

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

Your reference: AHIP # 1130976
Our reference: AHIMS No. 3426 / SF15/1774
Notice number: C0000789
Contact: Nicole Davis (02) 4908 6825

NOTICE ISSUED TO:

Mr Digby Short
Manager Environment and Community Relations
Aston Coal Operations Pty Limited
PO Box 699
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 1130976

Issued pursuant to section 90D (5) *National Parks and Wildlife Act 1974* (NPW Act)

BACKGROUND

- A. Aston Coal Operations Limited (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. 1130976 (the AHIP) granted under section 90D of the NPW Act.
- B. The AHIP authorises the carrying out of:
 - Certain Aboriginal objects must not be harmed;
 - Movement of Aboriginal objects, subject to conditions;
 - Archaeological investigation, subject to conditions;
 - Harm to Aboriginal objects through proposed works, subject to conditions.
- C. The applicant has requested for a change to the timeframe outlined in Condition 9 (f) of the AHIP, which currently states that "*If agreement under condition 9(e) cannot be reached within 3 years from the date of commencement of this AHIP, then long-term storage location/s will be determined by OEH.*"
- D. The Registered Aboriginal Parties in consultation with the AHIP holder, the applicant, have requested that the long-term storage location/s be determined at the conclusion of all works permitted under the AHIP and that the timeframes be consist with the length of AHIP. OEH supports this decision as it will allow for all collected and salvaged Aboriginal objects to be analysed and managed collectively.
- E. OEH received the application on 16 December 2014.
- F. OEH has considered the matters set out in section 90K of the NPW Act.

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OEH has decided to grant this variation.

By this notice OEH varies AHIP No. 1130976 in the following manner:

Variation

2.1 Changes to timeframes

Operational Conditions

Certain Aboriginal Objects may be harmed or moved (Page 6-7 of the AHIP)

Which states that:

"If agreement under condition 9(e) cannot be reached within 3 years from the date of commencement of this AHIP, then long-term storage location/s will be determined by OEH".

Is replaced by:

"Upon agreement by Registered Aboriginal Parties on the long term storage location of the artefacts, OEH will be notified of the long term management plan for the artefacts. This agreement must be reached prior to the conclusion of the AHIP which is valid until 26 August 2031. Should agreement not be able to be reached between all Registered Aboriginal Parties by 26 August 2031, then long-term storage location/s will be determined by OEH."

You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number AHIP No. 1130976, within 14 days.

A handwritten signature in black ink, appearing to read "R Bath", written over a dotted line.

RICHARD BATH

Senior Team Leader Planning, Hunter Central Coast Region

Regional Operations

(By Delegation)

Date: 6 February 2015

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INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP No. 1130976 issued on 26 August 2011, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

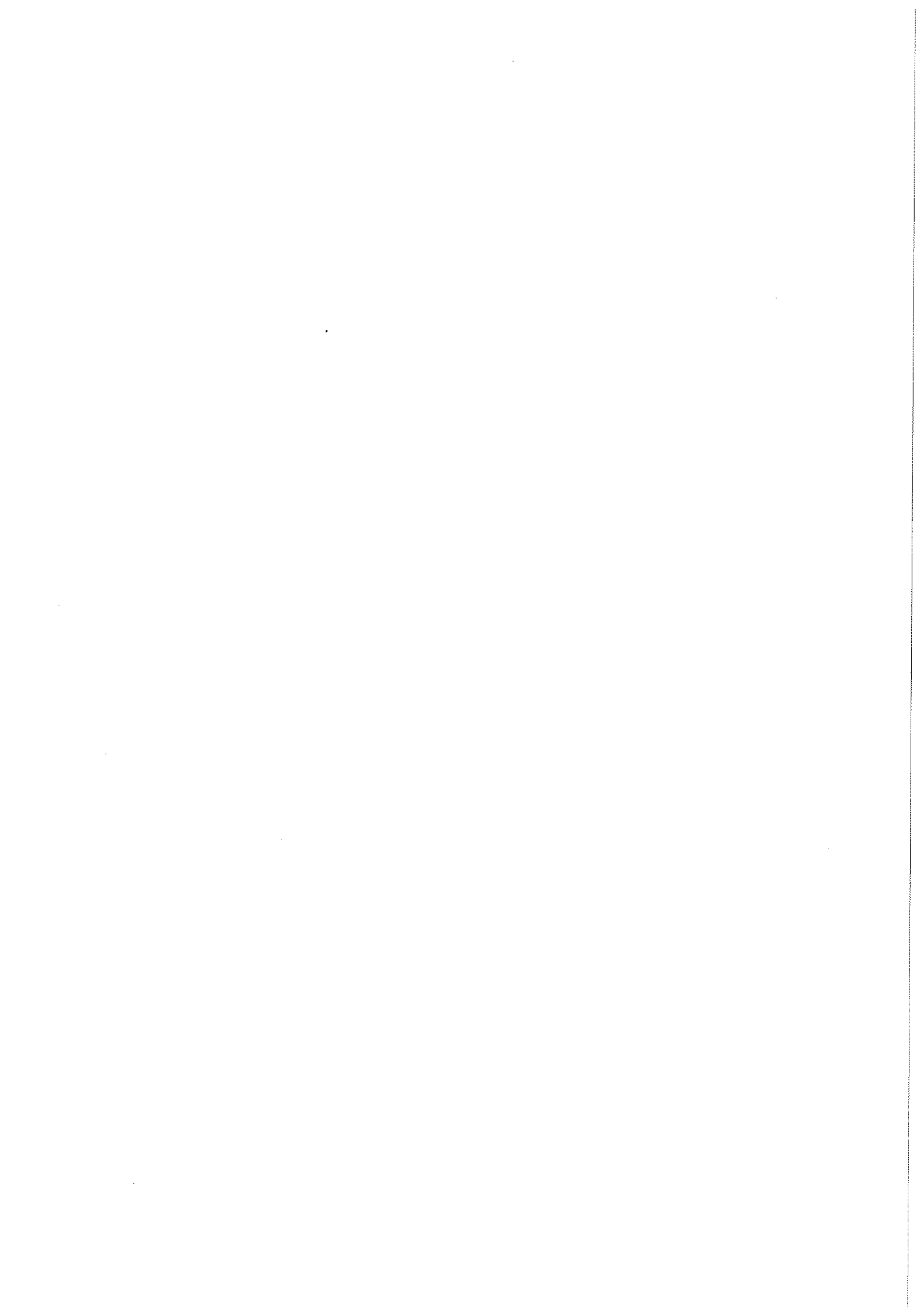
- The variations to the AHIP specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

