

**Aboriginal Cultural Heritage Management Plan  
Mount Pleasant Coal Mine  
([DA92/97 as modified 19 September 2011](#))**

**Prepared by Rio Tinto Coal Australia**

**August 2014**

**External Relations Department  
Rio Tinto Coal Australia Pty Ltd**



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Our ref: DA 92/97

Joel Deacon  
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Mt Pleasant Mine Project  
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Dear Joel,

**Mt Pleasant Mine Project – Approval of ACHMP**

Thank you for forwarding the revised Aboriginal Cultural Heritage Management Plan, as amended on the 10<sup>th</sup> August 2015, for review. It is required by Condition 36 Schedule 3 of the Mt Pleasant Approval DA 92/97. Following submission of the plan in 2012, it was re-reviewed in 2015.

The Department has reviewed the plan and found generally satisfies the requirements of the Approval. I would like to advise you that the Secretary has conditionally approved the Plan with the following conditions

This approval only allows the construction of “early works” for the Mt Pleasant Project, being:

- upgrade of Wybong Road from Bengalla Link Road through to the mine access;
- installation of the Hunter River water supply and associated pipeline;
- establishment of site access roads and haul roads, and the maintenance of existing tracks on lease;
- temporary facilities required for construction activities, e.g. offices, workshops, laydown areas;
- construction of all permanent infrastructure, including the CHPP, administration buildings, workshops, sediment dams, power-lines (including the decommissioning of redundant power-lines), haul roads, light vehicle access roads, dam walls, diversion drains, storage areas, fuel farms and the overland conveyor and/or rail loop & tail;
- installation of appropriate fencing and barriers to ensure public safety and security for mining and construction;
- Early works specifically exclude the removal of overburden and mining.

This approval acknowledges the submission of the Aboriginal Heritage Conservation Strategy required by Condition 33, Schedule 3 of the Approval, being the Broomfield Conservation Area. The use of this area to satisfy the requirements of this Condition is NOT approved. This is covered in the last paragraph of Schedule 13 of the now approved ACHMP.

There are no earlier versions of this Plan. This Plan comes into force on the 17<sup>th</sup> August 2015 and remains in force until replaced by any future updated approved Plans, or the “early works” are completed.

Could you please forward finalised copies of the above plan (preferably in PDF format with a copy of this approval letter appended) for the Department’s records by the end of August 2015.

If you require further information or clarification in this matter please contact Scott Brooks on 6575 3401 or by email to [scott.brooks@planning.nsw.gov.au](mailto:scott.brooks@planning.nsw.gov.au).

Yours sincerely



Scott Brooks

**Investigations (Lead) Compliance**

14-8-2015

As Nominee for the Secretary, Department of Planning & Environment

**External Relations Department  
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(Version 1 – 18 September 2007)  
(Version 2 – 11 February 2011)  
(Version 3 CHWG Consultation Draft – 30 January 2012 (submitted to DP&E May 2012))  
(Version 4 – Revised – 6 August 2014)

# Aboriginal Cultural Heritage Management Plan Mount Pleasant Coal Mine

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Location of the Mount Pleasant Coal Mine

### [Schedule 2](#)

ACHMP Cultural Heritage Management Measures Database

### [Schedule 3](#)

Care Agreement

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Spiritual Places Verification and Management

### [Schedule 5](#)

Scarred Trees Verification and Management

### [Schedule 6](#)

Scarred Trees Removal and Relocation

### [Schedule 7](#)

Hearths Verification and Management

### [Schedule 8](#)

Sub-Surface Investigation Areas

### [Schedule 9](#)

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

### [Schedule 10](#)

Controlled Collection of Artefact Scatters

### [Schedule 11](#)

Salvage Collection of Isolated Artefacts

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Activity Area Monitoring

### [Schedule 13](#)

Aboriginal Heritage Conservation Strategy (AHCS)

MTP DA92/97 Modification (19 September 2011)  
**Consent Conditions / ACHMP Compliance Matrix**

DCP Heritage Condition	ACHMP Section / Schedule
<b>36. Aboriginal Heritage Management Plan</b>	
Applicant shall prepare and implement a [sic] Aboriginal Heritage Management Plan for the development to the satisfaction of the Director-General. This plan must:	This ACHMP constitutes the Aboriginal Heritage Management Plan required under this condition
(a) be prepared in consultation with OEH and the Aboriginal stakeholders by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General	<a href="#">Recitals</a> , <a href="#">Background</a> and <a href="#">Section 2</a> (Consultation) (Registered Aboriginal Parties); <a href="#">Recitals</a>
(b) be submitted to the Director-General for approval prior to carrying out any development on site	<a href="#">Recitals</a>
(c) include:	<a href="#">Section 7</a> (Conservation Area); <a href="#">Schedule 13</a> (AHCS)
<ul style="list-style-type: none"> <li>a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy</li> </ul>	
<ul style="list-style-type: none"> <li>a description of the measures that would be implemented to: <ul style="list-style-type: none"> <li>comply with the requirements of any Aboriginal Heritage Impact Permit issued for the development, including any approved archaeological testing and salvage program;</li> </ul> </li> </ul>	<a href="#">Section 29</a> (Permits and Consents)
<ul style="list-style-type: none"> <li>store the Aboriginal objects salvaged, both during construction and in the long term;</li> </ul>	<a href="#">Section 6</a> (Management of Aboriginal Objects) and <a href="#">Schedule 3</a> (Care Agreement); <a href="#">Section 7</a> (Conservation Area)
<ul style="list-style-type: none"> <li>protect, monitor and/or manage all Aboriginal objects on site until the impacts of the development on these objects is unavoidable;</li> </ul>	<a href="#">Section 3</a> and <a href="#">Schedule 2</a> (CH Management Measures Database); <a href="#">Section 4</a> (CH Zoning); <a href="#">Section 5</a> (GDP); <a href="#">Section 11</a> (Areas Unassessed); <a href="#">Section 20</a> and <a href="#">Schedule 12</a> (Activity Area Monitoring); <a href="#">Section 21</a> (Fencing and Barricading); <a href="#">Section 22</a> (Signage); <a href="#">Section 23</a> (Management Buffers); <a href="#">Section 24</a> (ACHMP Compliance Inspections); <a href="#">Section 27</a> (Procedural Breaches and Urgent Relief)

DCP Heritage Condition	ACHMP Section / Schedule
<b>36. Aboriginal Heritage Management Plan (cont.)</b>	
<ul style="list-style-type: none"> <li>minimise the blasting impacts of the development on Aboriginal objects in the vicinity of the site;</li> </ul>	<a href="#">Section 35</a> (Blasting)
<ul style="list-style-type: none"> <li>manage the discovery of any human remains or previously unidentified Aboriginal objects on site;</li> </ul>	<a href="#">Section 10</a> (Human Remains); <a href="#">Section 16</a> and <a href="#">Schedule 8</a> (Subsurface Investigations); <a href="#">Section 20</a> and <a href="#">Schedule 12</a> (Activity Area Monitoring); <a href="#">Section 36</a> (New Finds)
<ul style="list-style-type: none"> <li>enable Aboriginal stakeholders to get reasonable access to the site during the development;</li> </ul>	<a href="#">Section 7</a> (Conservation Area) and <a href="#">Schedule 13</a> (AHCS); <a href="#">Section 34</a> (Reasonable Access)
<ul style="list-style-type: none"> <li>ensure Aboriginal stakeholders are consulted about the conservation and management of Aboriginal cultural heritage on site; and</li> </ul>	Being jointly agreed, the whole ACHMP is an expression of this but notably: <a href="#">Recitals</a> ; <a href="#">Background</a> ; <a href="#">Section 2</a> (Consultation); <a href="#">Section 7</a> (Conservation Area) and <a href="#">Schedule 13</a> (AHCS); <a href="#">Section 9</a> (Inductions); <a href="#">Section 24</a> (ACHMP Compliance Inspections); <a href="#">Section 30</a> (Management Implementation); <a href="#">Section 31</a> (Terms of Reference); <a href="#">Schedule 12</a> (Activity Area Monitoring)
<ul style="list-style-type: none"> <li>ensure construction personnel on receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions</li> </ul>	<a href="#">Section 9</a> (Inductions)
<b>33. Aboriginal Heritage Conservation Strategy</b>	
The applicant shall prepare and implement an Aboriginal Heritage Conservation Strategy for the development to the satisfaction of the Director-General (including sub-conditions a-f)	<a href="#">Schedule 13</a> (AHCS) and separate table for specific sub-conditions
The detailed measures for the implementation of the strategy are to be outlined in the [Aboriginal] Heritage Management Plan (see condition 36)	<a href="#">Section 7</a> (Conservation Area); <a href="#">Schedule 13</a> (AHCS)

