
ASHTON COAL PROJECT

PLAN OF MANAGEMENT

VOLUNTARY CONSERVATION AREA

Version Date: 20/12/2012

Version History

Version Date	Status	Details	Authors	Authorised/Approved for Issue	
				Name/Position	Date
26/6/2012	Working Draft	For OEH Comment	Insite Heritage, ACOL, AECOM		
17/12/2012	Final	Reviewed by OEH and RAPs	Insite Heritage, ACOL, AECOM	Angela Besant Lisa Richards	
19/12/2012	Final	Final	Insite Heritage ACOL	Angela Besant Lisa Richards Alan Tight	20/12/12

External Approval Register

Org.	Nominated Rep.	Version	Date Issued	Date Approved

Table of Contents

LIST OF FIGURES.....	III
ABBREVIATIONS.....	III
1 INTRODUCTION.....	4
1.1 PURPOSE	4
1.2 BACKGROUND.....	4
1.3 CONSULTATION PROCESS.....	7
2 OBJECTIVES & PERFORMANCE MEASURES	9
2.1 OBJECTIVES	9
2.2 PERFORMANCE MEASURES.....	10
2.3 LIMITATIONS	10
3 MANAGEMENT OF THE VCA	11
3.1 WEED CONTROL	11
3.2 FERAL ANIMALS	11
3.3 NATIVE FAUNA	12
3.4 LIVESTOCK	12
3.5 BUSHFIRE.....	13
3.6 VEHICLE ACCESS	13
3.7 THREATENED SPECIES	13
3.8 NATIVE VEGETATION	15
3.9 CULTURAL HERITAGE	16
3.10 DEVELOPMENTS.....	16
3.11 MONITORING.....	17
3.12 EROSION CONTROL.....	17
4 COMMUNITY ACCESS	18
4.1 AIMS OF ACCESS.....	18
4.2 OH&S ISSUES	18
4.3 PROPOSED ACCESS MANAGEMENT.....	18
5 IMPLEMENTATION	20
5.1 ABORIGINAL COMMUNITY CONSULTATIVE FORUM.....	20
5.2 INCIDENT RESPONSE AND REPORTING	20
5.3 REVIEW	20
6 REFERENCES	21
APPENDIX A – AHIP # 1131017.....	A

APPENDIX B – VOLUNTARY CONSERVATION AGREEMENT	B
APPENDIX C – CONSULTATION LOG	C

List of Figures

Figure 1 - Plan of the Voluntary Conservation Area	6
--	---

Abbreviations

ACCF	Aboriginal Community Consultative Forum
ACHMP	Archaeology and Cultural Heritage Management Plan
ACOL	Ashton Coal Operations Pty Limited
ACP	Ashton Coal Project
AHIP	Aboriginal Heritage Impact Permit
EMS	Environmental Management Strategy
LB	Lower Barrett Seam
LW	Longwall
NP&W Act	<i>National Parks and Wildlife Act 1974</i>
OEH	Office of Environment and Heritage
PG	Pikes Gully Seam
PoM VCA	Plan of management - Voluntary Conservation Area
PPE	Personal Protective Equipment
RAPs	Registered Aboriginal Parties
ULD	Upper Liddell Seam
ULLD	Upper Lower Liddell Seam
VCA	Voluntary Conservation Area
VCAWG	Voluntary Conservation Area Working Group

1 INTRODUCTION

1.1 PURPOSE

This Plan of Management for the Voluntary Conservation Area (PoM VCA) has been prepared to document Ashton Coal Operations Limited's (ACOL) processes with regard to consultation and interaction with the Aboriginal community with respect to access, management and research within the Voluntary Conservation Area (VCA) at the Ashton Coal Project (ACP), near Camberwell, NSW.

This plan of management is specific to the VCA and is to be utilised in conjunction with the ACOL Archaeology & Cultural Heritage Management Plan (ACHMP). The ACHMP addresses the management and mitigation of potential subsidence impacts of the ACP on Aboriginal cultural heritage across the surface area of the underground mine. This plan of management is a subsidiary to the ACHMP.

This agreement in conjunction with the existing management plans, as detailed in section 3.6. of the development consent, constitute the Plan of Management required to be prepared for the conservation area, in consultation with the local community, in accordance with Condition 3.30, Schedule 2 of the development consent issued by the NSW Department of Planning for Development Application No. 309-11-2001-1 on the 11 October 2002, subject to the endorsement of the Owner and Director-General, and the terms of this agreement. In particular the Archaeology and Cultural Heritage Management Plan which has been developed in consultation with the local community, and contains a Report on the process and results of consultation with the Aboriginal community.

This current version of the plan of management documents additional consultation undertaken since the date of the VCA agreement, and particularly the proposed frameworks that have been established and which will be further developed going forward, for consultation with and participation of the Aboriginal community in the management of the VCA.

1.2 BACKGROUND

The underground mine is approved as a multi-seam operation, targeting four coal seams in descending order (Pikes Gully (PG), Upper Liddell (ULD), Upper Lower Liddell (ULLD) and Lower Barrett (LB)). Development of the underground mine commenced in December 2005 and is accessed through the southern wall of the Arties Pit under the New England Highway. Extraction of coal from all longwall blocks within the PG Seam is expected to be substantially completed during early 2012, and mining is scheduled to subsequently descend to the ULD Seam.

Subsidence effects from longwall extraction of the PG seam have been managed in accordance with the two approved Subsidence Management Plans (SMPs) – one governing subsidence monitoring and management for Longwalls 1 to 4 (LW1-4) and the other for Longwalls 5 to 8 (LW5-8). The VCA is located in the LW1-4 management area specifically above LWs 1 and 2. In conjunction with the above SMP Approvals, cultural heritage within the underground operations area associated with the VCA has been managed (to date) in accordance with:

- ACHMP (Part 2) – Site-wide management plan, addressing general management of all sites within the ACP area, including the North East Open Cut and surface operations areas; and

- Aboriginal & Cultural Heritage Subsidence Management Plan Longwalls 1 - 4 (Insite Heritage, 2007) (ACH SMP LW1-4) and corresponding Aboriginal Heritage Impact Permit (AHIP) #2783 (now expired).

The Office of Environment and Heritage (OEH) issued an Aboriginal Heritage Impact Permit (AHIP No. 1131017) (**Appendix A**) under Section 90 of the *National Parks and Wildlife Act 1974* (NP&W Act) on 23 December 2011. The AHIP allows for salvage excavations, community collection and the harm to certain Aboriginal objects within LWs 1-4 of the ACP.

Sections of the VCA impacted by mining operations are within the area covered by AHIP No. 1131017. The proposed works under AHIP No. 1131017 include:

- The coal extraction from Longwalls 1-4 within the area shown on the attached map;
- 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 of the filled in soil areas as required; and
- Upgrade and maintenance of existing access roads and formation of new access tracks.

AHIP No. 1131017 allows for salvage works for some sites to be completed in areas of predicted subsidence within the VCA. Schedule A of the AHIP nominates those sites that may not be harmed. . These are clearly identified under the permit and addressed in detail in the ACHMP.

Condition 8 of AHIP No.1131017 requires:

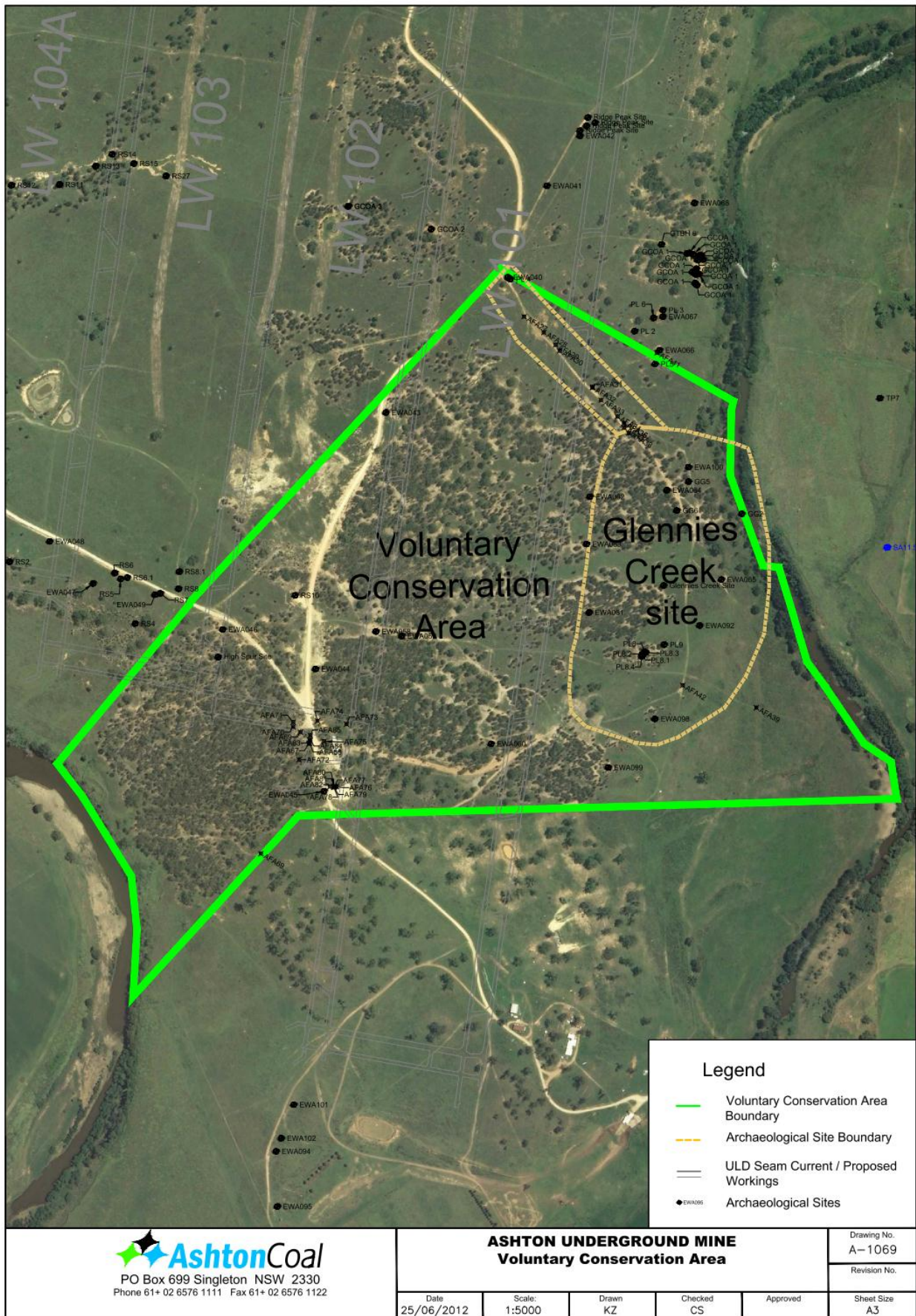
“To ensure that the Aboriginal objects described in Schedule A are not harmed, the Plan of Management for the Conservation Area referred to on page 17 of the Archaeology and Cultural Heritage Subsidence Management Plan Longwall Panels 1 to 4 (version B – 27/10/2006) supplied with the application (Plan of Management), must be finalised in consultation with the registered Aboriginal parties and to the satisfaction of OEH.)