Variation of this notice

- This Variation Notice may only be varied by subsequent notices issued by OEH.

Appeals against this decision

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.



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AHIP Issued To:

ASHTON COAL OPERATIONS PTY LIMITED,
ABN 22 078 556 500,
PO BOX 699,
SINGLETON NSW 2330
REGISTERED POST

OEH Office

North East Branch
Environment Protection and Regulation Group (EPRG)
Office of Environment and Heritage
24 Moonee St / Locked Bag 914
COFFS HARBOUR 2450
Telephone number: (02) 6651 5946
Fax number: (02) 6651 6187

Additional details for public register

| | |
|--|---|
| a) Name of development or project | Ashton Coal Project – mining of the underground longwall panels LW5, LW6A, LW6B, LW7A, LW7B and LW8 and associated surface operations above these panels and the eastern and western diversion of Bowmans Creek. |
| b) Location | Lot 3 DP 1114623 and Lot 2 DP 1089848 being wholly within Mining Lease ML 1533 granted under the <i>Mining Act 1992</i> |
| c) Local Government Area(s) | Singleton Local Government Area |
| d) Description of harm authorised | <ul style="list-style-type: none">• Certain Aboriginal objects must not be harmed.• Movement of Aboriginal objects, subject to conditions.• Archaeological investigations, subject to conditions.• Harm to Aboriginal objects through the Proposed works, subject to conditions. |
| e) AHIP commencement date and duration | <i>Commencement:</i> 26 August 2011 <i>Duration:</i> 20 years |



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AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 28-Jan-2011 an application was made by Ashton Coal to the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act).
- (ii) Ashton Coal Project gained development consent for its open cut and underground mining operations in 2002 (DA 309-11-2001-1) and is operated by Ashton Coal Operations Limited Pty (ACOL). The operations include an existing and almost complete open cut pit to the north east, and the existing underground mining operation to the south of the New England Highway. The underground mine comprises eight longwall panels and is approved to extract coal from four consecutive seams. The consent also provides for the diversion of Bowmans Creek. In addition, there is a proposed greenfield open cut mine east of Glennies Creek, which is the subject of a separate project application under Part 3A of the EP&A Act 1979.
- (iii) The AHIP application relates to the Western Panels which include longwall panels, LW5, LW6A, LW6B, LW7A, LW7B and LW8 and the Bowmans Creek Diversions. Immediately to the east of the Western Underground panels are the Eastern underground panels which include LW1, LW2, LW3, LW4.
- (iv) The western underground panels have already had coal extraction from one coal seam layer. There are a further three seams planned for extraction. Full extraction of all four seams may result in up to 8m subsidence.
- (v) There are 32 Registered Aboriginal Parties (RAP) identified with an interest in this project. OEH has received a number of representations from some of the RAPs opposing the AHIP application in its original form. The representations are that Bowmans Creek is of high cultural significance to the community citing a number of factors, including the existence of fish traps, song-line connections and association with other culturally significant features.

B. AHIP issued subject to conditions

This AHIP is issued to harm Aboriginal objects including, those identified in Schedule B, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.