## Recitals

- A. Rio Tinto Coal Australia Pty Ltd (RTCA), through its wholly owned subsidiary Coal and Allied Operations Pty Ltd, holds Mining Tenements pursuant to the Mount Pleasant Coal Mine (Project Area) at Muswellbrook, NSW.
- B. RTCA has developed this Aboriginal Cultural Heritage Management Plan (ACHMP) pursuant to [DA92/97 \(as modified and granted on 19 September 2011\)](#) Condition 36 which states:

The Applicant shall prepare and implement a [sic] Aboriginal Heritage Management Plan for the development to the satisfaction of the Director-General. This plan must:

- (a) be prepared in consultation with OEH and the Aboriginal stakeholders by suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
- (b) be submitted to the Director-General for approval prior to carrying out any development on site;
- (c) include:
  - a detailed plan for the implementation of the approved Aboriginal Heritage Conservation Strategy (required under condition 34);
  - a description of the measures that would be implemented to:
    - comply with the requirements of any Aboriginal Heritage Impact Permit issued for the development, including any approved archaeological testing and salvage program;
    - store the Aboriginal objects salvaged, both during construction and in the long-term;
    - protect, monitor and/or manage all Aboriginal objects on site until the impacts of the development on these objects is unavoidable;
    - minimise the blasting impacts of the development on Aboriginal objects in the vicinity of the site;
    - manage the discovery of any human remains or previously unidentified Aboriginal objects on site;
    - enable Aboriginal stakeholders to get reasonable access to the site during the development;
    - ensure Aboriginal stakeholders are consulted about the conservation and management of Aboriginal cultural heritage on site; and
    - ensure construction personnel receive suitable heritage inductions prior to carrying out any development on site, and that suitable records are kept of these inductions.

- C. This ACHMP constitutes the Aboriginal Heritage Management Plan as described in recital B above and in fulfilment of [DA92/97 \(as modified and granted on 19 September 2011\)](#) condition 36.
- D. The provisions of this ACHMP apply to the Project Area, being the [DA92/97 \(as modified and granted on 19 September 2011\)](#) Development Control Plan Area, the Mining Lease 1645 (formerly MLA

100) (and any subsequent granted mining leases or tenements), and other areas and lands directly associated with the Project Area. The Project Area is shown in [Schedule 1](#).

- E. The Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) participants who were consulted in the development of this ACHMP were those respondents to formal correspondence and public notices pertaining to this Mount Pleasant Project Area ACHMP. These notifications were issued by RTCA for community consultation meetings conducted through the auspices of the CHWG and held on 15/06/2006, 13/07/2006, 14/08/2006, 11/01/2007, 11/05/2007, 03/08/2007, 13/09/2007, 25/11/2010, 10/02/2011, 12/05/2011, 08/09/2011, 15/12/2011, 8/03/2012, 17/05/2012, 16/08/2012, 22/08/2013, 19/02/2014 and 04/06/2015.
- F. Aboriginal community consultation has occurred primarily through the auspices of the CHWG. Meetings of the CHWG have been held in accordance with the then Department of Environment, Climate Change and Water's Interim Community Consultation Requirements for Applicants (January 2005) and since April 2010 the now Office of Environment & Heritage (OEH) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.
- G. This ACHMP has been developed collaboratively by RTCA and the Registered Aboriginal Parties through the auspices of the CHWG.
- H. OEH has been consulted at all stages in the development of this ACHMP including previous versions from 2007.
- I. This ACHMP has been conditionally approved by the Secretary Department of Planning & Environment (D&PE) on 14 August 2015 (see letter on inside cover).

## Background

Rio Tinto Coal Australia Pty Limited, through Coal & Allied Operations Pty Ltd (Coal & Allied), proposes to develop the Mount Pleasant Coal Mine near Muswellbrook. The Mount Pleasant Coal Mine was granted a development consent DA 92/97 on 22 December 1999, which is valid until 2020. A subsequent development consent modification was granted on 19 September 2011. Under this consent, Coal & Allied is allowed to extract up to 10.5 million tonnes of run-of-mine (ROM) coal a year for a period of 21 years using open cut mining methods. Mining Lease 1645 was granted over the Project Area in January 2010. RTCA has developed this ACHMP pursuant to [DA92/97 as modified and granted on 19 September 2011](#) conditions.

The proposed Mount Pleasant Coal Mine was the subject of an Environmental Impact Statement (EIS) in 1996. The EIS was approved in 1997, with a Development Control Plan (DCP) issued in 1999. The DCP noted that the proposed mine site had been the subject of cultural heritage investigations in 1995. Drawing on the results and recommendations of those investigations, the conditions set in the DCP with respect to Aboriginal cultural heritage included:

1. Cultural Heritage Management Plan was to be prepared that includes any decision made on the management of Aboriginal cultural heritage sites and places of significance, including the management of places that will not be affected by the proposed development program; and
2. Conditions of consents required under the NPW Act are to comply with the above requirement (1).

As noted above, Cultural Heritage investigations were undertaken in 1995, and the DCP accepted the recommendations included in the report of those investigations. While accepting the recommendations in the EIS report and the conditions specified in the DCP, RTCA formed the view that there was a need to undertake a range of supplementary investigations before the ACHMP, and planning for other measures specified in the DCP, could be finalised. These investigations were required for the following reasons:

- RTCA was of the view that although the investigations undertaken in 1995 were of a quality consistent with standard practise at that time, when measured against what it considers current best practise they are not sufficiently comprehensive in their coverage of the proposed Project Area;
- The site locational data was collected prior to well-developed methodologies involving the use of Global Positioning Systems (GPS) and Geographic Information Systems (GIS). RTCA identified several

issues arising from this that had significant implications in reconciling data included in various maps and in various tables in the EIS report, and between these data and that held in relevant OEH databases. This, in turn, was critical to determining what effect the proposed development program will have on identified cultural heritage sites, and in complying with statutory requirements pertaining to such sites;

- RTCA was also of the view that there was a need to provide an opportunity for Aboriginal stakeholders (who would now constitute Registered Aboriginal Parties) to participate in the development of the ACHMP and other DCP-mandated measures, and this could not be done without them being afforded an opportunity to examine the Project Area and the cultural heritage sites found therein.
- RTCA also noted that a narrow definition of Aboriginal cultural heritage was adopted that had a distinct material dimension; and
- It was proposed that these additional investigations would afford the opportunity to ensure that a more inclusive view of the cultural heritage values of the Project Area can be generated in the formulation of the ACHMP.

Consequently, RTCA decided, and the CHWG agreed, that additional systematic investigations of the Mount Pleasant Project Area should be initiated before the parties settle the ACHMP and other measures mandated by the DCP. To this end RTCA initiated a cultural heritage assessment fieldwork program with the intention of conducting Aboriginal cultural heritage assessments over the entire MLA 100 area and any associated infrastructure corridors and other associated lands.