A Voluntary Conservation Agreement was made between ACOL and the Minister for the Environment under the NP&W Act on the 16 September 2010. The VCA contains remnant Hunter Valley vegetation, threatened fauna species and archaeological sites of high significance, including the Glennies Creek Site containing a number of Grinding Grooves. The Agreement covers 65.66 hectares of land above the existing ACOL underground mine (refer to Figure 1). Section G – I of the VCA agreement acknowledges that Development Consent DA-309-11-2001-i issued by the Department of Planning on the 11 October 2002, permits the mining of coal by longwall methods in four seams beneath the VCA and any impacts to the surface conservation area as a direct result of mining operations. A copy of the Agreement is provided in **Appendix B**.

As referred to in **Section 1.1** and **Section 2.1**, the ACHMP forms part of the Plan of Management for the VCA (as defined in Clause 3.5 of the VCA agreement). The ACHMP required under Clause 3.6 of the development consent is currently undergoing revision and consultation in parallel with the preparation and approval of an Extraction Plan for longwall mining in the ULD Seam, with the intention being that the revised ACHMP (Insite Heritage, AECOM: draft 2/3/2012), will supersede the current documents (ACHMP Part 2 and Insite, 2007).

The draft ACHMP documents the requirements of AHIP No. 1131017, including the protection of known significant cultural and archaeological sites across the ACP, including the Grinding Grooves and other sites within the VCA.

Figure 1 Plan of the Voluntary Conservation Area



1.3 CONSULTATION PROCESS

This PoM VCA summarises management strategies specific to the VCA as developed in consultation with the Aboriginal community.

In September 2011, in response to requests from stakeholders to have a greater involvement in the management of cultural heritage at ACOL, ACOL established an Aboriginal Community Consultative Forum (ACCF). All registered stakeholders were invited to attend regular meetings which facilitate communication of current activities at ACOL and progression of any specific activities associated with cultural heritage. The main aim of the ACCF is to:

- To provide a formal vehicle for communication with the broader Aboriginal community and to provide a forum to allow effective communication to take place between Aboriginal stakeholder groups and ACOL.
- To provide information to the community as well as a receive feedback on cultural and community issues

From the ACCF, all participating Registered Aboriginal Parties (RAPs) were invited to nominate to be a member of smaller focussed working groups, where they may have a specific interest or skill set. The current working groups are:

- Voluntary Conservation Area (specifically related to this Plan of Management);
- Grinding groove management;
- Ongoing fieldwork protocols; and
- Artefact identification and analysis.

It is noted that the topics of the ACCF working groups will continue to change over time as issues are dealt with and strategies implemented.

The aim of the groups is to focus on their specific areas and provide recommendations on management practice and future activities to the overriding ACCF. At the ACCF meetings, members may then more broadly consider the focused work and in some instances management proposals proposed prior to a final decision being made on the suitability of the proposal. Minutes of the meetings for both the ACCF and working groups are provided to all ACOL RAPs whether they are actively participating in the forums or not.

The Voluntary Conservation Area Working Groups (VCAWG) initial objective was to establish management protocols for inclusion within the VCA Plan of Management.

Consultation with ACOL RAPs will be ongoing as part of the Management Plan revision process. A consultation log is provided in **Appendix C** and will be updated for each revision of this document.

The first working group meeting was held on 23 March 2012. An outcome of the meeting was for the VCAWG to conduct a site visit. A site visit was conducted on the 2 April 2012. The following day 3 April a further meeting was held at the Singleton Youth Centre to develop the management protocols for consideration by the ACCF.

The VCAWG identified a number of objectives for the management of cultural heritage, which have been incorporated into this management plan (refer to Section 2). The VCAWG have discussed and raised recommendations to meet the objectives described in this PoM VCA.

The main areas of concern nominated by the VCAWG and accepted to carry forward are:

- The use of traditional fire techniques for the control of vegetation growth Encourage the regrowth of local flora species.
- Utilisation of vegetation management practises that that encourages biodiversity.
- Weed management.
- Erosion and sediment control measure implemented in areas that have been subject to past erosion to ensure the stability of landform units particularly those containing artefacts.
- To control by diffusion, the flow of water over eroded areas and areas subject to rilling.

In addition, access by the community and ACOL employees during operations were discussed and practicalities suggested to ensure that the use of the VCA by the Aboriginal community and access for mining operations, is not detrimental to the long term viability of the VCA.

In order to comply with the AHIP and ensure that the Glennies Creek site, outside of the predicted subsidence impact zone and AHIP No.1131017 boundaries, is protected and conserved from inadvertent impact, the land management methods recommended by the VCAWG have considered the following:

- The continual improvement of current ACOL procedures in place to ensure negligible ground disturbance is allowed in the vicinity of known Aboriginal sites.
- Access to the VCA is controlled and the presence of signage notifying presence of Aboriginal sites, is present on each of the access points.
- For all works required within the VCA, staff or subcontractors must complete the ACOL Archaeological induction.

A working draft of this document was reviewed by the participants in the workshop – and although no comments have been received in writing – participants have indicated verbally that the document does represent the results of discussions. The working draft was then circulated to all ACOL stakeholders for review in August 2012.

The management objective and protocols discussed by the VCAWG were presented at the August 2012 ACCF meeting and again at the December 2012 ACCF. The document was finalised after comments were received and the RAPs in attendance at the ACCF meeting in December 2012 signed off on finalising the document. All RAPs were informed that the MoP VCA was to be finalised by the 20th December 2012. RAPs were able to submit comments in person at the ACCF or by mail, phone or email. The comments received and the finalisation sign of sheet can be seen in Appendix D.

2 OBJECTIVES & PERFORMANCE MEASURES

2.1 OBJECTIVES

Overarching objectives for the management of environmental values across the ACP, including the VCA, are documented in the Environmental Management Strategy (EMS) and related environmental management plans. These plans address environmental values relevant to the VCA, including cultural heritage, biodiversity, and land management.

The objective of this PoM VCA is to, in consultation with ACOL Aboriginal stakeholders document the VCA-specific requirements and provide a mechanism to develop additional cultural heritage management strategies specific to the VCA. It is not the objective of this plan to override the objectives or management measures contained within ACOL's approved EMS and subordinate statutory documents, nor meet the definition of the plan of management defined in Clause 3.5 of the VCA Agreement, which defines that the VCA Agreement in conjunction with the existing management plans, as detailed in section 3.6 of the development consent, constitute the Plan of Management required to be prepared for the conservation area, in consultation with the local Aboriginal community,

As such this procedure is to be used in conjunction with the ACOL EMS, with specific relationship to, and which under the terms of the VCA Agreement constitute the formal Plan of Management for the VCA:

- The VCA agreement (**Appendix B**);
- Extraction Plan;
- Archaeology and Cultural Heritage Management Plan;
- Flora and Fauna Management Plan;
- Rehabilitation Management Plan;
- Landscape and Revegetation Management Plan;
- Bushfire Management Plan;
- Land Management Plan; and
- Water Management Plan.

The key purpose of this PoM VCA is to facilitate the involvement of the Aboriginal community in the management of the cultural heritage values of the site, and detail potential access for cultural, educational, and research purposes. Management recommendations formulated during consultation will be intended to address long term management concerns, including (but not limited to) land management practises, access management and conservation of the Glennies Creek archaeology site and its associated cultural heritage education values.

ACOL, in consultation with the VCAWG have, identified the following cultural heritage objectives for VCA (in addition to those documented in the ACHMP):

- To ensure compliance with AHIP conditions specific to the area;
- To ensure Aboriginal objects are not impacted by management recommendations raised (e.g. land management practices/ weed control);
- To allow for the continual improvement of current ACOL operational procedures to ensure ground disturbance is minimised to the greatest extent possible in the vicinity of known Aboriginal sites;
- To provide opportunity for the Aboriginal community to utilise the VCA for cultural and educational purposes;
- To utilise traditional land management practises in line with ACOL existing management plans, as appropriate; and
- Ensure the VCA meets these objectives in perpetuity.

2.2 PERFORMANCE MEASURES

The following preliminary goals and performance measures have been developed for this draft PoM VCA:

- Compile an ongoing access procedure, inclusive of an induction process, for the Aboriginal community to access the site for cultural and educational purposes for perpetuity.
- Continual monitoring of the Glennies Creek Site by the VCAWG along with mine representatives and archaeology consultants, to assess the condition of this site (i.e. to assess if the site has been impacted by natural processes e.g. heavy rainfall/ erosion etc) of the site. Photo log of inspections to be done and findings/ management recommendations be reported back to the ACCF on a regular basis.
- VCAWG to research and propose erosion & sediment control practices for environmentally sensitive areas. VCAWG to participate in the installation and assessment of selected control measures.
- VCAWG to research the utilisation of traditional weed control techniques (e.g. cultural burns) and their success rates. To be reviewed in line with ACOL current practises and final methods outlined in the final PoM VCA.

2.3 LIMITATIONS

In the event of any conflict between this PoM VCA and any document required as part of ACOL's development consent or the VCA Agreement, those documents will prevail. Furthermore, any actions developed through the ACCF forum will need to comply with Clause 2.1 of the VCA agreement, namely:

Except as otherwise permitted by this Agreement, the Owner [ACOL] must not intentionally carry out or omit to carry out any act, or cause or permit any act to be carried out or any act not to be carried out which act or omission may harm any native fauna, native plants, their habitats, cultural heritage, geo-heritage or other conservation values in the conservation area.

It is noted that Item 2 of the VCA Agreement restricts the undertaking of certain activities (unless specified in Item 1 or with prior written consent of the Director-General). Therefore, any management activities developed through the VCAWG and ACCF forums will need to consider these restrictions. Under the VCA, ACOL shall not undertake, consent to or permit the following:

- a) The sowing or planting of trees, grasses or other plants in the conservation area
- b) The introduction of any non-indigenous plants or non-indigenous fauna into the conservation area
- c) The entry of domestic animals including pets and domestic livestock in the conservation area
- d) The use or application of fertiliser or pesticides in the conservation area
- e) The use of trail bikes, four wheel drive vehicles or any other vehicle in the conservation area off any formed road
- f) Any works in the conservation, especially any revegetation work and developments, which have the potential to impact on any cultural features
- g) The removal of any biological or inorganic component of the conservation area
- h) Any works which will adversely affect the natural flows and bodies of water apart from those works outlined in Item 1 Clause 2.3.5 or approved mining operations.

3 MANAGEMENT OF THE VCA

Annexure C, Item 1 of the Agreement (refer to **Appendix B**) provides principles and activities for the management of the VCA, and these are outlined in each section below.

Following each Item from the Agreement, additional recommendations or practices developed by the VCAWG are provided.