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C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for:

- (i) 20 years from the date of commencement of the AHIP; or
- (ii) until the date on which the AHIP final report is submitted, whichever is the earlier.

D. Proposed Works

The proposed works include:

- the construction of the eastern and western diversion of Bowmans Creek, which includes haul roads, topsoil and spoil stockpiles, site access tracks, equipment compounds and staff facilities and other associated surface works;
- the coal extraction from longwalls 5, 6A, 6B, 7A, 7B and 8 within the area shown on the attached map;
- gas wells and other activities and establishment of infrastructure to provide for the safe ongoing operation of the mine, such as, but not limited to, dewatering facilities, ventilation, and geological investigations;
- in areas where subsidence results in ground surface cracking, remediation works including ripping and filling in with soil;
- rehabilitation in the filled in soil areas may be required; and
- upgrade and maintenance of existing access and formation of new access tracks.

Note: The above works to which this AHIP applies are limited to within the area shown on the attached map and consistent with the consent conditions. A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

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DATED:



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ATTACHMENT 1 - Map of AHIP area

ATTACHMENT 2 - Methodology



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LAND TO WHICH THIS AHIP APPLIES

This AHIP only relates to the land located in part Lot 3 DP 1114623 and part Lot 2 DP 1089848 in the Mining Lease ML1533. This land is illustrated in the map attached to this AHIP at Attachment 1 as the area outlined in blue.

| Whole or Part | Map Sheet 1:25000 | Lot | DP | LGA | Description with reference to map attached to this AHIP |
|---------------|-------------------|-----|---------|-----------|--|
| Part | CAMB3S | 3 | 1114623 | Singleton | This AHIP only relates to the land located in part Lot 3 DP 1114623 and part Lot 2 DP 1089848 in the Ashton Coal Mine Lease ML1533 shown in Attachment 1 as the area outlined in blue. |
| | | 2 | 1089848 | Singleton | |

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.

4. If an alternative to the nominated project manager is appointed, OEH must be notified of their contact details within 14 days of this appointment.



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Actions must be in accordance with AHIP application

5. All actions on the AHIP area must be carried out in accordance with the application as it applies to the AHIP area as shown in the attached map, except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

6. All human remains in, on or under the AHIP area must not be harmed. The discovery of any human remains must be managed in accordance with condition 28 of this AHIP.
7. There will be no construction within 70m of the Waterhole Site grinding grooves and appropriate controls will be implemented to protect this site from inadvertent construction activity impacts, including:
 - a. Clear fencing of the site to form a boundary between contractors and the outer perimeter of the site.
 - b. Inclusion of a work method statement (WMS) that outlines the responsibilities of contractors in order to ensure that the site is not impacted and which outlines the repercussions of not adhering to the WMS (e.g. fines administered by OEH).
 - c. Inclusion of a cultural awareness component in the general induction of contractors working on the project.

Certain Aboriginal objects may be harmed or moved

8. Aboriginal objects, including objects identified in Schedule B1, must be left in situ unless harm to the objects as a result of subsidence or the proposed works is likely.
9. If harm to Aboriginal objects as a result of subsidence, grader scrapes in accordance with condition 10 or the proposed works is likely, Aboriginal objects may be moved in accordance with the following conditions:
 - a. The movement of Aboriginal objects must be carried out in accordance with the methodology specified in Attachment 2 to this AHIP.
 - b. Until a long-term storage location is determined, Aboriginal objects must only be taken to the temporary storage location, moved to a location within the same landform or moved to another location, in consultation with a minimum of 2 RAPs.
 - c. If Aboriginal objects are moved within the same landform or to another location, the AHIP holder must record this location in accordance with OEH site cards including documenting this process through photographs, detailed written recordings and provide map grid coordinates for both the previous location and the new location. These must show environmental features that can be used to identify the new location where the Aboriginal objects are transferred.