The fieldwork program involved the completion of a series of 100m wide transects across the Project Area aimed at ensuring that a comprehensive survey of the area is conducted. The fieldwork surveys and assessments were carried out jointly by representatives of the Aboriginal community under the auspices of the CHWG (assisted by a Technical Advisor) and RTCA.

All Cultural Heritage objects, sites and places identified during the fieldwork program are recorded using GPS and entered into a project GIS established as part of the program. The precautionary principle was adopted whereby anything that might constitute Cultural Heritage (see Definitions) was recorded, notwithstanding that there might have been doubts in relation to this assignment. A process of verification was to be undertaken to resolve issues where the accuracy of this assignment might be questioned.

In addition, a program of consultation with knowledgeable Aboriginal people was undertaken regarding the significance of the places identified in the Project Area, and the presence of any other cultural places known to those people in the Project Area.

The results of the assessment surveys and other investigations have been documented in reports drafted by the Technical Advisors in consultation with the Aboriginal community. These have been subject of discussions between RTCA and the CHWG. The results have informed the preparation of the ACHMP and the recommendations, once reviewed and settled between RTCA and the CHWG have been incorporated in the ACHMP.

The Mount Pleasant Coal Mine ACHMP was first endorsed by the CHWG in September 2007, subsequently revised and re-endorsed by the CHWG in February 2011 and again in March 2012 when it was updated to include conditions from [DA92/97 as modified and granted on 19 September 2011](#).

The ACHMP is a living document which can be amended from time to time by the agreement of RTCA, the Registered Aboriginal Parties and OEH, with such amendments subsequently submitted and approved by DoPI. The consent conditions of the modified [DA 92/97 \(19 September 2011\)](#) and in the conditions of the Mount Pleasant Coal Mine Stage 1 Aboriginal Heritage Impact Permit (AHIP) already require revisions to the ACHMP.

## Definitions

**Aboriginal Cultural Heritage** means all Aboriginal objects, sites, places, areas and values of archaeological, traditional, spiritual, historical or contemporary Aboriginal significance within the area covered by this ACHMP. This definition is wide and is intended to cover the notion of cultural heritage as set in both state and federal legislation. In practical terms, this definition allows, for instance, recording of places which are archaeological sites (such as artefact scatters, stone arrangements, scarred trees and the like), any places which have traditional stories associated with them, places which are historically important (such as old camps) and places which are important today (such as good food-getting places or places used for recreational purposes). All cultural places and values identified will be accorded equal importance in deliberations.

**Aboriginal Cultural Heritage Management Plan (or ACHMP)** means this Aboriginal Cultural Heritage Management Plan document and its associated schedules, data, information and documentation. This ACHMP constitutes the 'Aboriginal Heritage Management Plan' in conformance with Condition 36 of [DA92/97 \(as modified and granted on 19 September 2011\)](#).

**Aboriginal Object/s** are defined under the *National Parks and Wildlife Act 1974* as 'any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'.

**Aboriginal Stakeholders** means Registered Aboriginal Parties being those individuals, corporations, groups and other entities that are registered for consultation through the auspices of the Upper Hunter Valley Aboriginal Cultural Heritage Working Group.

**CHFOs** (Cultural Heritage Field Officers) means those persons appointed by the Registered Aboriginal Parties through the auspices of the CHWG to implement all those elements of the ACHMP relating to the conservation and management of Aboriginal cultural heritage associated with the Mount Pleasant Coal Mine.

**CHWG** means the Coal & Allied Upper Hunter Valley Aboriginal Cultural Heritage Working Group. The CHWG is the primary entity through which RTCA will communicate and consult with regard to settlement of all matters pertaining to Aboriginal cultural heritage associated with the Mount Pleasant Coal Mine. The CHWG is comprised of Registered Aboriginal Parties who have expressed an interest in the management of Aboriginal Cultural Heritage in the Mount Pleasant Project Area and who participate in meetings,

inspections and correspondence for the purposes of designing and implementing a management program for cultural heritage in the Project Area. Consultation through the CHWG is conducted in accordance with the Aboriginal community consultation requirements as mandated by the OEH or as otherwise required under statutory and/or regulatory processes.

**DCP** means the Development Control Plan [DA92/97 \(as modified and granted on 19 September 2011\)](#) issued for the Mount Pleasant Coal Mine Project Area.

**Ground Disturbance/Disturbing Activity** means:

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

(NB: This definition applies to all land irrespective of whether or not the area has been previously disturbed - e.g. cleared of vegetation)

**Ground Disturbance Permit (GDP)** must be requested and approved before undertaking any work or activity that may disturb ground, such as clearing vegetation, removing top soil, excavating, that can potentially harm cultural heritage and/or environmental values.

**Limit of Disturbance Boundary** means the boundary established for a Ground Disturbance Permit or other approved development area beyond which there is to be NO ground disturbance without further authorisation. This boundary is delineated with markers (e.g. survey pegs, LODB poles, fencing, barricading, signage etc) so that adjacent boundary markers can be clearly identified in either direction.

**Project Area** means the Mount Pleasant Coal Mine as consented under Development Control Plan [DA92/97 \(as modified and granted on 19 September 2011\)](#) and the Mining Lease 1645 (and any subsequent granted mining leases or tenements), and other areas and lands directly associated with the Project Area.

**RTCA** means Rio Tinto Coal Australia Pty Ltd which is a Rio Tinto group company. RTCA wholly owns Coal & Allied Industries Pty Limited. Coal & Allied Operations Pty Ltd is a wholly owned subsidiary of Coal & Allied Industries Pty Limited. Coal & Allied Operations Pty Ltd owns the Mount Pleasant Coal Mine. RTCA provides all management services to Coal & Allied Operations Pty Ltd including cultural heritage management services for the Mount Pleasant Coal Mine.

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

**Traditional Owners** means the Wanaruah/Wonnarua peoples on whose traditional country the Mount Pleasant Coal Mine is located.

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

## Provisions of the ACHMP

**1. Purpose of the ACHMP** - This ACHMP sets out the principles and processes under which Aboriginal cultural heritage will be managed within the Mount Pleasant Project Area.

**2. Consultation** - The CHWG is the primary entity through which RTCA communicates and consults with regard to settlement of all matters pertaining to Aboriginal cultural heritage associated with the Mount Pleasant Coal Mine.

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

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

**3. Cultural Heritage Management Measures Database – ACHMP Schedule 2.** Cultural Heritage Management Measures Database ([Schedule 2](#)) documents the specific management requirements for each cultural heritage site (e.g. object, area or place) that is subject to the ACHMP. The ACHMP Schedule 2 is linked to the Mount Pleasant Coal Mine cultural heritage GIS database and Cultural Heritage Zone Plan and records the management status of each site as management actions are implemented over time. [Schedule 2](#) includes the following information to inform the management of each site:

- a. The Unique Identifier number and AHIMS register number where applicable;
- b. Site Type (e.g. isolated find/s, artefact scatter, scarred tree etc);
- c. Site Description and Values (e.g. number/density and attributes);
- d. Site Extent (e.g. 10m diameter);
- e. Date recorded and technical advisor recording;
- f. Coordinates (GDA94 Zone 56);
- g. Management Option A (if site is NOT disturbed by development); and
- h. Management Option B (if site is to be disturbed by development).

The Cultural Heritage Management Measures Database ([Schedule 2](#)) complements the more comprehensive site information held in the OEH Aboriginal Heritage Information Management System (AHIMS) for each site recorded within the Project Area.