3.1 WEED CONTROL

Agreement

Weed control

- a) Carrying out weed control using the appropriate control methods to ensure that they do not compromise the integrity of the conservation values identified. Control and monitoring of weed growth will be as determined by the Ashton Coal Land Management Plan subject to the conditions of this Agreement, and the guidelines below.
- Ensure methods of weed control do not damage cultural heritage values.
 - Glyphosate based herbicide may be used by direct application to cut surfaces (cut and paint or scrape and paint methods).
 - Spraying of a glyphosate based herbicide can be used. This should be limited to according to the directions on the label and ensuring that there is no off-target damage.
 - Weeds can be removed by hand, ensuring that all plant parts that can reproduce are removed and that soils do not become prone to erosion.
 - Other weed control methods may be used with prior written permission of the Director-General.
 - Ensure control programs are commenced when timing and extent of weed removal will minimise adverse effects on wildlife (weeds may provide protection or habitat for native fauna). Removal of African Boxthorn should not be undertaken during nesting periods for small birds which may nest in the plants.
 - Continue to check for weed invasion and regrowth and treat any outbreaks.
 - Check adjacent areas for invasive plant species and remove, or control their spread.

VCAWG recommendation

The management of weeds will be carried on in the VCA in line with the weed control management strategy outlined in the Conservation Agreement (detailed above) and practices developed in consultation with the Aboriginal community. The community advised they would like the following integrated into current management practices:

- Use of appropriate herbicides;
- Ensure weed species are not introduced in other materials such as the 'soil mats' referred to in Section 3.12; and
- Ensure weeds are managed in a way that protects biodiversity.

3.2 FERAL ANIMALS

Agreement

Feral animals

- b) Monitoring impacts to the conservation area by feral animals and undertaking of on-going control programs for feral animals is appropriate.
- Methods for control can include shooting, trapping and use of poisonous baits with advice from OEH and the Livestock Health and Pest Authority.

- Participate in community feral animal control programs, and encourage neighbours to implement pest animal control programs. Contact your local National Parks office to find out if community control programs are occurring in your area.

VCAWG recommendation

No additional management measures or practices have been developed by the VCAWG at this stage.

3.3 NATIVE FAUNA

Agreement*Native Fauna*

- c) Kangaroo culling when part of a population control program for the Land and only with approval by way of a Section 121 licence issued under the *National Parks and Wildlife Act 1974*. Planning for this operation should be done in consultation with the OEH.

VCAWG recommendation

No additional management measures or practices have been developed by the VCAWG at this stage.

3.4 LIVESTOCK

Agreement*Domestic animals and livestock*

- d) Mustering of livestock with the use of working dogs and horses.
- e) Controlled grazing may be used as a hazard reduction tool to reduce fuel loads in the conservation area as deemed necessary, and with the following guidelines.
 - Grazing should be initially excluded from the conservation area to encourage the natural regeneration of indigenous plants and to encourage the growth of a shrub layer.
 - Grazing must be excluded from areas of revegetation.
 - Grazing may be desirable to reduce seeding of particular weed species.
 - Where native grasses and ground covers are present, rotational grazing should be used. Graze with high numbers for short periods and allow long rest periods to ensure flowering and reseeding to occur of native groundlayer species.
 - Stock should be removed during peak flowering times, that is in Spring or early Summer, being September through to the end of January.
 - Groundcover should be maintained above 80%.
 - Should stock be identified as introducing weeds into the conservation area, stock should be put in a holding yard or weed free paddock for 2 full days (48 hours) prior to entering conservation area. This will reduce the spread of weeds from dung.
 - Stock to be removed from Conservation Area if unacceptable levels of erosion or damage are apparent.
 - Guidelines to be outlined in the Ashton Coal Conservation Area Plan of Management based on the recommendations coming from the Flora and Fauna Management Plan and associated regular Flora and Fauna monitoring.

VCAWG recommendation

No additional management measures or practices have been developed by the VCAWG at this stage.

3.5 BUSHFIRE

Agreement

Fire

- f) Suppression where practicable of all wildfires occurring in the conservation area as quickly as possible with the aim of keeping fires to a small area.
- g) Undertaking of fire hazard reduction to protect the natural assets of the conservation area, in appropriate locations, with any required approvals and/or permits using:
 - raking and hand clearing
 - pile burning
 - fuel reduction burns
 - controlled grazing.
- h) Using fire hazard reduction burns and controlled burning which take into account the following fire interval guidelines for broad vegetation types and any guidelines given in the Ashton Coal Bushfire Management Plan:
 - In Sclerophyll Grassy Woodland vegetation, fire should not occur within five years of a previous fire, and should be burnt within forty years of any previous fire.

VCAWG recommendation

The VCA is heavily vegetated and the exclusion of stock from the area has resulted in prolific vegetation growth. As a result the VCAWG have made the following recommendations:

- The removal of excess growth and manage potential fire hazards will be undertaken in line with the Ashton Coal Bushfire Management Plan, by using low temperature controlled burns (fire management) for vegetation control.
- Areas considered for the re-introduction of stock to be assessed and any areas of erosion are fenced to exclude stock. This would be completed in line the actions detailed above under the VCA agreement.
- If grazing practices are utilised, fencing is to be installed to restrict stock access to the margins of Glennies Creek.

3.6 VEHICLE ACCESS

Agreement

Vehicle access

- i) Vehicle access to formed trails for access to private property, management purposes as outlined, approved by OEH, fire fighting and/or any emergency requirements.

VCAWG recommendation

A key issue identified by the VCAWG is to ensure access to the VCA is controlled and the presence of signage notifying presence of Aboriginal sites is present on each of the access points. Further discussion of access arrangements is provided in Section 4.

3.7 THREATENED SPECIES

Agreement

Threatened species

- j) Implementing any reasonable measures included in recovery plans or other management guidelines for any threatened species or communities which or may be found in the conservation area. At the time of signing this agreement, there is no recovery plan in place for the Grey-crowned Babbler.
- k) Implementing any reasonable measures to mitigate any alteration of habitat following subsidence due to longwall mining to minimise negative effects on the conservation area and in accordance with the Ashton Coal Subsidence Environmental Management Plan and the development consent issued by the Minister for Planning for Development Application No. 309-I1-2001-i on the 11 October 2002.

VCAWG recommendation

No additional management measures or practices have been developed by the VCAWG at this stage.

3.8 NATIVE VEGETATION

Agreement

Restoration of indigenous vegetation

- l) Restoration of native vegetation using natural regeneration as the preferred method.
- m) Revegetation to establish indigenous plants, using species produced from material sourced locally and without fertilisers, where
 - the ability to regenerate naturally within a reasonable time frame has been lost, or
 - to prevent soil erosion;
 - to aid in the establishment of species diversity and height diversity in areas dominated by single species and with depleted natural seed resources.

Revegetation must not compromise cultural heritage and the soil surface. Prior to any proposed revegetation an archaeological assessment must be carried out. The Owner should be aware that any works which impact on cultural heritage will require a Section 90 consent under the *National Parks and Wildlife Act 1974*.

Seed collection

- n) Collection of seed collection in keeping with *Guidelines/or Collection of Seed, and other Plant Propagation material* (available from OEH), and the following limitations and permissions:
 - Collect seed in the conservation area only if seed of the particular species and genotype is not available elsewhere, or if the seed collected is intended for seedlings that will be planted within the conservation area or adjacent to the conservation area.
 - Licences are required for collection of material of protected plants listed under Section 131 (Schedule 13) of the National Parks and Wildlife Act 1974.
 - Where seed collection involves species listed on Schedule 1 or 2 of the Threatened Species Conservation Act 1995, the relevant licence or prior written permission from the Director-General should be obtained.

Thinning of indigenous vegetation

- o) Thinning of regenerating indigenous species, which are altering the structure of the vegetation and/or reducing conservation values. The benefits to conservation should be greater than the disturbance associated with thinning.

Provision of habitat

- p) Installation of habitat boxes for native fauna in strategic locations where suitable hollows for native fauna are limited or absent. Locations and number to be determined as per the Ashton Coal Flora and Fauna Management Plan and recommendations made in regular Fauna monitoring programs in consultation with OEH.

VCAWG recommendation

With the exception of vegetation management for bushfire hazard reduction purposes (refer to Section 3.5) no additional management measures or practices have been developed by the VCAWG at this stage.

3.9 CULTURAL HERITAGE

Agreement

Cultural heritage

- q) Recording and management of any newly identified Aboriginal objects, as per the Ashton Coal Archaeology and Cultural Heritage Plan.

Visitation and research

- r) Visitation, research and community use at a level that does not adversely impact on the conservation or Aboriginal heritage values of the area. Research projects should be discussed with OEH.
- s) Visitation, research and community use by the Aboriginal Community as outlined in the Ashton Coal Archaeology and Cultural Heritage Plan.

VCAWG recommendation

Protocols for site access are being considered by the ACCF and VCAWG to allow Aboriginal community access to the site for cultural and educational purposes. As the VCA is located in a working mine environment, a specific access management plan detailing specific protocols for community access is to be developed as part of this Management Plan. These details are further provided in Section 4.

3.10 DEVELOPMENTS

Agreement

Developments

- t) Carrying out developments as described in Clause 2.3 of the Agreement, and maintaining developments (including existing management and access roads) with the following conditions:
- As a priority the developments should not impact on cultural heritage. The Owner should be aware that any developments which impact on cultural heritage will require a Section 90 consent under the *National Parks and Wildlife Act 1974*.
 - The width of roads and trails will be a maximum of 4 metres wide roadway with 2 metres width for vegetation clearance on each side.
 - Clear a corridor not greater than 3 metres wide during construction or for maintenance for the installation of fences or other agreed rural structures.
 - Construct and maintain fences where required to ensure they are stock proof but will not impede the movement of, or be a danger to, native fauna.
 - Construct replacement access roads using recommendations for construction and maintenance to be determined by the Owner in consultation with the OEH.
 - Remove fallen timber and any other obstructions to maintain access.
 - Where clearing is necessary, undertake all works in a manner that minimises disturbance to soil and hydrological characteristics and is in accordance with any recommendations made in the Ashton Coal Archaeology and Cultural Heritage Plan or any other relevant Ashton Coal Environmental Management Plan as listed in 1 E.
 - Remove old internal fences and close unwanted tracks within the conservation area and facilitate restoration of native vegetation by allowing natural regeneration.

VCAWG recommendation

No additional management measures or practices have been developed by the VCAWG at this stage.

3.11 MONITORING

Agreement

Monitoring

- u) Annexure B contains dated aerial photographs/maps showing the location of the conservation area, the conservation values and photo-points. Photographs have been taken at these photo points at the time of entering the agreement. This provides baseline information and data for ongoing monitoring and adaptive management of the conservation area.
- v) Photographs at the identified photo-points should be taken from time to time for the purposes of ongoing monitoring of the conservation values. This should be carried out in consultation with OEH. The process can include the specific monitoring as described in the Ashton Coal Flora and Fauna Management Plan (White Mining Limited 2003a).
- w) The Owner will as part of the approval issued by the NSW Department of Planning for Development Application No. 309-11-2001-i on the 11 October 2002 conduct regular environmental monitoring and complete Annual Environmental Monitoring Reports for the mine site. Monitoring of the cultural heritage and biodiversity values of the conservation area will be included in but not limited to these reports. This will form the basis for decisions about ongoing management actions. A copy of relevant monitoring reports should be forwarded to OEH.