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- d. Wherever practicable, the Aboriginal objects which are moved within the same landform should be moved as close as possible to the original location.
 - e. The long-term storage location/s of the Aboriginal objects must be agreed to by the majority of RAPs. The AHIP holder must notify OEH of the location of the long-term storage location/s once it has been determined.
 - f. If agreement under condition 9(e) cannot be reached within 3 years from the date of the commencement of this AHIP, the long-term storage location/s will be determined by OEH.
10. Grader scrapes may be carried out in the AHIP area where there will be ground disturbance from the proposed works, in order to identify the presence of previously unknown Aboriginal objects, subject to the following clauses:
- a. Grader scrapes must not be carried out in areas where Aboriginal objects identified in Schedule B1 are located unless the objects have been moved in accordance with the conditions of this AHIP.
 - b. Grader scrapes must not be carried out in the Potential Pleistocene Sediment areas within Potential Archaeological Deposit 37-3-0496 as identified in the map at Attachment 1 in yellow shading.
 - c. Grader scrapes must not be carried out in areas where there will only be ground disturbance caused by subsidence.
11. Where there will be ground disturbance from the proposed works in the Potential Pleistocene Sediment areas within Potential Archaeological Deposit 37-3-0496 identified in the map at Attachment 1 in yellow shading, the area must be investigated in accordance with the methodology specified in Attachment 2 to this AHIP.
12. Movement of Aboriginal objects may be carried out in Potential Pleistocene Sediment areas within Potential Archaeological Deposit 37-3-0496 identified in the map at Attachment 1 in yellow shading, only upon completion of any investigations required by condition 11 and where the other conditions of this AHIP are complied with including condition 9 and condition 13.
13. In the event that a significant Aboriginal object/s is located and/or harmed (excluding harm as a result of subsidence) within the AHIP area, the AHIP holder must:
- a. Not further harm the object/s.
 - b. Immediately cease all ground disturbance work at the particular location.
Secure the area so as to avoid further harm to the object/s.
 - c. Notify the OEH office as soon as practicable and provide any available details of the object and its location.



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- e. Not recommence any work at the particular location unless authorised in writing by the Director of OEH office.
- f. The Director of OEH office will determine whether or not works can recommence.
- g. The Director of OEH office may require further information in order to make a determination under condition 13(f). If the Director of OEH office requires further information, the request for information will be made within 7 working days of the notification given by the AHIP holder under condition 13(d).
- h. A determination under 13(f) will be made within 7 working days of the notification given by the AHIP holder under condition 13(d) or where further information is required under condition 13(g) within 10 working days of the Director of OEH office receiving the information.
- i. A determination under 13(f) can be made subject to conditions.

Note: A significant Aboriginal object includes:

- a) scarred or carved trees, fish traps, ground-edged tools, culturally modified wooden or bone objects, hearth, objects constituting a manufacturing site or knapping event, bora rings, grinding grooves/ petroglyphs; or
 - b) other culturally significant objects as determined by the AHIP holder's archaeologist, in consultation with at least two RAPs or, if requested by either the relevant RAPs or the AHIP holder's archaeologist, as determined by an archaeologist nominated by OEH.
14. Aboriginal objects, including those identified in Schedule B1, may only be damaged where damage is incidental to the carrying out of the proposed works, grader scrapes and/or subsidence and where the conditions of the AHIP have been complied with.
15. The AHIP holder must prepare and implement an Aboriginal heritage subsidence impact monitoring program for the AHIP area. As a minimum, the monitoring program should:
- (a) Ensure all RAPs are provided with the opportunity to monitor mine related impacts on Aboriginal sites and objects within the AHIP area, during and post coal extraction for each seam.
 - (b) Detail long term management arrangements for any Aboriginal objects within the AHIP area.
 - (c) Include a map of landform units overlying the longwall panels within the AHIP area, which identifies the location of:
 - i. longwall panels;
 - ii. Aboriginal sites and objects;
 - iii. predicted subsidence impacts, including type and scale of impact; and



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- iv. any mining related surface disturbance activities, including subsidence remediation works, expected to be required during the monitoring period.
- (d) Set criteria for the monitoring of Aboriginal sites and objects in consultation with the OEH prior to commencement of longwall extraction mining in the AHIP area for each seam.
- (e) The monitoring program is to be reviewed at least two months prior to longwall extraction mining in the AHIP area for each new seam and take into consideration the results of the mining in the previous seam.
- (f) Following the completion of longwall extraction mining for each seam, the AHIP holder must prepare a report on the Aboriginal heritage subsidence impact monitoring program.
- (g) As a minimum the report should address all elements of the Aboriginal Monitoring program undertaken during the reporting period and:
 - (i) include documentary evidence of Aboriginal sites and objects, such as photographs, written records and comments made by the RAPs, at each monitoring location within the AHIP area during the reporting period;
 - (ii) include a map of landform units overlying the longwall panels within the AHIP area, which identifies the location of:
 - i. longwall panels;
 - ii. Aboriginal sites and objects;
 - iii. predicted versus measured subsidence impacts for the reporting period, including type and scale of impact; and
 - iv. any mining related surface disturbance activities, including subsidence remediation works, which were carried out during the reporting period.
 - (iii) describe any revised proposed subsidence assessment of the potential impact to Aboriginal sites and objects within the AHIP area;
 - (iv) describe the measures implemented to manage subsidence and how these were applied to reduce or avoid impacts to Aboriginal sites and objects within the AHIP area;
 - (v) include a copy of subsidence monitoring information required by the Department of Primary Industries and End of Panel report for each longwall panel mined within the AHIP area during the monitoring and reporting period;
 - (vi) describe any ongoing consultation with or involvement of RAPs in relation to the AHIP during the reporting period;
 - (vii) describe how any Aboriginal objects or 'no-harm areas' described in Schedule A were managed during the reporting period;
 - (viii) comment on the effectiveness of any Aboriginal heritage management plan that was in place during the reporting period;
 - (ix) comment on the effectiveness of any mitigation measures that were implemented;
 - (x) detail the results of any analysis of Aboriginal objects; and
 - (xi) include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted to the AHIMS Registrar.