**4. Cultural Heritage Zoning Scheme** - The Mount Pleasant Cultural Heritage Zone Plan (CHZP) controls mine development-related land use activities within the granted Mining Lease, and other lands associated with the Mount Pleasant Project. These zoning controls will include the following zones:

- *CHZP Zone 1 Significant Area* – designated areas to protect significant cultural heritage sites, places or objects such as burials, ceremonial sites, scarred trees, hearths, quarries, grinding grooves, artefact scatters, etc. Access is restricted, and development not allowed until statutory consent (AHIP) obtained and agreed management measures have been implemented. Zone 1 areas may also include Conservation Areas and Environmental Areas established for long term protection where development is not permitted;
- *CHZP Zone 2 Restricted Access Area (Unassessed)* – areas not assessed for cultural heritage where access is restricted as a precautionary measure. Access is restricted and development not allowed until the area has been assessed for cultural heritage, statutory consent (AHIP) obtained, and agreed management measures implemented;
- *CHZP Zone 3 Restricted Access Area (Assessed)* – areas where cultural heritage has been assessed and access is restricted to protect known cultural heritage sites, places and objects. Typically a Zone 3 area encompasses a number of sites over a larger area. Access is restricted and development not allowed until statutory consent (AHIP) obtained and agreed management measures implemented;
- *CHZP Zone 4 Conditional Development Area* – areas where statutory consent (AHIP) have been obtained and all cultural heritage assessment and management measures may or may not have been completed in whole or in part. Development disturbance can be approved as per terms and conditions of a Ground Disturbance Permit where such development does not adversely impact any cultural heritage sites or areas. The GDP conditions may include post-ground disturbance activity monitoring such as for presence of sub-surface cultural materials in areas specified under the ACHMP [Schedule 2](#); and
- *CHZP Zone 5 Approved Development Area* – areas where statutory consent (AHIP) has been obtained, all cultural heritage issues have been addressed and management measures completed. These areas

typically include existing developed mine operations areas, other approved development areas and infrastructure where there are no activity disturbance restrictions. These areas are incorporated within the Project Area Zone 5 Limit of Disturbance Boundary.

**5. Ground Disturbance Permits (GDP)** – No Ground Disturbing Activity may take place on the Mount Pleasant Project Area without the issue of a GDP by duly authorised RTCA personnel for the particular Ground Disturbing Activity. The GDP process is an internal RTCA mechanism that is additional to, but does not obviate, the need to obtain and comply with statutory approvals.

No GDP may be issued unless the area that is subject of the Ground Disturbing Activity has been assessed against the CHZP, the area has been subject of a comprehensive field investigation and any management measures implemented as specified in [Schedule 2](#) of this ACHMP that are pertinent to the area that is subject of the Ground Disturbing Activity.

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

**6. Management of Aboriginal Objects** – The management of collected Aboriginal objects has been considered for both the short and the long term.

Short Term

- a. During the construction phase, collected Aboriginal objects will be stored in a locked temporary cultural heritage storage facility. This facility will be for cultural heritage items exclusively. This will be established within the Project area at the Broomfield Homestead complex, 1100 Wybong Road, Mount Pleasant;

Long Term

- b. Once the Broomfield Aboriginal Cultural Heritage Conservation Area has been established with long term protection status, the OEH will be notified and collected Aboriginal objects may be relocated to a permanent cultural heritage storage facility to be established therein; and/or
- c. If:
  - o long term protection has not been established for the Broomfield Aboriginal Cultural Heritage Conservation Area, or

- the Registered Aboriginal Parties request the relocation of the collected Aboriginal objects into a different nominated Restricted Access/Significant Cultural Heritage/Environmental Area, or
- the Registered Aboriginal Parties request that the collected Aboriginal objects remain in the temporary cultural heritage storage facility, then Coal & Allied will apply to OEH for a Care Agreement for their long term safekeeping. A copy of any Care Agreement is included in [Schedule 3](#).

Any Aboriginal objects (to the extent that they are stone artefacts) that are collected from the Project Area will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010).

## 7. Aboriginal Cultural Heritage Conservation Area.

Condition 33 of [DA92/97 \(as modified and granted on 19 September 2011\)](#) requires that:

The Applicant shall prepare and implement an Aboriginal Heritage Conservation Strategy for the development to the satisfaction of the Director-General. This strategy must:

...

- (d) provide for the establishment and conservation of an off-site Aboriginal cultural heritage conservation area/s that has comparable Aboriginal cultural heritage values (both cultural and archaeological) to the areas that would be developed on site;
- (e) describe the measures that would be implemented to provide appropriate long term security for the proposed Aboriginal cultural heritage conservation areas; and
- (f) include an action plan for the implementation of the strategy.

The detailed measures for the implementation of the strategy are to be outlined in the [Aboriginal] Heritage Management Plan (see condition 36).

Discussion over several years with various Registered Aboriginal Parties identified several possible off-site conservation area options. In 2010 the CHWG identified and endorsed the proposal to establish an Aboriginal Cultural Heritage Conservation Area on land adjacent to the western boundary of ML 1645 to be called the Broomfield Aboriginal Cultural Heritage Conservation Area (Broomfield Conservation Area).

The Broomfield Conservation Area comprises approximately 500ha of freehold land situated on Sandy Creek between Wybong Road and Castlerock Road. A full coverage survey and Aboriginal cultural heritage assessment of the Broomfield Conservation Area identified more than 300 Aboriginal site

locations. The area has been assessed as having comparable Aboriginal cultural heritage values to those that exist within the adjacent Project Area. The former Broomfield homestead complex has been identified as the location for the establishment of a cultural heritage management facility. The Broomfield Homestead facility will incorporate infrastructure to support conservation management activities, community access and storage of cultural materials including scarred trees.

An Aboriginal Heritage Management Strategy specific to Broomfield Conservation Area has been prepared to provide the detailed management arrangements for this area (see [Schedule 13](#)).

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

All personnel undertaking fieldwork will be required to have appropriate generic mine inductions and to participate in any specific Mount Pleasant Coal Mine inductions required by RTCA prior to entry to the mine leases to ensure they have an understanding of relevant legislation and any relevant RTCA operational policies, procedures or plans.

Personnel conducting cultural heritage field work will be required to wear all Personal Protective Equipment as prescribed under the Mount Pleasant Coal Mine Health and Safety procedures.

**9. Cultural Heritage Management Inductions** – The Mount Pleasant Coal Mine Project will include a cultural heritage management module (section) in its mandatory site procedures and safety induction. The induction process will apply to all RTCA personnel and contractors employed by the Mount Pleasant Coal Mine Project.

- RTCA will develop the cultural heritage management induction module in consultation with the CHWG. This will be presented as a component of the mandatory site procedures and safety induction.
- In the event that the CHWG choose not to assist in the development of the cultural heritage management module, this will be developed by RTCA.

- RTCA will engage the CHWG to assist with the presentation of the cultural heritage management module of the mandatory site procedures and safety induction. The CHWG will nominate representative/s for this purpose.
- In the event that the CHWG do not nominate representatives, or are unavailable, the mandatory site procedures and safety induction will be presented by an RTCA officer or contracted trainer.

The cultural heritage management module will, as a minimum requirement, include the following elements:

- a. A statement acknowledging the Wanaruah/Wonnarua people as Traditional Owners of the country on which the Mount Pleasant Coal Mine Project is being developed;
- b. A statement approved by the Registered Aboriginal Parties describing significance of cultural heritage for the Wanaruah/Wonnarua people;
- c. A statement outlining RTCA's respect for the Wanaruah/Wonnarua people (and Aboriginal people generally), their culture, heritage and traditions, and RTCA's commitment to working with the CHWG to minimise the impacts associated with the development of the mine on their cultural heritage;
- d. An overview of the cultural heritage management program implemented at the Mount Pleasant Coal Mine Project area;
- e. A general description of cultural heritage values both the tangible (e.g. material culture such as artefacts) and the intangible (e.g. spiritual);
- f. An overview of the ACHMP and its provisions;
- g. An overview of the CHZP and the Limit of Disturbance Boundary provisions;
- h. An overview of the standard operating procedures associated with Significant Areas, Restricted Access Areas and other CHZP requirements;
- i. An overview of the Ground Disturbance Permit system and the specific requirements associated with cultural heritage management;
- j. The legal provisions governing the management Aboriginal cultural heritage; and
- k. The responsibility and duty of care that each individual has to comply with the cultural heritage management process established for the Mount Pleasant Project Area, and with all relevant provisions of pertinent legislation.