VCAWG recommendation

No additional management measures or practices have been developed by the VCAWG at this stage.

3.12 EROSION CONTROL

Agreement

The VCA Agreement does not specifically reference measures for the control or remediation of erosion with the VCA. However the management of erosion is required to ensure ACOL meets its obligations under the VCA Agreement (Clause 2.1) and development consent commitments.

VCAWG recommendation

Areas of erosion within the VCA have been noted by ACOL and the VCAWG, particularly the old vehicle access track and areas at the base of slope. The eroded area contains exposed artefacts and whilst the erosion has slowed since the closure of the track, further proactive solutions have been put forward. The recommendations are based on two management aspects – the reduction of water flow over surfaces and the retention / build up of soil.

The VCAWG have developed the following recommendations and actions with regard to erosion control:

- The aim of erosion controls should be aimed at the long term goal to rebuild a soil profile to the area.
- Use of sediment / erosion control such as 'soil mats' over the eroded area.
- The encouragement of endemic species in regrowth.

4 COMMUNITY ACCESS

4.1 AIMS OF ACCESS

Access arrangements are still under consideration by the relevant VCAWG and ACCF. The aim being to allow Aboriginal community access to the site for cultural and educational purposes. However, as the VCA is located in a working mine environment, specific protocols for community access need to be developed as part of this plan.

The following sections outline the issues still under consideration for ensuring safe and sustainable access to the VCA. As protocols are developed by the VCAWG and adopted by the ACCF, this plan will be updated with these protocols and procedures.

4.2 OH&S ISSUES

Occupational Health & Safety is one of the issues raised by the Aboriginal community in relation to access. A discussion of the protocols that may be applicable to general access raised the following points for consideration:

- Inductions – are these necessary albeit in a modified form? It was suggested that a community developed induction that includes other general access issues as discussed in Section 4.3.
- Drug and alcohol – should people accessing the VCA be subject to random testing like elsewhere on the mine site?
- Personal Protective Equipment (PPE) – should this be required in the VCA where people are accessing for recreational use?

4.3 PROPOSED ACCESS MANAGEMENT

In addition the working group are investigating the ways of encouraging access by the Aboriginal community for cultural purposes. Some of the issues identified by the working group that may arise with general community access include:

- Safety – OH&S requirements, the safety of visitors, the protection of the values of the VCA.
- Impact of visitation – this includes the control of rubbish (including cigarette butts), the use of timber on the site for fires and its potential impact on habitat, the wearing of new tracks and creation of new erosion pathways.
- Access – access to difficult areas such as the grinding grooves which involves a descent down a very steep embankment. Access for the elderly and those with mobility issues particularly in areas of difficult terrain.

The working group discussed the following methods for consideration in the management of access. Each of the below points of concerns raised by the VCAWG will be addressed as part of the Access management documentation.

- Community nominated contact people – to ensure that visitors to the site are aware of their rights and responsibilities. The access procedure would include a site introduction to be conducted to people visiting the site for the first time as outlined below.
- Purpose developed induction that includes standards of behaviour, and responsibilities.
- A method for the recording numbers of visitors and reporting mechanisms for any inappropriate behaviour.
- Clear boundaries for accessible areas within the VCA and ensure no potential for inadvertent incursions into the mine area.
- Controlled access points with signage to reiterate points raised in the induction.

- Approval for a fire on site – designated fire area. Control over the gathering of firewood.
- Awareness of fire ban status.
- Access for the mobility impaired.
- Steps and paths with interpretive signage at points of interest.
- A sign in book with facility for comments on potential improvements, feedback and suggestions.
- The removal of rubbish, cigarette butts etc. If you bring it in you take it with you policy?

In looking at the most appropriate access routes, which allow an access point for vehicles, and even grade access tracks, it was decided that the southern access road would be most suitable. At the end of this track a carpark could be developed and this may be the best location for, visitor sign in/comment book, and general notices, however is subject to further consideration regarding impacts to mining operations and other adjoining property owners/residents.

5 IMPLEMENTATION

5.1 ABORIGINIAL COMMUNITY CONSULTATIVE FORUM

ACOL's Aboriginal Community Consultative Forum (ACCF) is chaired by an independent facilitator and is made up of representatives from Ashton Coal, consulting archaeologists and members of ACOL's 32 Registered Aboriginal Parties (RAPs). Each ACOL RAP is invited to participate and is provided documentation from ACCF meetings irrespective of their participation levels. The meetings are aimed to be held quarterly and provide a forum to allow effective communication to take place between the Aboriginal community and ACOL. During each forum updates are provided to community members on ACOL operations as well as a feedback on cultural and community issues.

Members from each of the RAPS are then invited to nominate to be members of a specific working group (i.e. the VCA management). The aim of the working group parties is to work closely with ACOL representatives and archaeology consultants on cultural heritage management recommendations and report back to the ACCF.

The ACCF is the overarching decision making forum, where decisions are supported by ACOL and the ACCF, the strategies will be implemented and noted as requiring action to formally integrate them into the appropriate EMS management plan (i.e. the ACHMP, Flora and Fauna Management Plan, Land Management Plan etc). The ACCF meets approximately every three to four months. Meetings are also called when issues requiring immediate discussion arise.

5.2 INCIDENT RESPONSE AND REPORTING

Under the terms of the VCA Agreement, ACOL must inform the Director-General as soon as practicable after becoming aware of the deterioration of any of the natural values or cultural values of the conservation area, or of any threat to these values.

Other general reporting mechanisms are required under ACOL's EMS and subordinate management plans.

5.3 REVIEW

The Plan of Management – VCA has been reviewed by the ACCF and all RAPs at meeting on the 2nd of August 2012 and the 3rd December 2012. Copies of the working draft of the plan were provided to all RAPs and OEHL in July 2012. The PoM VCA was finalised with consideration of comments received from RAPs and OEHL on the 7th December 2012. The document will be subject to review in line with the currently approved ACHMP and will involve consultation with the ACCF. When revised, copies will be provided to all RAPs and OEHL.

6 REFERENCES

Insite Heritage (2010) Ashton coal project Aboriginal Cultural Heritage Management Plan Underground Area - Western Panels Report to Ashton Coal.

Insite Heritage (2007) Archaeological and Cultural Heritage Subsidence Management Plan Ashton Coal Longwall Panels 1-4. Report to Ashton Coal.

Insite Heritage, AECOM (2012) Archaeology and Cultural Heritage Management Plan.

APPENDIX A – AHIP # 1131017

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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.

Ms Diane Crosdale
Manager Planning & Aboriginal Heritage
Section

North East - Hunter

(by Delegation)

DATED: 23-Dec-2011

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

CONTENTS

LAND TO WHICH THIS AHIP APPLIES.....	5
CONDITIONS.....	5
Administrative Conditions.....	5
Operational Conditions.....	5
Notification and Reporting Conditions.....	8
General Conditions.....	10
SCHEDULES.....	12
Schedule A: Aboriginal objects which must not be harmed.....	12
Schedule B: Aboriginal objects that may be harmed through the certain actions.....	12
Schedule C: Aboriginal objects which may be harmed through the proposed works.....	23
DICTIONARY.....	29
INFORMATION ABOUT THIS AHIP.....	31
APPENDIX A: Restricted AHIMS Sites.....	33
APPENDIX B: AHIP Area.....	34
APPENDIX C: Ashton Coal Underground Panels – Methodology for the Salvage of Aboriginal Objects.....	35
Section 1.....	35
Section 2.....	36
Section 3.....	36

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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:
- (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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



**Office of
Environment
& Heritage**

- (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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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):

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

works							
-------	--	--	--	--	--	--	--

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

APPENDIX B: AHIP Area



0 0.1 0.2 0.3 0.4 km

N

DAIRY PRODUCTION - GDA 1984 MGA Zone 55

Printed By
Roger Alder
27 October 2011
83334487

Office of
Environment
& Heritage

AHIP #1131017
ACOL LW 1 to 4

Copyright, Department of Environment, Climate Change & Water, (2010). All rights reserved.
This document is licensed under the Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License.
http://creativecommons.org/licenses/by-nc-sa/4.0/

Legend

- LW1-4_Authorised_AHIMS_Sites
- AHIP_Boundary
- Waterhole_Site
- GlenniesCkSite
- GlenniesCreekVCAArea
- OxBoxSiteArea
- Sites Identified as Requiring Salvage prior to impact *

* Note these are sites already identified as requiring salvage prior to impact. Other sites included in this AHIP may also require salvage according to the requirements of the methodology attached to this AHIP (Attachment C)

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.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



**Office of
Environment
& Heritage**

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

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.



APPENDIX B – VOLUNTARY CONSERVATION AGREEMENT

CONSERVATION AGREEMENT

BETWEEN

THE MINISTER ADMINISTERING
THE NEW SOUTH WALES NATIONAL PARKS AND
WILDLIFE ACT (1974)

AND

Ashton Coal Mines Limited

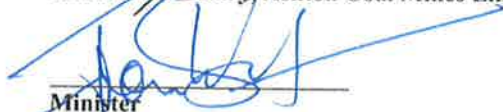
FOR

Ashton Coal Mine

2009


Director, Ashton Coal Mines Limited


Director/Secretary, Ashton Coal Mines Limited


Minister

CONSERVATION AGREEMENT UNDER PART 4 DIVISION 12 OF THE NATIONAL PARKS AND WILDLIFE ACT 1974

THIS AGREEMENT made the 16th day of September, Two thousand and Ten, **BETWEEN** the Minister for the Environment of the State of New South Wales, being the Minister for the time being administering the *National Parks and Wildlife Act, 1974* ("the Minister" which expressions shall where the context admits, be deemed to include his successors in office) of the one part and Ashton Coal Mines Limited ("the Owner") of Camberwell via Singleton, NSW of the other part.

WHEREAS:

- A. The Owner is the registered proprietor of that parcel of land being Lot 3, Deposited Plan 1114623, Parish of Vane, County of Durham ("**the Land**"). That part of the Land shown by hatching on Diagram A annexed to this Agreement is the conservation area ("**the conservation area**"), being part of Lot 3 DP 1114623. The conservation area covered by this Agreement equals 65.66 hectares.
- B. The Owner and the Minister recognise that the conservation area contains remnant Hunter Valley vegetation; Open Grassy Woodland, characterised by *Allocasuarina huehmannii* Bull Oak, *Eucalyptus paniculata* Grey Ironbark, *Eucalyptus melliodora* Yellow Box and *Eucalyptus mollucana* Grey Box.
- C. The Owner and the Minister recognise that the conservation area contains the threatened fauna species *Pomatostomus temporalis temporalis* Grey-crowned Babbler (eastern subspecies) listed as Vulnerable on Schedule 2 of the *Threatened Species Conservation Act, 1995* and their habitat.
- D. The Owner and the Minister recognise that the conservation area contains important Aboriginal cultural heritage in a relatively undisturbed state, with occupation evidence in addition to the landscape setting and context. The conservation area will aim to protect and retain that heritage for future generations.
- E. The Owner and the Minister recognise that the conservation area contains vegetation, which with protection from further clearing, and encouragement of regeneration and/or revegetation, will form part of a wildlife corridor between Glennies Creek, Bowman Creek and the Hunter River.
- F. The Owner and the Minister recognise that the development consent issued by the NSW Department of Planning for Development Application No. 309-11-2001-i on the 11 October 2002 permits the mining of coal by longwall methods in four seams beneath the conservation area, which will impact on the surface of the conservation area.
- G. The Owner and the Minister recognise that the establishment of the conservation area is a condition of the development consent issued by the NSW Department of Planning for Development Application No. 309-11-2001-i on the 11 October 2002.
- H. Accordingly, the parties hereby enter into the following Conservation Agreement under Section 69B Part 4 Division 12 of the *National Parks and Wildlife Act 1974*.
- I. The Owner and the Minister agree to take steps to protect and manage the conservation values of the conservation area as set out in Annexures B and C.