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(h) The report is to be submitted to the OEH at least two months prior to longwall extraction mining in the AHIP area in the next seam.

16. In the event that an Aboriginal object is harmed in a manner inconsistent with the conditions of this AHIP, the AHIP holder must immediately notify the OEH office and comply with reporting Conditions contained within "Notification and Reporting Conditions" of this AHIP.

Aboriginal Cultural History Recording

17. The AHIP holder will invite all RAPs to provide any information on the traditional cultural values and/or associations of Aboriginal people with the AHIP area. Oral history and detailed recordings, such as maps, photographs and descriptions of local landscape and topography should be collected, collated and reported with the information provided by the RAPs. The information collected and recording during this stage will need to be managed through a culturally appropriate protocol which the AHIP holder is to develop with the RAPs. At the completion of the works permitted under this AHIP, or earlier if appropriate, interpretative material, as endorsed by the RAPs, should be installed, in a location agreed between the AHIP holder and the majority of RAPs, to inform the community of the cultural values of the AHIP area.

Access routes

18. Where practicable, existing access routes to parts of the land where actions relating to this AHIP are to be carried out should be used. Where necessary these routes may be upgraded and maintained in accordance with the requirements of the preceding conditions of this AHIP.

19. Where use of existing access routes is not practicable new access routes may be formed. Any new access route must be discussed with representatives of the RAPs prior to construction.

20. Where practicable new access routes should be located so as to not impact on objects. Any new access route proposal will be discussed with representatives of the RAPs prior to construction.

Surface Infrastructure

21. Where practicable, surface infrastructure will be established in previously disturbed areas or existing infrastructure areas. Where necessary these areas may be upgraded and maintained within the existing footprint in accordance with the requirements of the preceding conditions of this AHIP.

22. Where use of existing areas is not practicable, new infrastructure areas may be formed. Any new area will be discussed with representatives of the RAPs prior to construction so as to minimise impact to any Aboriginal object.

23. Where practicable new infrastructure areas should be located so as to not impact on Aboriginal objects.



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Notification and Reporting Conditions

Notification of commencement and completion of actions

24. Written notice must be provided to the OEH office at least seven days prior to the commencement of actions authorised by this AHIP.
25. Written notice must be provided to the OEH office within seven days of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

26. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH, or prior to commencing works on site, whichever is soonest.
27. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

Human remains

28. If any human remains are discovered and/or harmed in, on or under the land, the AHIP holder must:
 - (a) not further harm these remains;
 - (b) immediately cease all work at the particular location;
 - (c) secure the area so as to avoid further harm to the remains;
 - (d) notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location; and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

29. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.86 of the Act not authorised by an AHIP; and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

30. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
 - (a) the nature of the incident;
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places;
 - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photographs;
 - (d) any conditions of an AHIP which may have been breached; and



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- (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.

Provision of Aboriginal Site Impact Recording Form

31. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedule B, within one month from the date of any actions undertaken at a site as authorised by this AHIP. Any site where additional work is done within a site in this AHIP will require additional ASIR forms to be completed after each subsequent action authorised under this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the OEH website:

<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>

- (ii) Contact details for the AHIMS Registrar can be found on the OEH website:

<http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm>

General Conditions

Indemnity

32. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of the Office of Environment and Heritage, and their employees, agents and contractors, in the absence of any wilful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

33. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of the Office of Environment and Heritage, and their employees, agents and contractors, in the absence of any wilful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

34. Any requirement to provide written notice to the OEH office in this AHIP may be complied with by faxing the notice to the OEH office's fax number or by sending by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this AHIP.



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Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the AHIP area must not be harmed.

Schedule B: Aboriginal objects that may be harmed through certain actions

B1

The following Aboriginal objects identified on AHIMS may only be harmed in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

| Portion of Site (whole or part) | AHIMS Site ID | Site Feature | Site Name | Information access restriction? (Y/N) | Easting | Northing | Datum |
|------------------------------------|---------------|--------------|--------------------------------------|--|---------|----------|-------|
| whole | 37-3-0545 | Open site | Ashton EWA 51 | N | 317954 | 6404021 | AGD |
| whole | 37-3-0544 | Open site | Ashton EWA 50 | N | 317813 | 6404021 | AGD |
| whole | 37-3-0516 | Open site | Ash 20 | N | 317953 | 6404179 | AGD |
| whole | 37-3-0548 | Open site | Ashton EWA 57 | N | 317954 | 6404205 | AGD |
| whole | 37-3-0546 | Open site | Ashton EWA 52 | N | 317847 | 6404293 | AGD |
| whole | 37-3-1146 | Open site | AFA50 | N | 317969 | 6404680 | GDA |
| whole | 37-3-1143 | Open site | AFA44 | N | 317818 | 6404660 | GDA |
| whole | 37-3-1145 | Open site | AFA48, AFA49, AFA58 | N | 317992 | 6404855 | GDA |
| whole | 37-3-1144 | Open site | AFA45, AFA46, AFA47 | N | 317603 | 6404853 | GDA |
| whole | 37-3-0535 | Open site | Ashton EWA 97 | N | 317583 | 6405075 | AGD |
| whole | 37-3-1142 | Open site | AFA25, AFA26, AFA59, AFA60, | N | 317777 | 6405339 | GDA |