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

**10. Discovery of Human Skeletal Remains** – where human skeletal remains are discovered on the Mount Pleasant Coal Mine the NSW Government sanctioned process for management of skeletal remains will be implemented.

**11. Areas Unassessed for Cultural Heritage** - Areas within the Project Area that are unassessed and are to be the subject of development activity will be treated in the same manner as all other assessed areas, both in terms of assessment survey methodologies and development/implementation of management processes, and are subject to all relevant provisions of this ACHMP. See also Section 36 Discovery of New Finds for details on procedure for recording and reporting newly identified Aboriginal objects or sites.

**12. ‘Spiritual’ Places Verification and Management** – Any places so identified will be subject of the verification and management process outlined in [Schedule 4](#) of this ACHMP.

**13. Scarred Trees Verification and Management** – Any places so identified will be subject of the verification and management process outlined in [Schedule 5](#) of this ACHMP.

**14. Hearths Verification and Management** – Any places so identified will be subject of the verification and management process outlined in [Schedule 7](#) of this ACHMP.

**15. Scarred Trees Removal and Relocation** – Any places so verified that require salvage under the authority of an AHIP shall be managed in accordance with management process detailed in [Schedule 6](#) of this ACHMP.

**16. Sub-Surface Investigations (including Potential Archaeological Deposits)** – Any places identified as requiring this form of management will be subject of the management process outlined in [Schedule 8](#) of this ACHMP

**17. Material Resource Areas (e.g. quarries for stone or ochre)** – Any places identified as requiring this form of management will be subject of the management process outlined in [Schedule 9](#) of this ACHMP.

**18. Controlled Collection of Artefact Scatters** – Any places identified as requiring this form of management will be subject of the management process outlined in [Schedule 10](#) of this ACHMP.

**19. Salvage Collection of Isolated Artefacts** – Any places identified as requiring this form of management will be subject of the management process outlined in [Schedule 11](#) of this ACHMP.

**20. Activity Area Monitoring** – Any places identified as requiring this form of management will be subject of the management process outlined in [Schedule 12](#) of this ACHMP.

**21. Fencing and Barricading Cultural Heritage Sites, Places and Areas**

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

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

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

- f. The cultural heritage site, place or area is designated as a Significant Area or Restricted Access Area; or
- g. The cultural heritage site, place or area is located within 50m of an ongoing active work area; or
- h. The cultural heritage site, place or area may be adversely impacted upon by access, activity, or other human or natural process; and
- i. Hard fencing of the site/s is specified in ACHMP [Schedule 2](#).

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

- Except where otherwise specified in the ACHMP [Schedule 2](#) and/or Ground Disturbance Management Buffers ([Section 23](#)), a minimum 5m buffer around the defined site extent will apply for the purposes of defining the alignment of the fence/barricade (i.e. 10m diameter around an isolated artefact).
- The minimum 5m buffer is defined as the distance between the greatest extent of the site in any particular direction and the fence/barricade line.
- Where specific site conditions or project requirements do not allow space sufficient for a minimum 5m buffer, for example where an existing track, fence, or other physical constraint intersects with the buffer alignment, then the buffer distance will be that which is the greatest practical distance available.
- Sites may be hard fenced or barricaded individually or collectively (i.e. several sites within a single hard fenced or barricaded area)
- Hard fencing is considered fencing of a permanent nature constructed using timber posts or steel pickets and three or more strands of wire, or other fencing materials.
- Barricading is considered fencing of a temporary nature constructed using steel pickets and hi-viz poly-tag line/flag bunting or hi-viz mesh or similar.
- In areas where continuous grazing of livestock occurs stock proof hard fencing is to be installed, for sites where this is specified in the ACHMP [Schedule 2](#).
- All fenced sites will have appropriate signage (see [Section 22](#) below).

**22. Signage for Cultural Heritage Sites, Places and Areas** – All cultural heritage sites, places and areas located within the Project Area will be identified with at least one sign which denotes that the site, place or area is either a Significant Area or Restricted Access Area or Archaeological/Cultural Heritage Site unless otherwise specified in ACHMP [Schedule 2](#) for a particular site, place or area.

**23. Ground Disturbance Management Buffers** – Unless otherwise specified in the ACHMP [Schedule 2](#), a ground disturbance management buffer will apply around each defined site extent. No disturbance is to occur within the buffer area without authorisation under this ACHMP or a RTCA Mount Pleasant Coal Mine e Ground Disturbance Permit.

The management buffer area is defined as the distance between the greatest extent of the site in any particular direction and the external buffer boundary. Buffered areas may be delineated with temporary barricading or with hard fencing where specified in the ACHMP [Schedule 2](#), or ACHMP Fencing and Barricading ([Section 21](#)) or where required as a condition of a Ground Disturbance Permit. Where hard fencing or barricading has been installed around a site in conformance with [Section 21](#), then the fence/barricade alignment will constitute the outer boundary of the ground disturbance management buffer.

Where specific site conditions or project requirements do not allow space sufficient for the standard prescribed management buffer, for example where an existing track, fence, or other physical constraint intersects with the buffer area, then the buffer distance will be that which is the greatest practical distance available.

The standard management buffer radius dimensions for each generic site type are as follows:

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

**24. ACHMP Compliance Inspections** - RTCA will facilitate and resource a process whereby representatives of the CHWG may participate in ACHMP compliance inspections at least twice each year for the life of the mine. RTCA, at its discretion, may initiate ACHMP compliance inspections at other times as it determines are necessary including incident investigations pertaining to alleged procedural breaches of the ACHMP. Where RTCA initiates such inspections it will also invite representatives of the CHWG to participate.

The purpose of the ACHMP compliance inspections is to afford the CHWG, and RTCA:

- a. the opportunity to visit mine operations and mine areas to inspect the Mount Pleasant Coal Mine's operational compliance with the ACHMP provisions and Ground Disturbance Permit procedures;
- b. to inspect and monitor the condition and management of various sites; and
- c. to review the effectiveness and performance of the ACHMP provisions in the management of cultural heritage at the mine.

Reports on the twice yearly inspections, and other inspections, will be drafted by RTCA with the assistance of the Stakeholder representatives. The reports will be presented to the CHWG. An annual report endorsed by the CHWG will be incorporated into the Mount Pleasant Coal Mine Annual Environmental Management Report. This Report, and the reports of the site inspections will be provided to DoPI and OEH on an annual basis.

The ACHMP compliance inspections will involve the following elements:

- a. RTCA and the CHWG will settle a ToR for each ACHMP compliance inspection specifying the area to be inspected and methodology to be adopted;
- b. The CHWG may nominate up to three (3) representatives to assist in the conduct of ACHMP compliance inspections;
- c. RTCA may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to participate in the ACHMP compliance inspections;
- d. An ACHMP compliance inspection report pro-forma will be completed for the nominated inspection areas and signed by the Aboriginal representatives and Technical Advisor;
- e. The ACHMP compliance inspection report pro-forma will note the outcomes of the inspections including evidence of compliance and non-compliance with ACHMP provisions, recommendations on modifications and improvements to management provisions, recommendations on corrective actions, and other relevant comments associated with the ACHMP provisions;

- f. RTCA and the CHWG will review any recommendations arising from the compliance inspections and may agree to adopt any or all recommendations, or make such other measures they deem appropriate to address any issues raised in the compliance inspections; and
- g. Where RTCA and the CHWG agree to any recommendations or other measures, then RTCA will amend this ACHMP in consultation with OEH, and seek DoPI's approval on the amendments to the ACHMP.