NOW THIS AGREEMENT WITNESSES:**1. INTERPRETATION**

1.1 In this Agreement unless the contrary intention appears:-

"**Aboriginal Community**" means experienced representatives of Local Aboriginal Community groups as listed in AHIP#2783; consent issued under Section 90 of the Act;

"**Aboriginal Object**" has the same meaning as in Section 5 of the Act;

"**Aboriginal Place**" has the same meaning as in Section 5 of the Act;

"the **Act**" means the *National Parks and Wildlife Act, 1974* and any regulations from time to time in force thereunder;

"**conservation area**" means that part of the Land shown by hatching on the diagram annexed to this Agreement as Annexure A;

"**conservation values**" includes, without limitation, any native fauna and their habitats, native plants and their habitats, cultural heritage, and geo-heritage;

"**controlled burning**" means the controlled application of fire under specified environmental and weather conditions to a predetermined area and at the time, intensity and rate of spread required to attain planned resource management objectives;

"**critical habitat**" has the same meaning as in Section 4 of the *Threatened Species Conservation Act 1995*;

"**cultural heritage**" refers to the historic, archaeological, social, cultural and contemporary values of the physical evidence and traditions of peoples, including Aboriginal peoples;

"**damage**" means incurring injury that impairs the values or usefulness of the conservation area;

"**DECCW**" means the NSW Department of Environment, Climate Change and Water;

"**development**" has the same meaning as provided for in Section 69A of the Act;

"**Director-General**" has the same meaning as Section 5 of the Act;

"**fauna**" has the same meaning as in Section 5 of the Act;

"**Geo-heritage**" means geological deposits and landforms that are considered to have conservation values.

"**indigenous fauna**" means all native fauna belonging naturally to the conservation area;

"**indigenous plants**" means all native plants belonging naturally to the conservation area;

"**Land**" means that parcel of land described in Recital A;

"**Management Scheme for the conservation area**" means management scheme prepared for the conservation area in consultation with the owner, annexed to this Agreement as Annexure C;

"**Minister**" means the Minister for the time being administering the Act and where not repugnant to the context includes the servants and agents of the Minister;

"**native fauna**" has the same meaning as "**protected fauna**" in Section 5 of the Act;

"**native plant**" has the same meaning as in Section 5 of the Act;

"**Owner**" has the meaning as in s69A of the Act and includes any successor in title to the owner within the meaning of s 69E of the Act;

"pesticide" has the same meaning as in Section 5 of the *Pesticides Act 1999* which includes herbicides, insecticides, fungicides, baits and rodenticides;

"reasonable" in relation to carrying out an activity, means using the best methods available and carrying out the activity in such a way as to have minimal impact on the conservation values of the conservation area;

"threatened species, populations and ecological communities" and "threatened species, population or ecological community" have the same meaning as in the *Threatened Species Conservation Act 1995*;

- 1.2 Words importing the singular number shall include the plural and masculine gender the feminine or neuter and vice versa.
- 1.3 Any reference to a person shall be deemed to include a corporate body and vice versa.
- 1.4 Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally.

2 USE OF THE CONSERVATION AREA

The Owner covenants with the Minister as follows:-

General responsibilities

- 2.1 Except as otherwise permitted by this Agreement, the Owner must not intentionally carry out any act or omit to carry out any act, or cause or permit any act to be carried out or any act not to be carried out which act or omission may harm any native fauna, native plants, their habitats, cultural heritage, geo-heritage or other conservation values in the conservation area.

Development

- 2.2 Except as permitted in this Agreement the Owners shall not construct any new road, access track, building or internal fencing or any development that could adversely affect the conservation values of the conservation area.
- 2.3 The Owner shall be permitted to:
 - 2.3.1 construct or cause the construction of a fence along the external boundary of the conservation area and any internal fencing required to control grazing within the conservation area.; and
 - 2.3.2 maintain existing access tracks in the conservation area where required;
 - 2.3.3 relocate the existing access road and the associated right of carriageway to the "Bowman" property to provide the continuance of safe access during and following mine subsidence in accordance with the Ashton Coal Subsidence Environmental Management Plan and Condition 3.12, Schedule 2 of the development consent issued by the NSW Department of Planning for Development Application No. 309-11-2001-i on the 11 October 2002, which includes consultation with DECCW for this action;

- 2.3.4 relocate existing power lines and associated easement as may be required by current and future mining operations approved by the Department of Planning which includes consultation with DECCW;
 - 2.3.5 establish and maintain drainage swales in accordance with the Ashton Coal Subsidence Environmental Management Plan and Section 3, Schedule 2 of the development consent issued by the NSW Department of Planning for Development Application No. 309-11-2001-i on the 11 October 2002 which includes consultation with DECCW;
 - 2.3.6 carry out necessary surface works that may be required to ensure the ongoing operation and safety of the underground mining operations, that by necessity cannot be carried out outside the boundaries of the conservation area.
- 2.4 On completion of relocation of infrastructure described in 2.3.3, 2.3.4 and 2.3.6 the Agreement shall be amended to reflect these changes by the replacement of the diagram in Annexure A with a new conservation area diagram prepared by the landowner.

Subdivision

- 2.5 The Owner must not subdivide or permit the subdivision of the conservation area.

Threatened species, ecological communities, populations and their habitats and critical habitat

- 2.6 Consistent with the *Threatened Species Conservation Act 1995*, where threatened species, populations and ecological communities occur in the conservation area the Owner must manage the conservation area:
- 2.6.1 to protect and promote the recovery of threatened species, populations and ecological communities, and
 - 2.6.2 to protect the critical habitat of those threatened species, populations and ecological communities that are endangered, and
 - 2.6.3 to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities, and
 - 2.6.4 to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed.

Fire

- 2.7 The Owner must not light a fire, or cause a fire to be lit on the conservation area unless it complies with the *Rural Fires Act 1997*, and:
- 2.7.1 the lighting of the fire is for the purposes of controlled burning and is carried out in accordance with any fire guidelines for controlled burning as provided for in Annexure C: Management Scheme for the conservation area and the Ashton Coal Bushfire Management Plan; or
 - 2.7.2 the lighting of the fire is a necessary component of bush fire hazard reduction work carried out in accordance with a notice served on the Owner under the *Rural Fires Act 1997* or other applicable legislation; or
 - 2.7.3 life or property is in immediate threat by bush fire and the lighting of the fire is reasonably necessary to protect life or property; or
 - 2.7.4 the fire is a camp fire, subject to the compliance with the *Rural Fires Act 1997*, or
 - 2.7.5 the Director-General gives prior written consent to the lighting of the fire.

Cultural Heritage

- 2.8 In accordance with Part 6 of the *National Parks and Wildlife Act 1974*, the Owner must preserve and protect Aboriginal cultural heritage values within the conservation area.
- 2.9 In accordance with Part 6 of the *National Parks and Wildlife Act 1974*, the Owner must obtain appropriate permits and consents if there is any potential to impact on Aboriginal objects.

Control of non-indigenous plants and fauna

- 2.10 The Owner:
- 2.10.1 must use his or her best endeavours to control, and where possible remove all non-indigenous plants and non-indigenous fauna from the conservation area; and
- 2.10.2 must take such reasonable measures in relation to the control of non-indigenous plants and non-indigenous fauna as specified in the Management Scheme (Annexure C).

3. MANAGEMENT OF THE LAND

- 3.1 The Owner must manage the conservation area in accordance with this Agreement.
- 3.2 The Owner must inform the Director-General as soon as practicable after becoming aware of the deterioration of any of the natural values or cultural values of the conservation area, or of any threat to these values.
- 3.3 This Agreement includes Annexure B describing and mapping the conservation values of the conservation area. An aerial photograph shows the location of the conservation area, the conservation values and photo-points. Photographs have been taken at the photo-points, at the time of entering into the Conservation Agreement. This provides baseline information and data for ongoing compliance monitoring and adaptive management of the conservation area.
- 3.4 This Agreement includes Annexure C, setting out the Management Scheme for the conservation area including the management of conservation values and other matters referred to in Annexure B.
- 3.5 This agreement in conjunction with the existing management plans, as detailed in section 3.6 of the development consent, constitute the Plan of Management required to be prepared for the conservation area, in consultation with the local Aboriginal community, in accordance with Condition 3.30, Schedule 2 of the development consent issued by the NSW Department of Planning for Development Application No. 309-11-2001-i on the 11 October 2002, subject to the endorsement of the Owner and the Director-General, and the terms of this Agreement. In particular the Archaeology and Cultural Heritage Management Plan which has been developed in consultation with the local Aboriginal community, and contains a Report on the process and results of consultation with the Aboriginal community.

4. USE OF THE LAND BY SERVANTS, AGENTS, LESSEES OR LICENSEES

The Owner must incorporate the terms of this Agreement in any lease or licence issued over the conservation area, and at all times ensure that any servant, contractor, consultant, agent, lessee, licensee occupying the conservation area shall be aware of the relevant provisions of this Agreement.

5. CHANGE OF OWNERSHIP

The Owner must notify the Director-General in writing of any change of Ownership or control of the conservation area within 28 days after the change of ownership and control. The notice must include the name and address of the new owner.

6. RIGHT TO INSPECT

The Minister, the Director-General and their servants and agents may at any time upon first giving reasonable notice to the Owner, the Owner's agent, lessee or licensee, enter upon the conservation area to ensure compliance with this Agreement.

7. OBLIGATIONS OF THE MINISTER

The Minister covenants with the Owner as follows: -

- 7.1 The Owner will bear the costs of, and incidental to, the preparation of this Agreement including payment of the Owner's reasonable legal costs connected with the execution of the Agreement and any necessary stamp duty and registration fees.
- 7.2 The Minister will arrange for the provision of technical advice and any other assistance to the Owner as the Minister deems necessary to assist with the implementation of this Agreement.
- 7.3 The Minister agrees to notify the Registrar General when this Conservation Agreement has been entered into, varied or terminated so that the Registrar General can carry out his or her responsibilities pursuant to section 69F of the Act
- 7.4 The Minister agrees to the extent of his or her statutory responsibilities that the signing of this Agreement shall not render the Owners ineligible for any compensation and assistance which may, under future legislation, become available to landowners who enter into a conservation agreement pursuant to the Act or any other Act.

