

Variation of Aboriginal Heritage Impact Permit

Your reference: Ashton Long Wall Underground Mining Operations (Longwalls 1-4)
Our reference: AHIMS No. 3436 Variation 1 / EF21/5121
Notice number: DOC21/422069
Contact: heritagemailbox@environment.nsw.gov.au

NOTICE ISSUED TO
Ashton Coal Operations Pty Ltd
PO Box 699
Singleton NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 1131017 (AHIMS Permit ID 3436 Variation 1)

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

BACKGROUND

- A. Ashton Coal Operations Pty Ltd (the applicant) applied to Heritage NSW to vary Aboriginal Heritage Impact Permit No. 1131017 (the AHIP) granted under section 90D of the NPW Act. The AHIP authorises the carrying out of harm to certain Aboriginal objects, salvage excavations, community collection
- B. Heritage NSW received the application on 3 May 2021 and further information was received on 24 May 2021.
- C. Heritage NSW has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

1. Heritage NSW has decided to grant this variation. By this notice Heritage NSW varies AHIP No. 1131017 in the following manner:

Variation 1

Condition C on page 2 of 37, which states that:

"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. 10 years from the date of commencement, that is, until 23 December 2021 or
- ii. Until the date on which the Harm to Aboriginal Objects Report, is submitted".

is replaced by:

"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."

2. You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number 1131017 within 14 days.

DOC21/422069

AHIP 1131017 / AHIMS 3436

Printed: 4:50:55 PM 14/07/2021

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.....
Dr Samantha Higgs

**Senior Team Leader Aboriginal Cultural Heritage
Regulation - North**

Heritage NSW

(by Delegation)

Date: 14 July 2021

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on Heritage NSW'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 1131017 issued on 23 December 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 Heritage NSW DPC.

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 number: 1131017

(AHIMS Permit ID: 3436)

AHIP Issued To:

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

OEH Office issuing this AHIP

Office of Environment and Heritage
Department of Premier and Cabinet (NSW)
Environment Protection and Regulation Group (EPRG)
24 Moonee Street (Locked Bag 914)
COFFS HARBOUR, NSW 2450
Telephone number: (02) 66515946
Fax number: (02) 66516187

Additional details for public register

a) Name of development or project	Ashton Long Wall Underground Mining Operations (Longwalls 1-4)
b) Location	Ashton Coal Mine Lease Area, Camberwell, NSW
c) Local Government Area(s)	Singleton
d) Description of harm authorised	<ul style="list-style-type: none">• Certain Aboriginal objects must not be harmed• Salvage excavations• Community collection• Harm to certain Aboriginal objects through the proposed works
e) AHIP commencement date and duration	<i>Commencement: 23-Dec-2011</i> <i>Duration: 10 years</i>

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 14-Jan-2011 an application was made to the Director-General of the 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) The AHIP relates to impacts that will be caused by subsidence and subsidence damage mitigation activities from the underground mining of the coal seams within longwalls 1 – 4 of the Ashton Coal Mine Lease Area at Camberwell, NSW.
- (iii) OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

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

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) 10 years from the date of commencement, that is, until 23 December 2021 or
- (ii) until the date on which the Harm to Aboriginal Objects Report, is submitted,

D. Proposed Works

The proposed works include:

- the coal extraction from longwalls 1-4 within the area shown on the attached map (Appendix B)
- activities and establishment of infrastructure to provide for the safe ongoing operation of the mine,
- 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 maybe required and
- upgrade and maintenance of existing access and formation of new access tracks

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Note: 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.

A handwritten signature in black ink that reads "D. Crosdale".

Ms Diane Crosdale
Manager Planning & Aboriginal Heritage
Section

North East - Hunter

(by Delegation)

DATED: 23-Dec-2011

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LAND TO WHICH THIS AHIP APPLIES

This AHIP relates to Lot 70 DP1107703, Lot 3 DP1114623, Lot 2 DP1114623 & Lot 101 DP635131 being the area of land within Ashton Coal Mine Lease Area described as the area of longwalls 1 - 4. The "application area" is marked by a blue border within the Ashton Coal Mine Lease Area on the figure entitled *AHIP Area* at Appendix B.