## **25. Confidentiality**

**25.1 Confidential information** - The following information is confidential information:

- a. information (including but not limited to any reports, correspondence, photographs, data or technical specifications provided verbally, in writing or digitally) provided by, or compiled under a relevant Terms of Reference for the purposes of developing this ACHMP, or as required by this ACHMP; and
- b. information concerning:
  - (i) RTCA or any Related Body Corporate,
  - (ii) the Project,
  - (iii) RTCA 's operations, or
  - (iv) any Aboriginal cultural heritage, Significant Objects or Significant Places.

**25.2 Non-disclosure** - RTCA will not disclose any of the confidential information referred to in this section except:

- a. to officers, employees, members, directors, servants, agents, contractors and sub-contractors of RTCA whose duties require such disclosure;
- b. to RTCA's accountants, technical advisers, legal advisers, auditors or other professional advisers, or to RTCA's financiers or to a recognised stock exchange on which a party's are listed;
- c. to the extent necessary to comply with any Applicable Laws, or where disclosure is required by any Applicable Laws;

- d. where disclosure is necessary in performing obligations or enforcing rights under this ACHMP;
- e. to the extent that such information is already part of the public domain otherwise than by breach of this section;
- f. as expressly permitted under this ACHMP;
- g. where RTCA is required to meet internal governance or decision making processes in relation to developing, authorising, implementing or operating this ACHMP;
- h. where disclosure of the information is required to comply with any requirement of any Government Agency or other regulatory body (including the Australian Stock Exchange) and RTCA uses its reasonable endeavours to minimise such disclosure;
- i. for any due diligence study by a prospective assignee; or
- j. in defending any legal action where Aboriginal cultural heritage is relevant.

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

**25.4 Data and information access for Aboriginal community** - Access by members of the Aboriginal community to the Cultural Heritage Database, including sites data, assessment and salvage reports and other associated information, will be as authorised by the CHWG and in conformance with either the conditions of a valid AHIP consent, or any Care Agreement as approved from time to time by the OEH (see [Schedule 3](#)).

## **26. Reconciliation of Cultural Heritage Data**

**26.1 Background** - Three data sets of Cultural Heritage exist for the area covered by this ACHMP. These include:

- the dataset compiled by Elizabeth Rich in 1995 (EIS study);
- the AHIMS database maintained by OEH; and
- the RTCA Mount Pleasant Cultural Heritage database.

One of the purposes of the studies commissioned by RTCA under the provisions of relevant ToR has been to compile a dataset which comprehensively describes the cultural heritage values of the Project Area. (RTCA considers the Rich and AHIMS datasets to be both limited in their geographical coverage and constrained in their utility because of limitations of the geospatial technology deployed in the fieldwork undertaken by Rich or in the transmission of Rich's data to the AHIMS database).

RTCA's recordings have been undertaken using technology that has much greater accuracy and reduced tolerance for error in geospatial recording.

RTCA has reviewed the issue of data inconsistencies with OEH. RTCA and OEH have agreed that RTCA's dataset constitutes the benchmark for the nature and distribution of Cultural Heritage in the area covered by this ACHMP.

RTCA has undertaken a process to reconcile inconsistencies between its Cultural Heritage database and that maintained for the area through the AHIMS database. With OEH's concurrence, the AHIMS database has been updated using RTCA's database to provide the most accurate information on all sites within the Project Area.

**26.2 Definitive Dataset** - For the purposes of management of Cultural Heritage under this ACHMP the definitive dataset will be [Schedule 2](#). Schedule 2 will be subject to revision based on the results of verification processes contemplated under this ACHMP, further investigation of areas that have not been subject of comprehensive field investigation at the time of the ratification of this ACHMP by OEH, where any Cultural Heritage is identified in the course of monitoring or management, and subsequent to the implementation of the management measures as specified within [Schedule 2](#).

## **27. Procedural Breaches and Urgent Relief**

**27.1 Procedural Breaches** - Any alleged Procedural Breach of this ACHMP will be investigated in accordance with the site incident investigation procedures.

**27.2 Urgent Relief** - RTCA accepts that:

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

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

**28. Variations to the ACHMP** – the ACHMP may be varied by RTCA where:

- a. Additional Cultural Heritage information pertaining to the area covered by the ACHMP is collated either during further investigations or in the course of monitoring or in the implementation of management measures;
- b. Either verification processes provided for in this ACHMP have been undertaken, or management measures provided for in this ACHMP have been implemented, then [Schedule 2](#) may be amended to note the verification processes have been undertaken and the outcomes of those, and that the management measures have been completed consistent with the requirements of the ACHMP;
- c. RTCA and the CHWG agree that recommendations or other measures arising from compliance inspections and incident investigations should be implemented for the management of Cultural Heritage. This will be conditional on OEH agreeing to the recommendations or other measures; and
- d. RTCA and the CHWG agree to amend any recommendations in [Schedule 2](#) subject to the agreement of OEH to such amendments.

**29. Statutory Permits and Consents**

- a. The provisions of this ACHMP and attached Schedules will be used in preparation of any applications made for AHIPs under Part 6 of the *National Parks and Wildlife Act 1974*;
- b. All activities that may impact Cultural Heritage will have the necessary permit/s, consent/s (e.g. AHIP consent) or other relevant authority required to undertake such impacts prior to implementing these activities;
- c. RTCA commits to comply with all conditions specified in any and all AHIPs granted for the Project; and
- d. This ACHMP, with any modifications stipulated in any AHIP, describes the measures that will be implemented to comply with any AHIP granted for the Project.

### **30. Implementation of Management Measures**

The implementation of all management measures and provisions of this ACHMP will be conducted under a ToR developed in consultation with the CHWG.

### **31. Terms of Reference (ToR)**

Cultural heritage assessments, mitigation and other management activities are formalised through a ToR. A ToR is a scope of works document that provides details of the development activity and potential impacts, the scope and scale of the cultural heritage activities and methodology (e.g. survey, salvage mitigation etc), description of areas for investigation, management requirements, outcomes of investigations (reporting), personnel required, selection of Technical Advisors, work dates, hours and fees, site induction requirements, occupational health and safety issues, administrative and logistical arrangements, communications, data management and sensitive information management protocols, budgets and contact details.

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

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

### **32. Administrative Arrangements:**

#### **32.1 Administrative Coordinators**

RTCA will engage Upper Hunter Valley Aboriginal community or private incorporated entities as Administrative Coordinators for the provision of administrative services associated with RTCA's cultural heritage management program at the Mount Pleasant Coal Mine.

Administrative coordination and project support services may include sub-contracting the employment of CHFOs to be engaged in cultural heritage field work, supervising work rosters, payment of wages, allowances, taxes, superannuation and insurances, organising community meetings and assisting with community consultation associated with RTCA's cultural heritage programs.

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

### *32.2 Aboriginal Cultural Heritage Field Officers*

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

CHFOs will be selected from the RTCA CHWG Aboriginal Party/Stakeholder Register and be engaged in consultation with the CHWG. CHFOs will be selected by CHWG Aboriginal Party/Stakeholder rostered for work with the intention of providing an equitable opportunity for each registered CHWG Aboriginal Party/Stakeholder to be involved in the cultural heritage management program. However, as a contingency, where CHFOs are not available through the Register, RTCA may engage CHFOs through an agent to provide these services on its behalf.

### *32.3 Technical Advisors*

Where required a Technical Advisor will be engaged to assist the Aboriginal CHFOs during their investigations or management activities and provide technical advice on the type, form, extent, archaeological significance and other aspects of cultural heritage as requested by the field officers. The Technical Advisor will ensure that their assessment and reporting activities are conducted in conformance with the *OEH Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (24 September 2010)* and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (April 2011)* and any additional requirements specified in a ToR and/or this ACHMP. The Technical Advisor will also record details of the cultural heritage identified by

the CHFOs in collaboration with the RTCA Data Management Officer. The Technical Advisor will provide a report on the outcomes of these investigations as specified in a ToR or other reporting brief as well as the completion and submission of AHIMS site recording cards.