8. NON-COMPLIANCE

In the event that the owner fails to comply with this Conservation Agreement, including, without limitation, damaging or causing damage to the conservation area, DECCW may issue a written notice to the owner requiring the owner to remedy the non-compliance or damage within a specified time period. This clause does not affect any rights of the parties under section 69G of the Act.

9. DISPUTE RESOLUTION

If a party to the Conservation Agreement is dissatisfied with the conduct of the other party under this Conservation Agreement, that party must notify the other and if the dispute cannot be resolved by discussions between the parties it shall be referred to the Director-General who will establish a mechanism whereby the dispute can be resolved.


8. COMMENCEMENT

This Agreement shall have effect from the day of execution.



IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

SIGNED by)
The Minister administering)
the National Parks and Wildlife Act, 1974)
for the purpose of rendering liable the)
Government of the State of New)
South Wales (but not so as to incur)
any personal liability) hereunder in)
the presence of:)



Minister

16/9/10
Date

Claire Allen

Witness

CLAIRE ALLEN

12 NIMROD ST

DARLINGHURST

Witness Name and address

16 SEP 10

Date

SIGNED by Ashton Coal Mines Limited



Signature of Director

BRIAN J. FLANNERY

Name of Director

24/02/10

Date

in the presence of



Witness signature

M ARMSTRONG

CL-L6, 316 ADELAIDE ST
BRISBANE QLD 4000

Witness Name and address

24/2/10

Date

Executed pursuant to S127
of the Corporation Act, 2001



Signature of Director / Secretary

Michael J. Chapman

Name of Director / Secretary

24/2/10

Date

in the presence of



Witness signature

M ARMSTRONG

CL-L6, 316 ADELAIDE ST

BRISBANE QLD 4000

Witness Name and address

24/2/10

Date

Landowners Name and address for service of notices:

Ashton Coal Mines Limited
PO Box 699
Singleton NSW 2330

ANNEXURE A; DIAGRAM A

ANNEXURE "A"
DIAGRAM OF
CONSERVATION
AREA

LOT 3 OF DP 1114623
PARISH OF VANE COUNTY DURHAM
VOLUNTARY CONSERVATION AREA IS HATCHED AREA

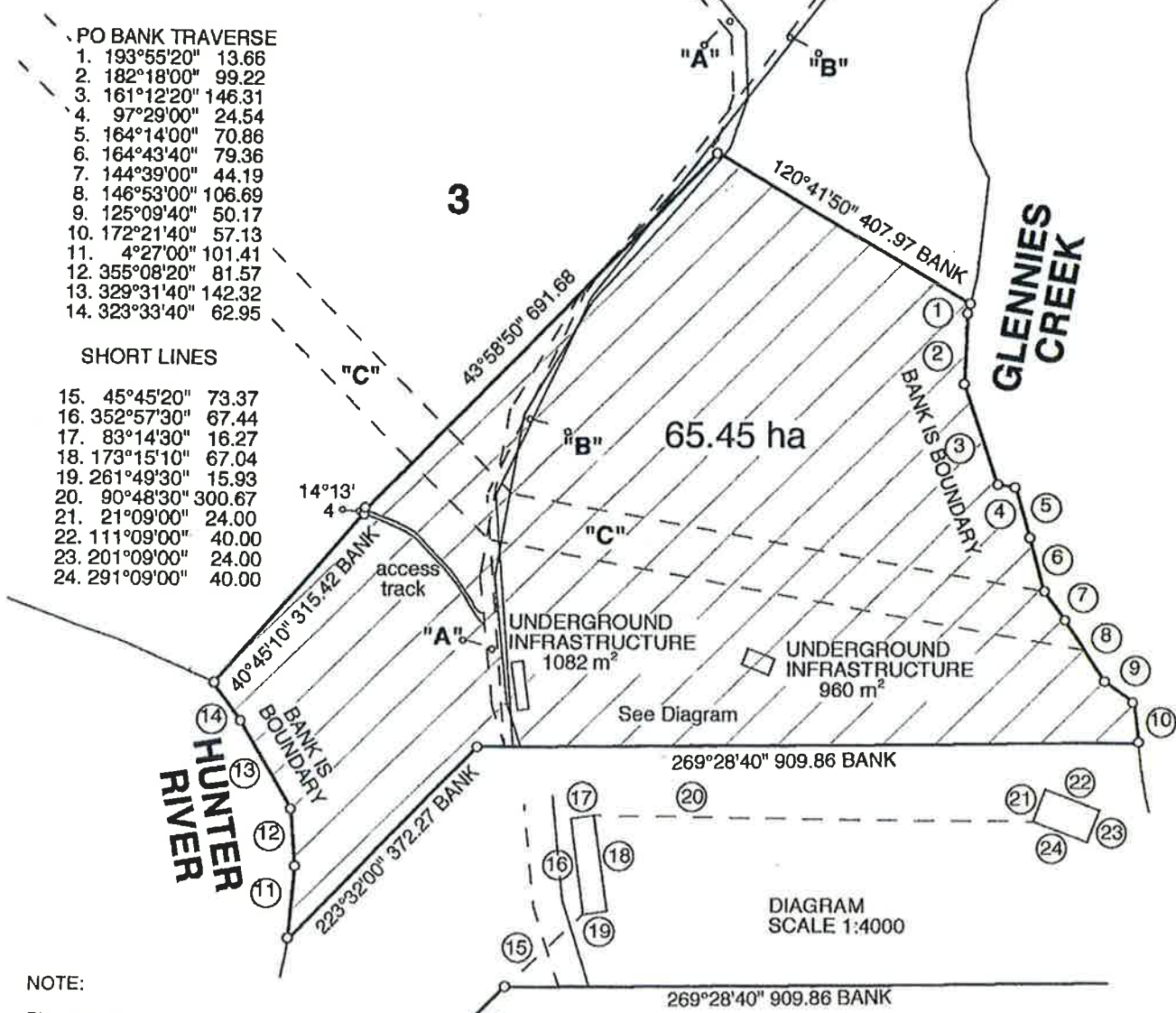
CONSERVATION AREA abt 65.45 HA



DP 828294

- "A" RIGHT OF CARRIAGEWAY 20 WIDE CREATED I954305
- "B" RIGHT OF WAY 10.06 WIDE CONV 293 BK 1225
- "C" EASEMENT FOR ELECTRICITY PURPOSES
67.5 WIDE BY DP 636424 & CREATED I937826

Note: The underground infrastructure
is excluded from the VCA



PO BANK TRAVERSE

1. 193°55'20" 13.66
2. 182°18'00" 99.22
3. 161°12'20" 146.31
4. 97°29'00" 24.54
5. 164°14'00" 70.86
6. 164°43'40" 79.36
7. 144°39'00" 44.19
8. 146°53'00" 106.69
9. 125°09'40" 50.17
10. 172°21'40" 57.13
11. 4°27'00" 101.41
12. 355°08'20" 81.57
13. 329°31'40" 142.32
14. 323°33'40" 62.95

SHORT LINES

15. 45°45'20" 73.37
16. 352°57'30" 67.44
17. 83°14'30" 16.27
18. 173°15'10" 67.04
19. 261°49'30" 15.93
20. 90°48'30" 300.67
21. 21°09'00" 24.00
22. 111°09'00" 40.00
23. 201°09'00" 24.00
24. 291°09'00" 40.00

NOTE:

Plans used
Dp 1114623
Dp 828294
Survey by Differential GPS
Copy of field measurements are held
in digital form.
GPS co-ordinates obtained by differential
receiver - accuracy +/- 0.1 m
Source of coordinates SSM 28338 zone 56
Class B Order U

[Signature]
Ashton Coal Mine Limited

[Signature]
Ashton Coal Mine Limited

[Signature]
Minister

I, Graeme Roderick Ferguson of "Yatta" Torryburn Road via Paterson 2421,
a surveyor registered under the Surveyors Act 2002,
certify that the survey represented in this sketch was made in
accordance with Clause 9 of the Surveying Regulation 2008
and is a survey to be lodged on the public record as referred to in that clause.

[Signature]
Surveyor registered under
the Surveyors Act 2002
Dated 03.08.2009

**ANNEXURE B
CONSERVATION VALUES****1. CONSERVATION VALUES**

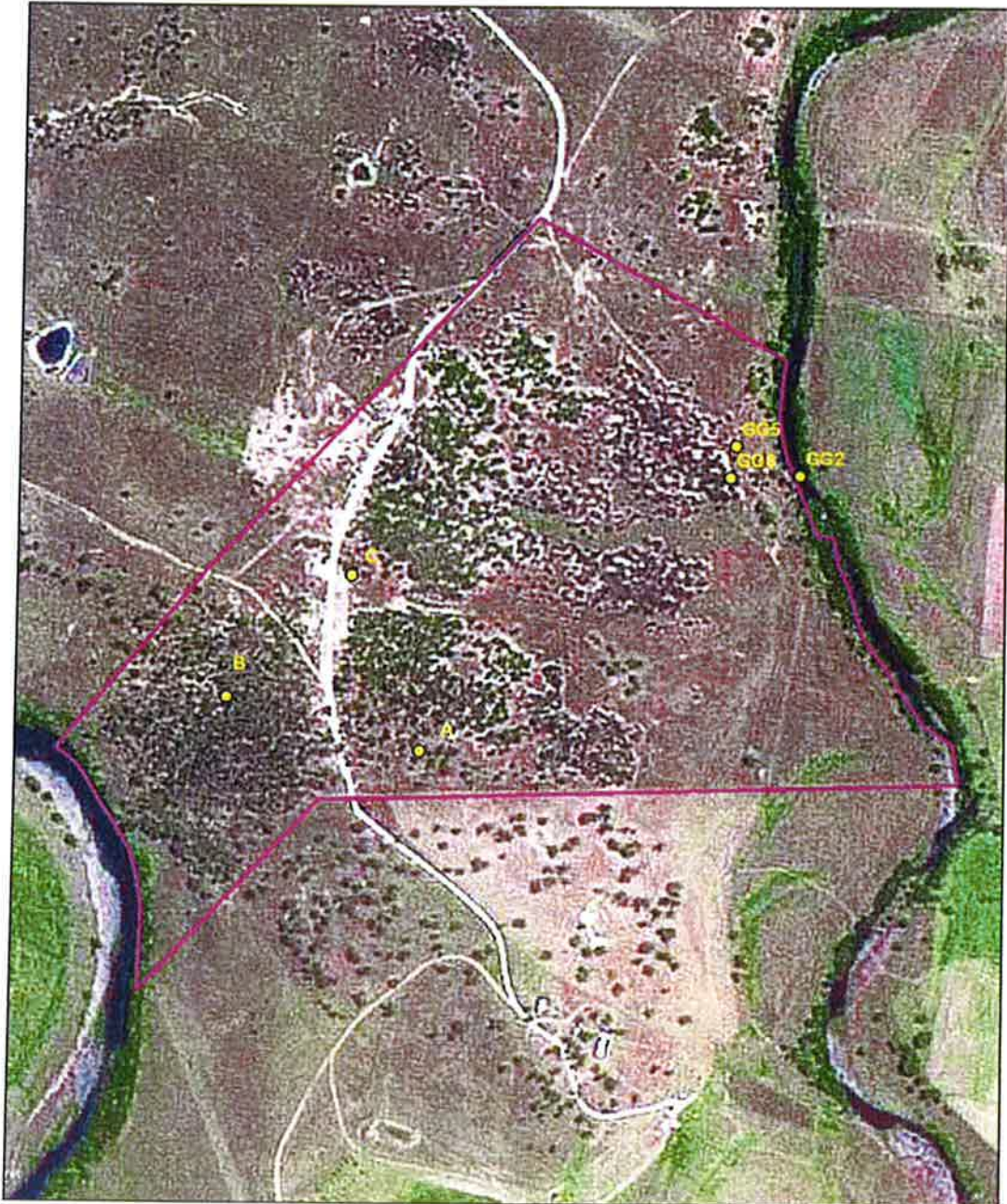
The Owner and the Minister recognise that the conservation area contains the following conservation values. Conservation values are to be managed in accordance with Annexure C: Management Scheme for the conservation area.