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, OEHL must be notified of their contact details within 14 days of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

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6. All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4.
7. The Aboriginal objects described in Schedule A must not be harmed.
8. To ensure that the Aboriginal objects described in Schedule A are not harmed, the *Plan of Management for the Conservation Area* referred to on page 17 of the *Archaeology and Cultural Heritage Subsidence Management Plan Longwall Panels 1 to 4 (Version B - 27/10/2006)* supplied with the application (Plan of Management), must be finalised in consultation with the registered Aboriginal parties and to the satisfaction of OEH.
9. The AHIP holder must prepare a draft *Plan of Management* within 6 months of the issue date of this AHIP.
10. The AHIP holder must finalise and implemented the *Plan of Management* within 12 months of the issue date of this AHIP.
11. After the *Plan of Management* has been finalised the AHIP holder must comply with *Plan of Management* and kept the terms of the terms of the *Plan of Management* current through a process of annual review.

Salvage excavations

12. Salvage excavations may be carried out in, on or under each salvage excavation area described in Schedule B2 prior to any impacts from subsidence or subsidence related activities.
13. Aboriginal objects that are recovered during the excavations may be analysed on-site and/or may be taken off-site for further non-invasive analysis.
 - (a) The excavations and analysis of Aboriginal objects must be carried out in accordance with the *Ashton Coal Underground Panels - Methodology for the Salvage of Aboriginal Objects* (detailed in Appendix C).
 - (b) Any excavation required in the Oxbow site complex is to be undertaken according to the Stage 4 – Excavation methodology at Appendix C to this AHIP.
14. All required excavations must be completed in an area before any harm of Aboriginal objects described in Schedule C can commence in that same area.

Community collection

15. The Registered Aboriginal Parties must be provided with an opportunity to collect Aboriginal objects within the 'community collection area' described in Schedule B3.
16. The opportunity for community collection must be provided:
 - (a) in accordance with the mitigation measures (detailed In Appendix C Section 1 Stage 1 – Surface collection
 - (b) before any salvage excavations described in Schedule B2 can commence in the area and
 - (c) before any harm of Aboriginal objects described in Schedule C can commence in the area.

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17. Aboriginal objects that are recovered during the community collection may be analysed on-site and/or may be taken off-site for further non-invasive analysis as required following consultation with the Registered Aboriginal Parties.

Harm of certain Aboriginal objects through the proposed works

18. The Aboriginal objects described in Schedule C may be harmed as a result of the proposed works. Nothing in this condition authorises harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').
19. Aboriginal objects described in Schedule C must not be harmed as a result of the proposed works unless:
- (a) all excavations described in Schedule B2 have been completed in the area, and
 - (b) all opportunities for community collection of Aboriginal objects described in Schedule B3 have been provided in that same area.

Temporary storage of certain Aboriginal objects

20. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location in the table below pending any agreement reached about the long term management of the Aboriginal objects.
21. The temporary storage location is as follows:

Location name:	The offices of Ashton Coal Operations Pty Ltd
Address:	73 Glennies Creek Road CAMBERWELL NSW
Storage particulars:	Following analysis the objects must be securely and appropriately stored until long term management is negotiated in consultation with the registered Aboriginal parties.

22. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Long term management of certain Aboriginal objects

23. In the event that Aboriginal objects collected or salvaged under the permit are to be reburied at a different location within the land:
- a. the reburial of Aboriginal objects must occur as soon as practicable after completion of collection and salvage activities;
 - b. reburial activities must be undertaken by the AHIP holder and the land owner in consultation with representatives of the registered Aboriginal parties;
 - c. pursuant to Section 89A of the Act, the location of each reburial area must be notified in writing to the OEH office within 3 months after reburial occurs; and

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- d. the AHIP holder and the land owner must ensure that procedures are put in place to ensure that Aboriginal objects at each reburial location are not disturbed, damaged, destroyed or defaced.
24. Requirement 26 "Stone artefact deposition and storage" in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010, available online at: <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>) must be complied with.

Access routes

25. Where practicable existing access routes to parts of the land where actions relating to this AHIP are to be carried out must be used.

