMP as an interim measure while we work on the integrated plan which will supersede the Stage 1 plan.

(Dave points out the Stage 1 area on a map shown in the presentation) The Stage 1 area incorporates the old consent boundary lands with the only additional area being 107ha adjacent to West Pit South in the former NDA 1 area. This is similar to what we did with the 350m consent modification area we got approved 18 months ago. There are a total of 19 sites ACH to be disturbed most of which are isolated finds. One site (37-6-0979) however is in the wrong location, it's in the AHIMS database but it's an error in an old site location recording from the 1990s and is not located in the AHMP area. See slides 13 and 14 for maps showing the Stage 1 disturbance area. Site M grinding grooves are not in the Stage 1 area and will not be disturbed for a couple of years at least. We still need to work out a relocation strategy for that site as part of the integrated AHMP. Site M will not be affected by blasting impacts but this is subject to a monitoring program.

Allen – how many acres was the 350 mod?

Dave – about 50 hectares or less I think, but we can find out.

**ACTION – to confirm how many hectares the 350 mod area was?
(Answer: 36.4ha)**

Rhonda - what about soot and fly rock damage to the grinding grooves? Are you going to cover them back up with the hay?

Dave – Yes. Fly rock in the mine blast plan generally only travels up to 300 meters and the site will be more than 500 meters away from blasting. However, in our blast management plan if blasting comes within 500 meters of the site we'll put the hay bales down. As for dust not much we can do about that, natural rainfall will clear it. We'll get the site scanned annually to check for any cracks and other damage.

After today we'll send out the draft Stage 1 AHMP Management Plan again for people to have a look at and comment on. The closing date for comments is **January 20th 2016**. Next CHWG meeting is on the **21st January**. Once we have finalized RAP comments and consultation it will then be submitted to OEH for comment and then to DP&E for final review and approval. We would appreciate you sending in your comments, issues etc. on the Stage 1 Draft AHMP.

Dave- does anyone have any initial comments or feedback on the draft Stage 1 plan?

No comments are made

Joel – if anyone wants a digital copy let me know.

Dave – please take the time to read it and let us know if you do have any comments.

Dave – Mt Thorley - there are no ACH sites being disturbed by mining development as the mining footprint has not changed under the new consent so we won't need a Stage 1 AHMP for MTO. As noted earlier today we will incorporate the consent conditions including the AHMP into the integrated MTW/MTO AHMP. Key thing is to work on the Conservation Area plan of management. As I said we don't require a Stage 1 plan as no ACH sites are being disturbed so we'll go straight for the integrated plan. We are currently operating under the existing AHMP that we developed with you and was approved by DP&E 18 months ago. Slides 18 and 19 address the commitments and consent conditions. Access to Loder Creek is straight off Broke Road.

Any Questions?

No.

Morning Tea

Warkworth Stage 1 AHMP document review

Dave – runs through the Warkworth Stage 1 AHMP table of contents and schedules explaining each point. The schedules can be varied as part of the variation clause of the AHMP if required. Terms of Reference will be developed out of this document. We look forward to receiving your comments on the plan by the 20th of January.

Agenda Item 7: Other Business and Community Feedback/Issues

Any other business? None.

MEETING ENDS

COAL & ALLIED

Managed by Rio Tinto Coal Australia

Invitation for Aboriginal parties in the Upper Hunter Valley to register their interest to participate in cultural heritage consultation with Coal & Allied

Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the Local Government Areas of Singleton, Muswellbrook and Upper Hunter, or within the Wanaruah Local Aboriginal Land Council boundary, are invited to participate in consultation with Coal & Allied regarding the assessment and management of Aboriginal Cultural Heritage associated with its development activities that may require assessment and/or Aboriginal Heritage Impact Permit (AHIP) approvals under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act), or assessment and approvals under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

If you wish to register your interest as an Aboriginal party your registration must be in writing (letter, fax or email), and include your name/organisation, current contact details (postal address, email, phone number/s) and be received by Joel Deacon (see contact details at end of this notice) by close of business on Thursday 17th December. Details of people registering as Aboriginal Parties will be forwarded to the Office of Environment and Heritage (OEH), and also the Wanaruah Local Aboriginal Land Council unless you specify otherwise.