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| Part | Reference | Description | Category | Value | Value | Value |
|-------|-----------|-------------------|--|-------|--------|-------------|
| | | | AFA61 | | | |
| | 37-3-0496 | Open site and PAD | Brunkers Lane Site and PAD EWA82 | N | 317707 | 6406329 GDA |
| | | | LW4.2 | | | |
| | | | LW4.4 | | | |
| | | | LW5.1 | | | |
| | | | LW5.2 | | | |
| | | | AFA56 | | | |
| | | | AFA57 | | | |
| whole | 37-3-0499 | Artefact | ASH 3 | N | 317478 | 646176 AGD |
| whole | 37-3-0542 | Isolated find | EWA81 | N | 317534 | 6406017 AGD |
| whole | 37-3-0543 | Open site | EWA 080 | N | 317463 | 6405942 AGD |
| whole | 37-3-0556 | Open site | EWA 089 | N | 317378 | 6405955 AGD |
| whole | 37-3-0798 | Open site | Lidell EW15 | N | 317877 | 6407170 GDA |
| whole | 37-3-0799 | Open site | LW2.1 | N | 317450 | 6404979 GDA |
| whole | 37-3-0495 | Isolated find | MOIF3 | N | 317465 | 6406023 AGD |
| whole | 37-3-1014 | Open site | REA197 | N | 317082 | 6405289 GDA |
| whole | 37-3-1015 | Open site | REA 143 | N | 318066 | 6406896 GDA |
| whole | 37-3-1016 | Open site | REA 144 | N | 318003 | 6406831 GDA |
| whole | 37-3-1017 | Open site | REA 145 | N | 317728 | 6406420 GDA |
| whole | 37-3-1018 | Open site | REA 146 | N | 317572 | 6406204 GDA |
| whole | 37-3-1148 | Open site | AFA 55 | N | 318326 | 6406063 GDA |
| whole | 37-3-1153 | Open site | AFA 51 | N | 318050 | 6405339 GDA |
| whole | 37-3-1141 | Open site | AFA21, AFA 22, AFA 23, AFA 24 | N | 318385 | 6405947 GDA |
| whole | 37-3-1059 | Open site | REA 187 | N | 317349 | 6405551 |



AHIP number

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

| | |
|--|--|
| Aboriginal object | has the same meaning as in the Act. |
| Act | means the <i>National Parks and Wildlife Act 1974</i> . |
| AHIMS | means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act. |
| AHIP area | means the land described under the heading "Land to which this AHIP applies". |
| AHIP | means Aboriginal Heritage Impact Permit |
| AHIP holder | means the entity or person listed on the cover page under the heading "AHIP issued to". |
| Application | means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application. |
| Community collection | means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives. |
| construction (for the purposes of condition 7 only) | means any activity required to be undertaken for the construction of the proposed development including site preparation, demolition, construction of roads, environmental bunds, surface facilities, rail infrastructure, and water management infrastructure, and any activity requiring a Construction Certificate. |
| OEH | Office of Environment and Heritage within the Department of Premier and Cabinet. |
| OEH office | means the office listed on the cover page of this AHIP. |
| Chief Executive | means the Chief Executive of the Office of Environment and Heritage, Department of Premier and Cabinet. |
| EPRG | means Environment Protection and Regulation Group (in OEH) |
| Harm | has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place. |
| Proposed works | means the works described under the heading "D. Proposed Works" at the front of this AHIP. |
| Public register | means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Chief Executive of the Office of Environment and Heritage, as described under the heading "Information about this AHIP". |
| Registered Aboriginal Parties ("RAPs") | means the Registered Aboriginal Parties listed in the application. |



Aboriginal Heritage Impact Permit

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Significant Aboriginal object

includes:

- a) scarred or carved trees, fish traps, ground-edged tools, culturally modified wooden or bone objects, hearth, objects constituting a manufacturing site or knapping event, bora rings, grinding grooves/ petroglyphs; or
- b) other culturally significant objects as determined by the AHIP holder's archaeologist, in consultation with at least two RAPs or, if requested by either the relevant RAPs or the AHIP holder's archaeologist, as determined by an archaeologist nominated by OEH.

temporary storage location

A secure facility at the AHIP Holder's administration offices at Glennies Creek Road, Camberwell.