Notification and Reporting Conditions

Notification of commencement and completion of actions

26. Written notice must be provided to the OEH office at least 7 days prior to the commencement of actions authorised by this AHIP.
27. Written notice must be provided to the OEH office within 7 days of the completion of actions authorised by this AHIP.

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

28. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.
29. 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

30. If any human remains (other than any human remains described in Schedule B4) are discovered and/or harmed in, on or under the land, the AHIP holder must:
- not further harm these remains
 - immediately cease all work at the particular location
 - secure the area so as to avoid further harm to the remains
 - 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
 - not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

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31. 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

32. 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 photos where appropriate
 - (d) any conditions of an AHIP which may have been breached, and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
33. The incident report must be provided to the OEH office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

34. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, biannually for the duration of the AHIP and finally within 4 months of the completion of the actions authorised by 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>

Report about Harm to Aboriginal Objects

35. A Harm to Aboriginal Objects Report must be prepared about the actions relating to the harm of Aboriginal objects (as permitted by this AHIP). The report must:
- (a) include a short summary of the report
 - (b) describe any ongoing consultation with or involvement of representatives of Registered Aboriginal Parties in relation to this AHIP
 - (c) describe how any Aboriginal objects or 'no-harm areas' described in Schedule A were managed during the period covered by the AHIP
 - (d) provide details of the Aboriginal objects which were fully or partially harmed in the course of undertaking the actions

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- (e) if any salvage excavations were authorised by this AHIP, provide a description of the methods and results of the salvage excavation
 - (f) detail any community collection of Aboriginal objects undertaken by the Registered Aboriginal Parties
 - (g) comment on the effectiveness of any mitigation measures that were implemented
 - (h) comment on the effectiveness of any management plan which was in place
 - (i) if any Aboriginal objects were moved to a temporary storage location, a description of the nature and types of Aboriginal objects which are now at that location
 - (j) detail the results of any analysis of Aboriginal objects
 - (k) detail the long term management arrangements for any Aboriginal objects, and
 - (l) include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted to the AHIMS Registrar.
36. The Harm to Aboriginal Objects Report must be submitted to the OEH office within 4 months of the completion of the actions authorised by this AHIP.
37. A copy of the Harm to Aboriginal Objects Report, including a summary of the report in plain English, must be sent by registered post to each Registered Aboriginal Party within 14 days of the report being submitted to OEH.

General Conditions

Indemnity

38. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Director-General of OEH, and their employees, agents and contractors, in the absence of any willful 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

39. 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 Director-General of OEH, and their employees, agents and contractors, in the absence of any willful 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

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40. 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.

SCHEDULES

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

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4, as specified by the conditions of this AHIP.

A2 Aboriginal objects that are identified on AHIMS

The following Aboriginal objects identified on AHIMS must not be harmed, as specified by the conditions of this AHIP.

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Part	37-3-0541	Artefact Grinding Groove	Ashton Glennies Creek Site	N	319053E	6403976N	GDA
Whole	37-3-0500	Artefact	ASH4 Waterhole Site	N	318580E	6406552N	GDA

A3 No-harm areas

Not applicable

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

B1 Movement only

Not applicable.

B2 Salvage excavations

Salvage excavations may be carried out in the area marked "application area", on the figure entitled *AHIP Area* at Attachment B, but only in accordance with the conditions of this AHIP.

The salvage excavation area comprises the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

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Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction ? (Y/N)	Easting	Northing	Datum
That part impacted by subsidence & subsidence remediation works	37-3-0006	Artefact	Camberwell Bowman's Creek (is part of the complex known as the Oxbow Site)	N	318353E	6405653N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0501	Artefact	ASH5 (is part of the complex known as the Oxbow Site)	N	318530E	6405578N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0502	Artefact	ASH6 (is part of the complex known as the Oxbow Site)	N	318310E	6405652N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0503	Artefact	ASH7 (is part of the complex known as the Oxbow Site)	N	318350E	6405608N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0511	Artefact	ASH15 (is part of the complex known as the Oxbow Site)	N	318507E	6405497N	GDA
That part impacted by subsidence & subsidence remediation	37-3-0512	Artefact	ASH16	N	318404E	6405991N	GDA