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

RTCA, on behalf of the CHWG, has established a Register of Technical Advisors from which it will select Technical Advisors. RTCA also reserves the right to select and engage Technical Advisors that RTCA deem suitably qualified and experienced to undertake the duties of Technical Advisor, either engaged on the behalf of the CHWG or specifically for RTCA where required.

#### *32.4 Data Management Officer*

The Data Management Officer is engaged by RTCA and is responsible for directing the survey transects as per the agreed survey methodology and electronically recording all cultural heritage objects, sites and places identified by the Cultural Heritage Field Officers and/or Technical Advisor. The Data Management Officer will enter this information into the Mount Pleasant Coal Mine GIS. The Data Management Officer will generate all project maps and survey and site recording, mitigation and management data for RTCA and the CHWG.

### **33. Cultural Requirements**

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

### **34. Aboriginal Stakeholder Access to the Project Area**

The Project Area constitutes an active mining area and as such is subject to coal mining, occupational health and safety and other legislation and regulation and RTCA procedures regarding access and occupational health and safety. Reasonable access to the site will be made available to the Registered Aboriginal Parties stakeholders throughout the development of the

Project conditional upon satisfying relevant legislation, RTCA site rules and the following requirements:

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

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

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

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

Any decision made by RTCA with respect to an application made for a visit to the Project Area, will not be subject to review.

RTCA will notify the CHWG of all applications for visitation to the Project Area and their decision in that matter.

### **35. Minimisation of Blasting Impacts**

RTCA will determine the nature and risks of potential impacts of blasting activities upon Aboriginal objects within the vicinity of the Project Area.

Consistent with the results of that risk assessment, RTCA will implement appropriate management measures consistent with the ACHMP for the relevant class of cultural heritage (which may include the collection / removal of Aboriginal objects deemed at risk).

Additionally, RTCA will implement a program of monitoring at selected locations associated with Aboriginal objects to determine any impacts resulting from blasting activities. Should this show the initial risk modelling requires amendment, such amendment will be made and management measures, consistent with the ACHMP for the relevant class of cultural heritage, implemented as required.

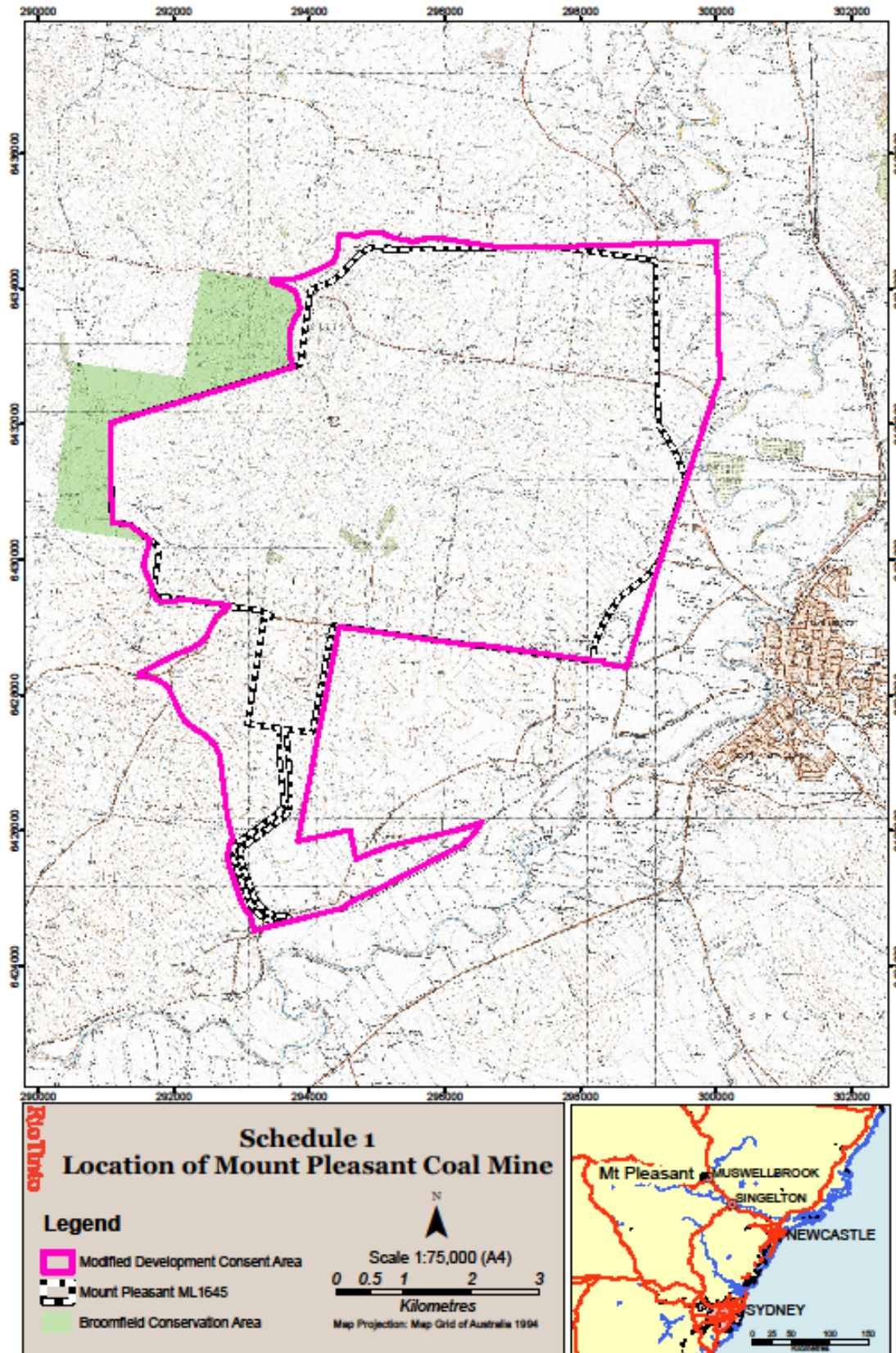
## **36. Discovery of New Finds**

All newly identified Aboriginal sites within the Project Area are to be reported to the Health, Safety, Environment & Communities team. An OEH AHIMS site card is to be completed for each newly identified site prior to the undertaking of any agreed management measures at such sites.

Newly identified Aboriginal sites will be protected with a 20m buffer around the site until RTCA and the Registered Aboriginal Parties have agreed, through the CHWG, on the site type, extent and the management measure most appropriate to manage the site as detailed within the ACHMP.

All newly identified Aboriginal sites will be physically protected by the implementation of the procedures specified in [Section 21 \(a-i\)](#) (Fencing and Barricading).

## Schedule 1 - Location of the Mount Pleasant Coal Mine



## Schedule 2- ACHMP Cultural Heritage Management Measures Database

This Schedule documents the specific management requirements for each cultural heritage site (e.g. object, site or place) that is subject to this ACHMP.

The ACHMP Schedule 2 Cultural Heritage Management Measures Database is a 'live' sites register and management measures database. New sites will be added to the database as further assessments are conducted or as otherwise identified during construction and operations. The database includes the management measures to be implemented for each site and will be updated as management measures are implemented or revised (e.g. when sites are salvaged under an AHIP).

The ACHMP Schedule 2 Cultural Heritage Management Measures Database is a core component of the Mount Pleasant Coal Mine GIS and linked to the Project Cultural Heritage Zone Plan and Ground Disturbance Permit system.

### **Schedule 3 - Care Agreement**

All collected cultural heritage material will be managed through application of either the conditions of a valid AHIP consent, or any Care Agreement as approved from time to time by the OEH.

#### **Schedule 4 - Spiritual Places Verification and Management**

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

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

## **Schedule 5 - Scarred Trees Verification and Management**

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

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

## **Schedule 6 - Scarred Trees Removal and Relocation**

A process will be implemented for the removal, relocation, storage and conservation of scarred trees where this is required to accommodate development activities. The RTCA Scarred Tree Relocation Procedures will provide guidance for the work procedures and to accommodate any specific management requirements as detailed in the Scarred Trees Verification pro-forma for each tree.