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INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Chief Executive of the Office of Environment and Heritage is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Chief Executive of the Office of Environment and Heritage under s.89A of the Act using the form available online at www.environment.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.



Aboriginal Heritage Impact Permit

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Variation of AHIP

The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

The conditions of an AHIP may be varied at any time by the Chief Executive of the Office of Environment and Heritage in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Chief Executive of the Office of Environment and Heritage to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Chief Executive of the Office of Environment and Heritage and may be subject to conditions.

Suspension and revocation of AHIP

An AHIP may be suspended or revoked at any time at the discretion of the Chief Executive of the Office of Environment and Heritage. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

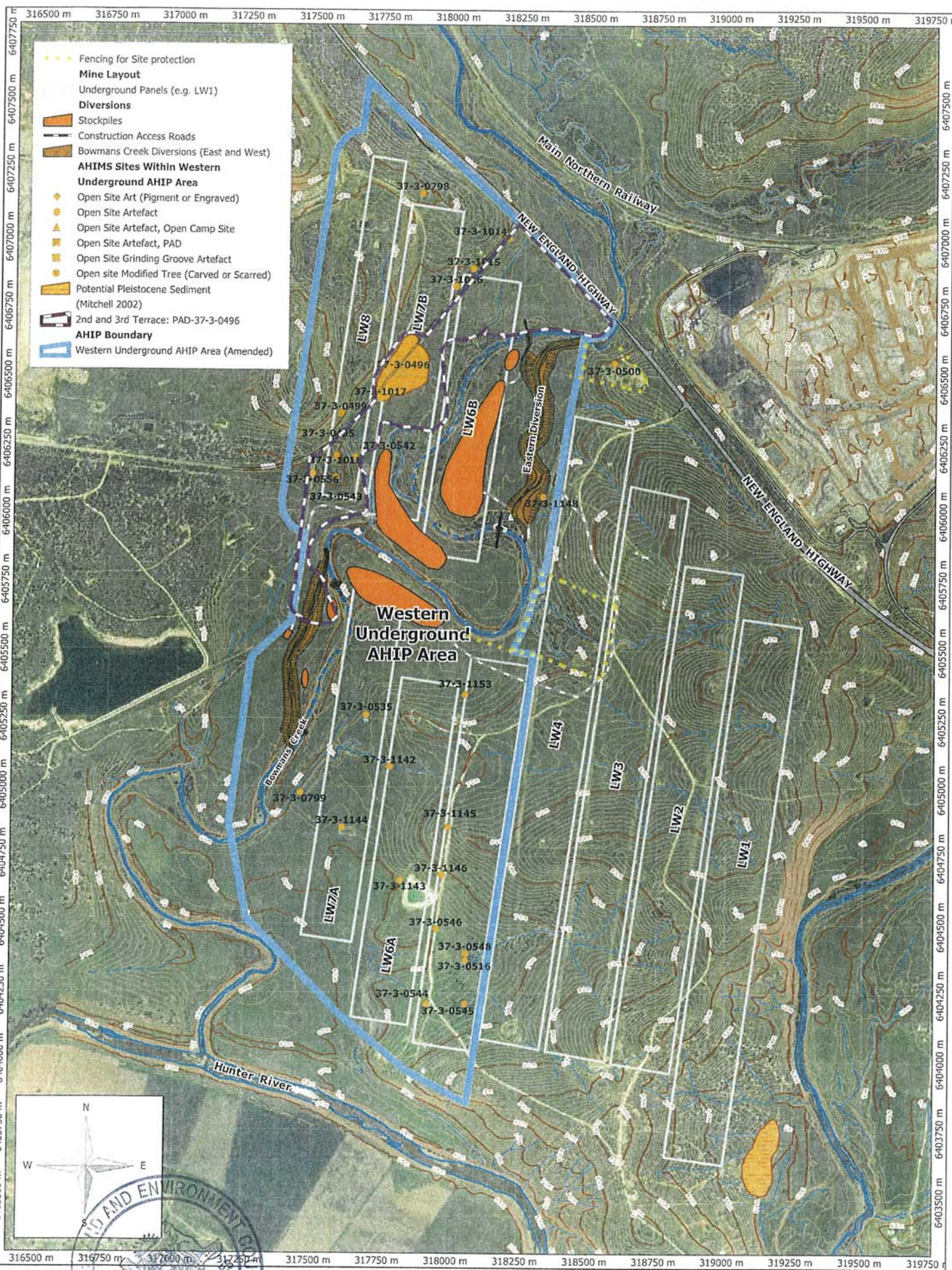
This AHIP does not prevent the disclosure of any information or document in OEH's possession in accordance with any lawful requirement.