Aboriginal parties who register are invited to attend a **Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) meeting**, with the following details:

Date: Friday 18th December 2015

Time: 9.00am to 2.00pm

Venue: **Wollombi Brook Conservation Area, 1916 Putty Road, Bulga** (Morning tea and lunch will be provided)

The CHWG meeting will also review existing and planned operations and development activities, and related cultural heritage management programs, in particular:

- Warkworth Continuation SSD-6464 development approval and proposed Stage 1 Aboriginal Heritage Management Plan
- Mount Thorley Operations SSD-6465 development approval
- Hunter Valley Operations South (PA06_0261)
- Hunter Valley Operations North (DA 450-10-2003)
- Mount Pleasant Coal Project (DA92/97)
- Mount Thorley Operations (DA 34/95)
- Warkworth Operations (DA-300-9-2002-i)

CHWG discussions and other consultation with Registered Aboriginal Parties pertaining to operations & approvals regulated under the EP&A Act, and other activities requiring approvals under Part 6 of the NPW Act, are conducted in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

If you are unable to attend the meeting you can register your interest as an Aboriginal Party for consultation and may lodge comments, queries or feedback on these or other topics associated with Coal & Allied's cultural heritage management program via letter, fax, email or phone prior to the scheduled date of the CHWG meeting.

Joel Deacon
Specialist Cultural Heritage
Rio Tinto Coal Australia Pty Ltd
Hunter Valley Services
PO Box 315, Singleton NSW 2330
joel.deacon@riotinto.com
Fax: 02 6570 0350
Ph: 02 6570 0462



Office of
Environment
& Heritage

DOC16/634806-1
SSD 6464 & SSD 6465

Mr Joel Deacon
Specialist Cultural Heritage NSW
Rio Tinto
joel.deacon@riotinto.com

Dear Mr Deacon

Review of Aboriginal Heritage Management Plan - Mount Thorley Warkworth Operations

Thank you for your email dated 16 November 2016 seeking comment on the report titled: *Aboriginal Heritage Management Plan, Mount Thorley Warkworth Operations (Warkworth Continuation SSD-6464 & Mount Thorley Operations SSD-6465, Prepared by Rio Tinto Coal Australia, 2016 (Draft v2).*

Aboriginal Heritage Management Plans provide a useful tool for companies such as Rio Tinto to use to help ensure that they meet their statutory requirements and that the management strategies for the protection of Aboriginal cultural heritage are clearly identified. The Office of Environment and Heritage (OEH) has reviewed the Aboriginal Heritage Management Plan for the Mount Thorley Warkworth Operations complex. Based on this review OEH is satisfied that the management measures proposed are adequate and appropriate given the nature of the archaeological record and the range of activities to be undertaken within operational footprint of the mine. OEH has no additional concerns with respect to Aboriginal cultural heritage management.

If you require any further information regarding this matter please contact Nicole Davis, Archaeologist, on 4927 3156.

Yours sincerely

 15 DEC 2016

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

Gary Mulhearn
Environment and Community Manager
Warkworth Mining
Putty Road Mount Thorley, NSW, 2330

12/08/2022

Subject: Aboriginal Heritage Management Plan for Mount Thorley Continuation Project (SSD-6465) and Warkworth Continuation Project (SSD-6464)

Dear Mr Mulhearn

I refer to the revised Aboriginal Heritage Management Plan, which was submitted in accordance with Condition 43 of Schedule 3 of the development consent for the Warkworth Continuation Project (SSD-6464) and Condition 28 of Schedule 3 of the development consent for the Mount Thorley Continuation Project (SSD-6465).

The Department has carefully reviewed the document and is satisfied that it meets the requirements of the relevant conditions of consent. Accordingly, the Secretary has approved the Aboriginal Heritage Management Plan (Version 4, dated 27 July 2022).

Please remove all the draft watermarks from the document and include the contents of Schedule 18 - Aboriginal Community and Regulator Consultation Documents prior to making the approved management plan publicly available on the company's website.

If you wish to discuss the matter further, please contact Nima Salek on 292746088 or via email at nima.salek@dpie.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Joe Fittell".

Joe Fittell
Team Leader
Resource Assessments

As nominee of the Planning Secretary