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works							
That part impacted by subsidence & subsidence remediation works	37-3-0513	Artefact	ASH17	N	318641E	6405980N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0514	Artefact	ASH18	N	318533E	6406073N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0515	Artefact	ASH19	N	318168E	6403904N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0516	Artefact	ASH20	N	318058E	6404369N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0517	Artefact	ASH21	N	318672E	6405894N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0518	Artefact	ASH22	N	319222E	6405666N	GDA
That part impacted by	37-3-0533	Artefact	Ashton Ridge Peak Site	N	319038E	6404515N	GDA

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subsidence & subsidence remediation works							
That part impacted by subsidence & subsidence remediation works	37-3-0534	Artefact	Ashton Hunter River slope site	N	318565E	6402963N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0536	Artefact	Ashton High Spur Site	N	318495E	6403764N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0537	Artefact	Ashton High Ridge Workshop Site (EWA 86)	N	319201E	6405755N	GDA
That part within the AHIP boundary impacted by subsidence & subsidence remediation works	37-3-0541	Artefact Grinding groove	Ashton Glennies Creek Site	N	319053E	6403976N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0545	Artefact	Ashton EWA 51	N	318059E	6404211N	GDA
That part impacted by subsidence &	37-3-0547	Artefact	Ashton EWA 56	N	318676E	6404805N	GDA

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subsidence remediation works							
That part impacted by subsidence & subsidence remediation works	37-3-0548	Artefact	Ashton EWA 57	N	318059E	6404395N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0551	Artefact	Ashton EWA 69	N	319222E	6404897N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0552	Artefact	Ashton EWA 70	N	319245E	6404966N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0554	Artefact	Ashton EWA 78	N	319216E	6404994N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0555	Artefact	Ashton EWA 83	N	318832E	6406073N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0557	Artefact	Ashton EWA 91	N	318677E	6405923N	GDA
That part	37-3-0558	Artefact	Ashton EWA	N	318877E	6406256N	GDA

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impacted by subsidence & subsidence remediation works			96				
That part impacted by subsidence & subsidence remediation works	37-3-0581	Artefact	Ashton EWA 93 also known as Homestead Site (is part of the complex known as the Oxbow Site)	N	318525E	6405707N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0737	Artefact	Ashton EWA 77	N	319204E	6405065N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0802	Artefact	SA13/3	N	319339E	6405385N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-1141	Artefact	AFA21, AFA22, AFA23, AFA24	N	318385E	6405947N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-1147	Artefact	AFA52, AFA53, AFA54	N	318525E	6406310N	GDA

B3 Community collection

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Community collection may be carried out in the area marked "application area", on the figure entitled *AHIP Area* at Attachment B, in accordance with the conditions of this AHIP.

The community collection area includes the following known Aboriginal objects, as identified on AHIMS (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
That part impacted by subsidence & subsidence remediation works	37-3-0006	Artefact	Camberwell Bowman's Creek (is part of the complex known as the Oxbow Site)	N	318353E	6405653N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0501	Artefact	ASH5 (is part of the complex known as the Oxbow Site)	N	318530E	6405578N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0502	Artefact	ASH6 (is part of the complex known as the Oxbow Site)	N	318310E	6405652N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0503	Artefact	ASH7 (is part of the complex known as the Oxbow Site)	N	318350E	6405608N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0511	Artefact	ASH15 (is part of the complex known as the Oxbow Site)	N	318507E	6405497N	GDA
That part impacted	37-3-0512	Artefact	ASH16	N	318404E	6405991N	GDA

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by subsidence & subsidence remediation works							
That part impacted by subsidence & subsidence remediation works	37-3-0513	Artefact	ASH17	N	318641E	6405980N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0514	Artefact	ASH18	N	318533E	6406073N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0515	Artefact	ASH19	N	318168E	6403904N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0516	Artefact	ASH20	N	318058E	6404369N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0517	Artefact	ASH21	N	318672E	6405894N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0518	Artefact	ASH22	N	319222E	6405666N	GDA