- A The Owner and the Minister recognise that the conservation area contains important Aboriginal heritage in a relatively undisturbed state, with occupation evidence in addition to the landscape setting and context. The conservation area will aim to protect and retain that heritage for future generations (Witter, Dan C. 2002, *Ashton Coal Mining Project, Environmental Impact Statement, Aboriginal Archaeology*. A report to HLA Envirosciences).
- B. The Owner and the Minister recognise that the conservation area contains remnant Hunter Valley vegetation; Open Grassy Woodland, characterised by *Allocasuarina luehmannii* Bull Oak, *Eucalyptus paniculata* Grey Ironbark, *Eucalyptus melliodora* Yellow Box and *Eucalyptus mollucana* Grey Box (HLA Envirosciences. 2001, *White Mining Limited Ashton Coal Project Environmental Impact Statement*. Parsons Brinckerhoff. 2004, *Ashton Coal – Southern Woodland Preliminary Ecological Assessment*).
- C. The Owner and the Minister recognise that the conservation area contains the threatened fauna species *Pomatostomus temporalis temporalis* Grey-crowned Babbler (eastern subspecies) listed as Vulnerable on Schedule 2 of the *Threatened Species Conservation Act, 1995* and their habitat (ERM. 2005, *Ashton Coal Bi-annual Fauna Monitoring Autumn Census*. Unpublished report to Ashton Coal).
- D The Owner and the Minister recognise that the conservation area contains vegetation, which with protection from further clearing, and encouragement of regeneration and/or revegetation, will provide a wildlife corridor between Glennies Creek and Bowman Creek.
- E The Owner and the Minister recognise that Ashton Coal Mines Limited has prepared a number of environment management plans as listed in section 3.6 of the development consent and these in conjunction with this agreement will constitute the Plan of Management required by condition 3.30 of the development consent. At the time of writing of this agreement these environmental management plans included
- Flora and Fauna Management Plan,
 - Archaeology and Cultural Heritage Management Plan,
 - Bushfire Management Plan,
 - Landscape and Revegetation Management Plan,
 - Subsidence Environmental Management Plan,
 - Land Management Plan,
 - Site Water Management Plan and Groundwater Management Plan,
 - Erosion and Sediment Control Plan,
 - Soil Stripping Management Plan,
 - Waste Management Plan,
 - Construction Air Quality Management Plan,
 - Operations Air Quality Management Plan,
 - Blasting/Vibration Management Plan,

- Road Closure Management Plan,
- Construction Noise Management Plan,
- Noise Management Plan and
- Lighting Management Plan.

Handwritten initials and a signature in the bottom right corner of the page.

2. AERIAL PHOTOGRAPH AND OTHER MAPPING



Legend

○ Photopoint Locations

□ Conservation Agreement

Ashtons Mine
Conservation Agreement
and Photopoint Locations

Copyright © 2011 Ashton Coal Mines Limited. All rights reserved. This document is the property of Ashton Coal Mines Limited. It is not to be used, copied, or reproduced in any form without the prior written consent of Ashton Coal Mines Limited. The information contained herein is confidential and its disclosure to any third party is strictly prohibited.



Printed By CPD



[Handwritten signature]
12. *[Handwritten initials]*

3. PHOTO-POINT PHOTOGRAPHS

3.1 Pit Fall Trap Photopoints

Site	Easting (WGS84)	Northing (WGS84)	Aspect
Site A	318600	6403350	North



Photograph 1a
Pitfall traps Site A - facing north
Spring 2006.



Photograph 1b
Pitfall traps Site A - facing north
Autumn 2006.



Photograph 1c
Pitfall traps Site A - facing north
Summer 2006.



Photograph 1d
Pitfall traps Site A - facing south
east Autumn 2006.

Site	Easting (WGS84)	Northing (WGS84)	Aspect
Site B	318325	6403425	South



Photograph 2a
Pitfall traps Site B - facing south
Spring 2006.



Photograph 2b
Pitfall traps Site B - facing south
west Autumn 2006.



Photograph 2c
Pitfall traps Site B - facing south
west Summer 2006.



Photograph 2d
Pitfall traps Site B - facing south
west Autumn 2005.

AS
MP
14

Site	Easting (WGS84)	Northing (WGS84)	Aspect
Site C	318500	6403600	North East



Photograph 3a
Pitfall traps Site C - facing north east Spring 2006.



Photograph 3b
Pitfall traps Site C - facing north west Autumn 2006.



Photograph 3c
Pitfall traps Site C - facing north east Summer 2006.



Photograph 3d
Pitfall traps Site C - facing south east Autumn 2006.

AS
MP

3.2 Archaeology Photo Locations

Grinding Groove Photo Locations			
Site	Easting (WGS84)	Northing (WGS84)	Aspect
GG2	319291	6403947	North
GG5	319199	6403989	East
GG6	319192	6403944	East

From Witter Report 2001

Creek Site Grinding Grooves

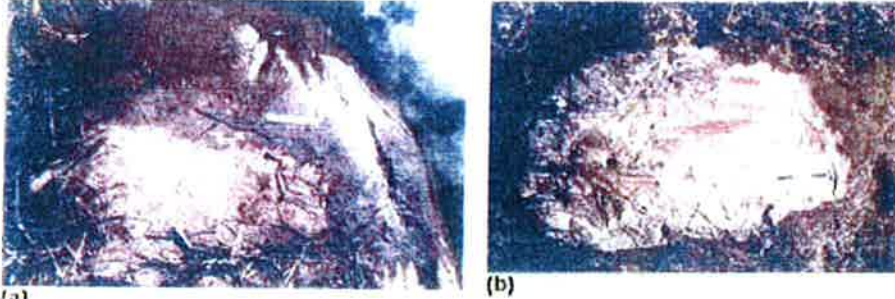


Plate 12.7. Grinding grooves at Glennies Creek waterhole. (a) Grooves on ledge at water level (GG2). (b) Grooves on boulder away from the creek bank (GG6).

Grinding Groove GG2 – (30/4/2009)



GG2 Facing North

Handwritten initials: AS
Handwritten initials: MK

Grinding Grove GG5 (30/4/2009)



GG5 Facing East



GG5 Facing East

ASL
MP

Grinding Groove GG6 (30/4/2009)



GG6 Facing East



GG6 Facing East

Handwritten initials

ANNEXURE C

MANAGEMENT SCHEME FOR THE CONSERVATION AREA

The conservation values identified in Annexure B are to be managed in accordance with the principles and activities outlined below.

ITEM 1:

The landholders shall not undertake, consent to or permit the following activities unless they are undertaken in the manner specified as follows:

Weed control

- a) Carrying out weed control using the appropriate control methods to ensure that they do not compromise the integrity of the conservation values identified.
Control and monitoring of weed growth will be as determined by the Ashton Coal Land Management Plan subject to the conditions of this Agreement, and the guidelines below.
- Ensure methods of weed control do not damage cultural heritage values.
 - Glyphosate based herbicide may be used by direct application to cut surfaces (cut and paint or scrape and paint methods)
 - Spraying of a glyphosate based herbicide can be used. This should be limited to according to the directions on the label and ensuring that there is no off-target damage.
 - Weeds can be removed by hand ensuring that all plant parts that can reproduce are removed and that soils do not become prone to erosion.
 - Other weed control methods may be use with prior written permission of the Director-General
 - Ensure control programs are commenced when timing and extent of weed removal will minimise adverse effects on wildlife (weeds may provide protection or habitat for native fauna). Removal of African boxthorn should not be undertaken during nesting periods for small birds which may nest in the plants.
 - Continue to check for weed invasion and regrowth and treat any outbreaks.
 - Check adjacent areas for invasive plant species and remove, or control their spread.

Feral animals

- b) Monitoring impacts to the conservation area by feral animals and undertaking of on-going control programs for feral animals is appropriate.
- Methods for control can include shooting, trapping and use of poisonous baits with advice from DECCW and the Livestock Health and Pest Authority.
 - Participate in community feral animal control programs, and encourage neighbours to implement pest animal control programs. Contact your local National Parks office to find out if community control programs are occurring in your area.

Native fauna

- c) Kangaroo culling when part of a population control program for the Land and only with approval by way of a Section 121 licence issued under the *National Parks and Wildlife Act 1974*. Planning for this operation should be done in consultation with the DECCW.

Domestic animals and livestock

- d) Mustering of livestock with the use of working dogs and horses.
- e) Controlled grazing may be used as a hazard reduction tool to reduce fuel loads in the conservation area as deemed necessary, and with the following guidelines.
- Grazing should be initially excluded from the conservation area to encourage the natural regeneration of indigenous plants and to encourage the growth of a shrub layer.
 - Grazing must be excluded from areas of revegetation.
 - Grazing may be desirable to reduce seeding of particular weed species.

- Where native grasses and ground covers are present, rotational grazing should be used. Graze with high numbers for short periods and allow long rest periods to ensure flowering and reseeding to occur of native groundlayer species.
- Stock should be removed during peak flowering times, that is in Spring or early Summer, being September through to the end of January.
- Groundcover should be maintained above 80%.
- Should stock be identified as introducing weeds into the conservation area, stock should be put in a holding yard or weed free paddock for 2 full days (48 hours) prior to entering conservation area. This will reduce the spread of weeds from dung.
- Stock to be removed from Conservation Area if unacceptable levels of erosion or damage are apparent.
- Guidelines to be outlined in the Ashton Coal Conservation Area Plan of Management based on the recommendations coming from the Flora and Fauna Management Plan and associated regular Flora and Fauna monitoring.

Fire

- f) Suppression where practicable of all wildfires occurring in the conservation area as quickly as possible with the aim of keeping fires to a small area.
- g) Undertaking of fire hazard reduction to protect the natural assets of the conservation area, in appropriate locations, with any required approvals and/or permits using:
 - raking and hand clearing
 - pile burning
 - fuel reduction burns
 - controlled grazing
- h) Using fire hazard reduction burns and controlled burning which take into account the following fire interval guidelines for broad vegetation types and any guidelines given in the Ashton Coal Bushfire Management Plan:
 - In Sclerophyll Grassy Woodland vegetation, fire should not occur within five years of a previous fire, and should be burnt within forty years of any previous fire.