Making copies of reports

By providing a report, the AHIP holder acknowledges that OEH can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

OEH is able to make copies of any reports provided to OEH under this AHIP.





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ATTACHMENT 1
Western Underground AHIP Area

Friday, 12 August 2011

Attachment 2

Methodology Ashton Coal Western Underground Panels

Methodology for the salvage of Aboriginal Objects

Sections 1 and 2 will be undertaken under the supervision of the AHIP holder's archaeologist and at least two registered Aboriginal Parties.

Section 1

Stage 1 - surface collection

The surface collection of known objects will be undertaken:

1. Known objects as identified in Schedule B of this AHIP to be relocated and collected in accordance with the conditions of the AHIP.
2. GPS logging of object location
3. Inspection of surrounding area for additional objects recently exposed and collection and recording of same.
4. Recording of site context / condition at time of collection.
5. Artefacts to be handled stored and recorded as outlined in section 2.

Stage 2 - Assessment of subsurface potential

1. Each collected location to be assessed for subsurface potential.
2. Subsurface potential includes any area of potential deposits, including areas of undisturbed A1 and A2 soil horizons with a depth of 200mm or more.
3. Where no subsurface deposit is identified go on to grader scrapes.
4. Where subsurface potential identified go to test excavation.

Stage 3 - Test excavation

1. Test excavation in one sq metre test probes. One square metre probes in areas that have been subject to ploughing and other lateral disturbances.
2. Test excavation in one sq metre probes in 50cm units in areas that have not been subject to lateral disturbance / or / have been identified as having greater stratigraphic potential ie. the area of potential Pleistocene surface.
3. Test probes to be extended over the sample area at appropriate spacings being no more than 15 metres between initial probe locations.
4. Deposit sieved through 5mm sieves at test stage.

Stage 4 - Excavation

1. Excavation to be carried out where test excavation confirms artefact bearing deposits.
2. Excavation to be carried out where ancient land surfaces are confirmed, with or without artefacts.
3. Test probes to be expanded until the full extent of artefact bearing deposit is identified and or sterile deposit is reached.



4. Spoil to be excavated in arbitrary 100mm spits until such time as a stratigraphic sequence or discrete archaeological feature becomes evident. Identifiable features or stratigraphic units to be excavated as discrete units.
5. Evidence or otherwise of bioturbation and taphonomic processes to be recorded in detail .
6. All spoil to be sieved in 3mm sieves. Wet sieving is preferential.
7. Excavation in areas of stratified deposit to be undertaken by hand.
8. Excavation of the Pleistocene deposit to be undertaken in units no greater than 50cm x 50cm or less in response to features.
9. Samples of charcoal and/ or uncontaminated quartz in stratified deposits to be retained for dating purposes.

Stage 5 - Grader Scrapes

Grader scrapes to be conducted in areas either cleared of potential subsurface deposits at stage one (artefact collection) or on completion of stage 2 – test excavations where no further excavation warranted or stage 3 completion of open area excavation.

1. Grader scrapes to be conducted over identified areas with passes of 50-100mm, dependant on grass cover etc.
2. Scrapes to be continued aiming at 50mm per pass where possible.
3. Lenses of objects (i.e. > 5 per sqm) to be excavated in sq m units.
4. Caches, hearths, uncommon knapping, special features etc to be excavated at finer detail in consultation with OEH and the community.
5. Isolated finds and small disturbed scatters to be recorded, collected and their location recorded by GPS.

Section 2

Treatment of retrieved materials

Analysis

1. All excavated artefacts to be bagged by location, date, probe and spit at a minimum. All artefact details to be collated into a catalogue in hard and electronic format.
2. Artefact analysis to be carried out by an appropriate specialist.
3. Use wear and residue analysis to be conducted where appropriate.
4. All artefacts retrieved from the AHIP area be recorded, at a minimum of, location (GPS), raw material, characteristics such as type, morphology and material. Morphology to include length, width, platform type, termination, neg scars on cores, retouch, usewear etc.
5. Artefacts to be individually bagged or bagged in identifiable units back referenced to the catalogue. All bags labelled outside and internally with archive quality recording media.
6. Implements, tools, knapping events and unusual items will be forwarded to an artefact analysis specialist for detailed analysis.

Section 3

Discovery of unknown object

In the event of discovery of a previously unknown object in the course of general mine activities the following procedure should be followed.



1. Immediately cease all ground disturbance works in the vicinity of the object.
2. Secure the area
3. Notify the ACOL archaeologist
4. Archaeologist to identify if the object is a significant Aboriginal object in the terms of intent of AHIP condition 13, and to consult with at least two Registered Aboriginal Parties if necessary.

Storage of retrieved materials

All artefacts to be stored in the short term in accordance with the AHIP (condition 9)

Long term storage to be subject to continued discussions with the Aboriginal stakeholders.

If no long term storage solutions are developed OEH to be advised.