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works							
That part impacted by subsidence & subsidence remediation works	37-3-0533	Artefact	Ashton Ridge Peak Site	N	319038E	6404515N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0534	Artefact	Ashton Hunter River slope site	N	318565E	6402963N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0536	Artefact	Ashton High Spur Site	N	318495E	6403764N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0537	Artefact	Ashton High Ridge Workshop Site (EWA 86)	N	319201E	6405755N	GDA
That part within the AHIP boundary impacted by subsidence & subsidence remediation works	37-3-0541	Artefact Grinding groove	Ashton Glennies Creek Site	N	319053E	6403976N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0545	Artefact	Ashton EWA 51	N	318059E	6404211N	GDA

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That part impacted by subsidence & subsidence remediation works	37-3-0547	Artefact	Ashton EWA 56	N	318676E	6404805N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0548	Artefact	Ashton EWA 57	N	318059E	6404395N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0551	Artefact	Ashton EWA 69	N	319222E	6404897N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0552	Artefact	Ashton EWA 70	N	319245E	6404966N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0554	Artefact	Ashton EWA 78	N	319216E	6404994N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0555	Artefact	Ashton EWA 83	N	318832E	6406073N	GDA
That part impacted by subsidence &	37-3-0557	Artefact	Ashton EWA 91	N	318677E	6405923N	GDA

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subsidence remediation works							
That part impacted by subsidence & subsidence remediation works	37-3-0558	Artefact	Ashton EWA 96	N	318877E	6406256N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0581	Artefact	Ashton EWA 93 also known as Homestead Site (is part of the complex known as the Oxbow Site)	N	318525E	6405707N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0737	Artefact	Ashton EWA 77	N	319204E	6405065N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0802	Artefact	SA13/3	N	319339E	6405385N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-1141	Artefact	AFA21, AFA22, AFA23, AFA24	N	318385E	6405947N	GDA
That part impacted by subsidence & subsidence remediation	37-3-1147	Artefact	AFA52, AFA53, AFA54	N	318525E	6406310N	GDA

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works							
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B4 Other

Not applicable

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

C1 Harm of Aboriginal objects identified on AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction ? (Y/N)	Easting	Northing	Datum
That part impacted by subsidence & subsidence remediation works	37-3-0006	Artefact	Camberwell Bowman's Creek (is part of the complex known as the Oxbow Site)	N	318353E	6405653N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0501	Artefact	ASH5 (is part of the complex known as the Oxbow Site)	N	318530E	6405578N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0502	Artefact	ASH6 (is part of the complex known as the Oxbow Site)	N	318310E	6405652N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0503	Artefact	ASH7 (is part of the complex known as the Oxbow Site)	N	318350E	6405608N	GDA

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That part impacted by subsidence & subsidence remediation works	37-3-0511	Artefact	ASH15 (is part of the complex known as the Oxbow Site)	N	318507E	6405497N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0512	Artefact	ASH16	N	318404E	6405991N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0513	Artefact	ASH17	N	318641E	6405980N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0514	Artefact	ASH18	N	318533E	6406073N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0515	Artefact	ASH19	N	318168E	6403904N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0516	Artefact	ASH20	N	318058E	6404369N	GDA
That part impacted by subsidence &	37-3-0517	Artefact	ASH21	N	318672E	6405894N	GDA

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subsidence remediation works							
That part impacted by subsidence & subsidence remediation works	37-3-0518	Artefact	ASH22	N	319222E	6405666N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0533	Artefact	Ashton Ridge Peak Site	N	319038E	6404515N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0534	Artefact	Ashton Hunter River slope site	N	318565E	6402963N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0536	Artefact	Ashton High Spur Site	N	318495E	6403764N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0537	Artefact	Ashton High Ridge Workshop Site (EWA 86)	N	319201E	6405755N	GDA
That part within the AHIP boundary impacted by subsidence & subsidence remediation	37-3-0541	Artefact Grinding groove	Ashton Glennies Creek Site	N	319053E	6403976N	GDA

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works							
That part impacted by subsidence & subsidence remediation works	37-3-0545	Artefact	Ashton EWA 51	N	318059E	6404211N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0547	Artefact	Ashton EWA 56	N	318676E	6404805N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0548	Artefact	Ashton EWA 57	N	318059E	6404395N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0551	Artefact	Ashton EWA 69	N	319222E	6404897N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0552	Artefact	Ashton EWA 70	N	319245E	6404966N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0554	Artefact	Ashton EWA 78	N	319216E	6404994N	GDA
That part impacted by	37-3-0555	Artefact	Ashton EWA 83	N	318832E	6406073N	GDA