Vehicle access

- i) Vehicle access to formed trails for access to private property, management purposes as outlined, approved by DECCW, fire fighting and/or any emergency requirements.

Threatened species

- j) Implementing any reasonable measures included in recovery plans or other management guidelines for any threatened species or communities which or may be found in the conservation area. At the time of signing this agreement, there is no recovery plan in place for the Grey-crowned Babbler.
- k) Implementing any reasonable measures to mitigate any alteration of habitat following subsidence due to longwall mining to minimise negative effects on the conservation area and in accordance with the Ashton Coal Subsidence Environmental Management Plan and the development consent issued by the NSW Department of Planning for Development Application No. 309-11-2001-i on the 11 October 2002.

Restoration of indigenous vegetation

- l) Restoration of native vegetation using natural regeneration as the preferred method.
- m) Revegetation to establish indigenous plants, using species produced from material sourced locally and without fertilisers, where
 - the ability to regenerate naturally within a reasonable time frame has been lost, or
 - to prevent soil erosion;
 - to aid in the establishment of species diversity and height diversity in areas dominated by single species and with depleted natural seed resources.

Revegetation must not compromise cultural heritage and the soil surface. Prior to any proposed revegetation an archaeological assessment must be carried out. The Owner should be aware that any works which impact on cultural heritage will require a Section 90 consent under the *National Parks and Wildlife Act 1974*.

Seed collection

- n) Collection of seed collection in keeping with *Guidelines for Collection of Seed, and other Plant Propagation material* (available from DECCW), and the following limitations and permissions:
- Collect seed in the conservation area only if seed of the particular species and genotype is not available elsewhere, or if the seed collected is intended for seedlings that will be planted within the conservation area or adjacent to the conservation area.
 - Licences are required for collection of material of protected plants listed under Section 131 (Schedule 13) of the *National Parks and Wildlife Act 1974*.
 - Where seed collection involves species listed on Schedule 1 or 2 of the *Threatened Species Conservation Act 1995*, the relevant licence or prior written permission from the Director-General should be obtained.

Thinning of indigenous vegetation

- o) Thinning of regenerating indigenous species, which are altering the structure of the vegetation and/or reducing conservation values. The benefits to conservation should be greater than the disturbance associated with thinning.

Provision of habitat

- p) Installation of habitat boxes for native fauna in strategic locations where suitable hollows for native fauna are limited or absent. Locations and number to be determined as per the Ashton Coal Flora and Fauna Management Plan and recommendations made in regular Fauna monitoring programs in consultation with DECCW.

Cultural heritage

- q) Recording and management of any newly identified Aboriginal objects, as per the Ashton Coal Archaeology and Cultural Heritage Plan.

Visitation and research

- r) Visitation, research and community use at a level that does not adversely impact on the conservation or Aboriginal heritage values of the area. Research projects should be discussed with DECCW.
- s) Visitation, research and community use by the Aboriginal Community as outlined in the Ashton Coal Archaeology and Cultural Heritage Plan.

Developments

- t) Carrying out developments as described in Clause 2.3 of the Agreement, and maintaining developments (including existing management and access roads) with the following conditions
- As a priority the developments should not impact on cultural heritage. The Owner should be aware that any developments which impact on cultural heritage will require a Section 90 consent under the *National Parks and Wildlife Act 1974*
 - The width of roads and trails will be a maximum of 4 metres wide roadway with 2 metres width for vegetation clearance on each side.
 - Clear a corridor not greater than 3 metres wide during construction or for maintenance for the installation of fences or other agreed rural structures.
 - Construct and maintain fences where required to ensure they are stockproof but will not impede the movement of, or be a danger to, native fauna.
 - Construct replacement access roads using recommendations for construction and maintenance to be determined by the Owner in consultation with the DECCW.
 - Remove fallen timber and any other obstructions to maintain access.

- Where clearing is necessary, undertake all works in a manner that minimises disturbance to soil and hydrological characteristics and is in accordance with any recommendations made in the Ashton Coal Archaeology and Cultural Heritage Plan or any other relevant Ashton Coal Environmental Management Plan as listed in 1 E.
- Remove old internal fences and close unwanted tracks within the conservation area and facilitate restoration of native vegetation by allowing natural regeneration.

Monitoring

- u) Annexure B contains dated aerial photographs/maps showing the location of the conservation area, the conservation values and photo-points. Photographs have been taken at these photo-points at the time of entering the agreement. This provides baseline information and data for ongoing monitoring and adaptive management of the conservation area
- v) Photographs at the identified photo-points should be taken from time to time for the purposes of ongoing monitoring of the conservation values. This should be carried out in consultation with Department of Environment, Climate Change and Water (DECCW). The process can include the specific monitoring as described in the Ashton Coal Flora and Fauna Management Plan (White Mining Limited 2003a).
- w) The Owner will as part of the approval issued by the NSW Department of Planning for Development Application No. 309-11-2001-i on the 11 October 2002 conduct regular environmental monitoring and complete Annual Environmental Monitoring Reports for the mine site. Monitoring of the cultural heritage and biodiversity values of the conservation area will be included in but not limited to these reports. This will form the basis for decisions about ongoing management actions. A copy of relevant monitoring reports should be forwarded to DECCW.

ITEM 2:

The landholders shall not undertake, consent to or permit (unless specified in Item 1 of Annexure C or with prior written consent of the Director-General)

- a) the sowing or planting of trees, grasses or other plants in the conservation area
- b) the introduction of any non-indigenous plants or non-indigenous fauna into the conservation area
- c) the entry of domestic animals including pets and domestic livestock in the conservation area
- d) the use or application of fertiliser or pesticides in the conservation area
- e) the use of trail bikes, four wheel drive vehicles or any other vehicle in the conservation area off any formed road
- f) any works in the conservation area, especially any revegetation work and developments, which have the potential to impact on any cultural features.
- g) the removal of any biological or inorganic component of the conservation area
- h) any works which will adversely affect the natural flows and bodies of water apart from those works outlined in Item 1 clause 2.3.5 or approved mining operations.


Director, Ashton Coal Mines Limited


Director/Secretary, Ashton Coal Mines Limited


Minister

APPENDIX C – CONSULTATION LOG

Table 1 Conversation Log

Date	Details	Comments
27/04/2012	Working draft sent to Suzie Worth, Wannaruah LALC, Arthur Fletcher and Annie Hickey with request to provide any further feedback to be included in the document	No comments received
02/05/2012	Angela Besant spoke with Suzie Worth and Arthur Fletcher at the ACCF meeting and asked if they had been able to review the working draft. Specifically I asked if the document accurately reflected the outcome of the working group meeting.	Suzie Worth and Arthur Fletcher said they were happy with the document and that it was fine to circulate it to the broader ACCF membership.
21/05/2012	Updated working draft sent to Suzie Worth, Wannaruah LALC, Arthur Fletcher, Annie Hickey and Kathy Kinchela with request for review to ensure document reflected the outcome of the workshop and if they could reply prior to sending it out to the ACCF - no replies received	No comments received
06/07/2012	Working draft copy of the VCA Consulted Management Plan sent to all ACOL RAP's with another copy of the ACHMP to provide context for the VCA plan.	No comments received
12/08/2012	Cassandra Storm (ACOL) went through the VCA plan and the ACHMP to show how the two plans fit together (ie the VCA plan sits under the overarching ACHMP which applies to the whole site). CS also went thru the contents of the VCA plan.	Present were members the working group who developed the VCA plan (Suzie Worth and Arthur Fletcher) who agreed that it was presented as discussed in the working group.
15/11/2012	Invitation sent to all RAP's to attend a ACCF meeting at Singleton Information Centre. Included in the letter was a reminder that the VCA plan would be finalised in December	
03/12/12	ACCF meeting held – first up working groups at 9am then all RAP's at 10.30am.	Only one RAP attended working group meeting. All the RAP's who attended the meeting signed to front of the VCA plan to confirm it was ready for finalising.
03/12/2013	VCA plan due for annual review.	Shall be discussed through out 2013 ACCF meetings to determine scope of any changes required.

Date	Details	Comments

APPENDIX D – RAP WRITTEN RESPONSES

HUNTER VALLEY ABORIGINAL CORPORATION

180-182 Bridge Street
P.O. Box 579
Muswellbrook NSW 2333



Phone: 02-65431180
Fax: 02-65431106
E-mail: h973809@bigpond.net.au
ABN: 78127059847

3rd December 2012

To Whom it May Concern

The Board of Hunter Valley Aboriginal Corporation has indicated that in relation to providing comment on projects and reports, the Corporation support the views and wishes of the local Land Council, in this case the Wamanuah Local Aboriginal Land Council.

If the Land Council have any concerns with VCA management Plan that the concerns are addressed.

Regards

Rhonda Griffiths

Director

*On behalf of the
Board of Director*



Building a positive future

ASHTON COAL PROJECT

CONSULTATION PROCEDURE VOLUNTARY CONSERVATION AREA

Version Date: 26/06/2012 **(WORKING DRAFT)**

This plan has been discussed and approved
by the following R.A.P.s.

John Matthews	<i>J Matthews</i>
MARGARET MATTHEWS	<i>m. matthe</i>
Clifford Matthews	<i>C Cliff</i>
JUSTIN MATTHEWS	<i>J Matthews</i>
Daniel Matthews	<i>D Matthews</i>
DES Hickey	<i>Des Hickey</i>
Allen Paget	<i>all Paget</i>
Norm Archibald	<i>N. Archibald</i>
Suzie Worth	<i>Suzie Worth</i>
anthony c. Fletcher.	<i>a.c. Fletcher. AS ABOVE.</i>

Wanaseah LPAIC (to be confirmed in writing)

Ashton Coal Operations Pty Limited

Glennies Creek Road
Camberwell NSW 2330
Tel: 02 6576 1111
Fax: 02 6576 1122

Note Additional comments were received from Cacatua regarding the CHMP which will be addressed in the mid 2013 review along with OEH comments. The review will involve the full ACCF membership.



VCA CONSULTATION PROTOCOL

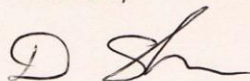
The document contains Aboriginal registrant input on the ongoing management of the VCA, but does not use this input to develop management protocols; and instead states that this will be subject to further consideration. We feel that a formal process to develop and implement management protocols be developed, and that this commitment is included in the final document.

We would like to see the inclusion of a cultural component which has been prepared with Aboriginal registrant's involvement to the ACOL Archaeological induction that is mandatory to all visitors on the VCA site.

The document refers to a whole range of environmental works that may need to occur within the VCA – we would like to see Aboriginal involvement here, ie, ACOL could facilitate ongoing Aboriginal involvement in caring for Country.

The document refers to visitation, research and community use and states that this would require consultation with OEH – we would like to see that Aboriginal registrants also have a role in considering whether this is appropriate? (ie referral to one of the Working Groups for consideration?)

Yours truly



Donna Sampson
Reports Manager