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subsidence & subsidence remediation works							
That part impacted by subsidence & subsidence remediation works	37-3-0557	Artefact	Ashton EWA 91	N	318677E	6405923N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0558	Artefact	Ashton EWA 96	N	318877E	6406256N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0581	Artefact	Ashton EWA 93 also known as Homestead Site (is part of the complex known as the Oxbow Site)	N	318525E	6405707N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0737	Artefact	Ashton EWA 77	N	319204E	6405065N	GDA
That part impacted by subsidence & subsidence remediation works	37-3-0802	Artefact	SA13/3	N	319339E	6405385N	GDA
That part impacted by subsidence & subsidence	37-3-1141	Artefact	AFA21, AFA22, AFA23, AFA24	N	318385E	6405947N	GDA

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remediation works							
That part impacted by subsidence & subsidence remediation works	37-3-1147	Artefact	AFA52, AFA53, AFA54	N	318525E	6406310N	GDA

C2 Areas where harm of Aboriginal objects is authorised

Not applicable

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	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.
Community collection area	means an area described as a community collection area in Schedule B3
DPC	Department of Premier and Cabinet (NSW).
Director-General	means the Director-General of the Department of Premier and Cabinet (NSW).
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.
Land	means the land described under the heading "Land to which this AHIP applies".
No-harm areas	means those areas described in Schedule A3.
OEH	Office of Environment and Heritage within the Department of Premier and Cabinet (NSW).
OEH office	means the office listed on the cover page of this AHIP.
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 Director-General DPC, as described under the heading "Information about this AHIP".
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the

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conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.

Salvage excavation area

means any area described as a salvage excavation area in Schedule B2.

Test excavation

means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.

Test excavation area

means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Director-General 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 Director-General 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

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

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 Director General in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Director General 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 Director-General 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 Director-General. 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.

APPENDIX A: Restricted AHIMS Sites

Important note about Appendix A:

Appendix A will not be provided publicly by OEH unless the person requesting the information is able to demonstrate a genuine need for it. This is because the Aboriginal community has specified that information access restrictions apply to the Aboriginal objects described in this Appendix, as specified on AHIMS.

The AHIP holder must make the whole AHIP, including this Appendix, available to all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees). However, the AHIP holder must not broadly disseminate or publish this Appendix without permission from the Knowledge Holders or Nominated Trustees listed on the relevant AHIMS site recording forms.

R-A2 Restricted AHIMS Sites listed in Schedule A2

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Easting	Northing	Datum	Map reference
N/A							

R-B1 Restricted AHIMS Sites listed in Schedule B1

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Easting	Northing	Datum	Map reference
N/A							

R-B2 Restricted AHIMS Sites listed in Schedule B2

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Easting	Northing	Datum	Map reference
N/A							

R-B3 Restricted AHIMS Sites listed in Schedule B3

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Easting	Northing	Datum	Map reference
N/A							

R-C1 Restricted AHIMS Sites listed in Schedule C1

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Easting	Northing	Datum	Map reference
N/A							

Maps containing locations of restricted AHIMS sites

Not applicable

APPENDIX C: Ashton Coal Underground Panels – Methodology for the Salvage of Aboriginal Objects

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 community 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 investigative salvage excavation.

Stage 3 - Investigative salvage excavation

1. Investigative salvage excavation in one sq metre test probes. One square metre probes in areas that have been subject to ploughing and other lateral disturbances.
2. Investigative salvage excavation in one sq metre probes in 50cm units in areas that have not been subject to lateral disturbance and/or have been identified as having greater stratigraphic potential eg. areas of potential Pleistocene deposit.
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 – Salvage Excavation

1. Salvage excavation to be carried out where Investigative salvage excavation confirms artefact bearing deposits.
2. Salvage 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.

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8. Excavation of identified Pleistocene deposits 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

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4. Archaeologist to identify if the object is significant.
5. If the archaeologist considers the object significant OEH to be notified, and a methodology for the salvage of the object be developed with OEH and the Registered Aboriginal Stakeholders. Work to resume on agreement in writing from OEH on the salvage methodology.