Relocated scarred trees will be stored in a manner consistent with the RTCA Scarred Tree Relocation Procedures and through application of either the conditions of a valid AHIP consent, or any Care Agreement as approved from time to time by the OEH.

## Schedule 7 - Hearths Verification and Management

A process will be implemented to verify the cultural status of all recorded hearths. The cultural heritage assessment survey process operates on a precautionary principle and all identified hearths that may be of cultural origin are recorded. The purpose of the verification process is to determine whether or not hearths are of traditional Aboriginal cultural origin so that appropriate management measures can be implemented. The verification process will include the following provisions:

- a. The CHWG may nominate up to three (3) representatives to assess each potential hearth for its cultural status (or more than three where circumstances require and with the agreement of RTCA);
- b. The CHWG may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to assist them with their cultural assessment, with RTCA's agreement not unreasonably withheld;
- c. The Mount Pleasant Coal Mine may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to provide advice to RTCA on the cultural status of hearths;
- d. A pro-forma assessment sheet will be completed for each hearth and signed by the CHWG representatives and Technical Advisors;
- e. The pro-forma assessment sheet will note the outcome of the assessment and denote the cultural status of the hearth, being either of Aboriginal cultural or not of Aboriginal cultural origin;
- f. In the event that a consensus is not reached on the cultural status of the hearth, an independent Technical Advisor agreeable to all parties will be engaged to make a determination on the status of a hearth. This decision will be binding on all parties; and
- g. The verification team will also provide management recommendations specific to each hearth including whether or not the hearth should be excavated, and where viable, if carbon material samples can be collected for possible  $^{14}\text{C}$  or other suitable dating analysis.

## Schedule 8 - Sub-Surface Investigation Areas

As a general principle sub-surface investigations will be limited to sites and areas specifically identified in the ACHMP [Schedule 2](#) as locations where such material is expected to be found (i.e. recorded PAD areas) or where development activities lead to the identification of sub-surface materials. Specific sub-surface investigations methodologies will be formulated for each site or area requiring this work as identified in the ACHMP [Schedule 2](#) but will be consistent with Requirement 16 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010)

Sub-surface investigation methodologies may include any of the following measures as specified as the most appropriate management measure/s for a particular site as identified in [Schedule 2](#):

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

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

As a general principle material resource areas will be subject to a controlled collection methodology unless otherwise specified in the ACHMP [Schedule 2](#) (e.g. if they lie in a restricted access area; if it is recommended that controlled collection is unnecessary). A controlled collection methodology may include any of the following measures but are to be specifically defined for each material resource area to suit the collection requirements of each site:

- a. Where collection does not require a grid collection methodology, collection will be conducted in such a manner as the parties agree is appropriate to ensure all cultural materials are collected from the site;
- b. Where the controlled collection methodology involves a grid collection method, the extent and boundary of material resource area extent collection will be delineated by marker pegs and string lines;
- c. If the material resource area is to be sub-divided into grid cells for collection then an alpha numeric grid numbering system will be adopted;
- d. The material resource area extent collection boundary and grid cells dimensions will be those determined by agreement between RTCA and the Technical Advisor engaged to assist with the controlled collection, taking account of data about the area contained in any report or ACHMP [Schedule 2](#); and
- e. Materials will be collected in a manner that is consistent with the agreed mitigation methodology specified in the ACHMP [Schedule 2](#) and as defined in a Terms of Reference, with the to include a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or
- f. Materials will be stored in conformance with either the conditions of a valid AHIP consent, or any Care Agreement as approved from time to time by the OEH. Additionally, any Aboriginal objects (materials to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (24 September 2010)*.

## Schedule 10 - Controlled Collection of Artefact Scatters

As a general principle artefact scatters will be subject to a controlled collection methodology unless otherwise specified in the ACHMP [Schedule 2](#). A controlled collection methodology may include any of the following measures but which are to be specifically defined for each artefact scatter to suit the collection requirements of each site. For example, the overall dimensions of the collection area and dimensions of the grid collection cells will vary from site to site:

- a. The extent and boundary of the artefact scatter to be the subject of controlled collection will be delineated by marker pegs and string lines;
- b. If the scatter area is to be sub-divided into grid cells for collection then an alpha numeric grid numbering system will be adopted;
- c. The scatter extent collection boundary and grid cells dimensions will be those determined by agreement between RTCA and the Technical Advisor engaged to assist with the controlled collection, taking account of data about the area contained in any report or ACHMP [Schedule 2](#); and
- d. Materials will be collected in a manner that is consistent with the agreed mitigation methodology specified in the ACHMP [Schedule 2](#) and Terms of Reference. These are to include a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or
- e. Materials will be stored in conformance with either the conditions of a valid AHIP consent, or any Care Agreement as approved from time to time by the OEH. Additionally, stone artefacts will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010).

## Schedule 11 - Salvage Collection of Isolated Artefacts

As a general principle isolated artefacts will be subject to a salvage collection methodology unless otherwise specified in the ACHMP [Schedule 2](#). A salvage collection methodology may include any of the following measures:

- a. Each isolated artefact or designated site group of isolated artefacts will be collected in a manner that is consistent with the agreed mitigation methodology specified in the ACHMP [Schedule 2](#) and Terms of Reference including a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or
- b. Materials will be stored in conformance with either the conditions of a valid AHIP consent, or any Care Agreement as approved from time to time by the OEH. Additionally, stone artefacts will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010).

## Schedule 12 - Activity Area Monitoring

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

- a. Is specified for a particular site, place or area in the ACHMP [Schedule 2](#); or
- b. Where sub-surface investigations indicate that activity area monitoring is required and agreed upon by all parties to the ACHMP; or
- c. Where ground disturbance activities reveal sites, places or areas that warrant activity area monitoring.

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

Activity area monitoring will consist of the following:

- d. The CHWG may nominate up to three (3) representatives to conduct activity area monitoring for specified area/s (or more than three where circumstances require and with the agreement of RTCA);
- e. The Mount Pleasant Coal Mine may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to participate in the activity area monitoring process;
- f. An activity area monitoring pro-forma assessment sheet will be completed for each area and signed by the CHWG representatives and Technical Advisors;
- g. The pro-forma assessment sheet will note the outcome of the activity area monitoring and note further management actions to be or concurrently implemented such as salvage collection; and
- h. Materials will be stored in conformance with either the conditions of a valid AHIP consent, or any Care Agreement as approved from time to time by the OEH. Additionally, any Aboriginal objects (materials to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (24 September 2010)*.

## Schedule 13 - Aboriginal Heritage Conservation Strategy (AHCS)

### 1. Introduction and Background

The initial concept of an Aboriginal archaeology conservation area originated with the conditions attached to the development consent granted for the Mount Pleasant Coal Project in 1999. From that time and through to the present, there has been ongoing discussion with various Registered Aboriginal Parties exploring several possible off-site conservation area options for the Project. In early 2010 Coal & Allied's Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) endorsed the assessment of the proposed Broomfield Aboriginal Cultural Heritage Conservation Area (Broomfield Conservation Area). Between March and May 2010 a comprehensive Aboriginal cultural heritage and archaeological assessment surveys were conducted over the entire area. In July 2010 the CHWG inspected the proposed Broomfield Conservation Area to assess first hand its attributes and suitability as an Aboriginal archaeological and cultural; heritage conservation area. At a subsequent meeting of the CHWG held in [November 2010](#), the working group formally endorsed the proposal to nominate the Broomfield Conservation Area as the Aboriginal archaeological and cultural heritage off-set area for the Mount Pleasant Coal Project.

The Broomfield Conservation Area is comprised of approximately 487ha of freehold land owned by Coal & Allied and is situated immediately adjacent to the western boundary of ML 1645. The attributes of the Broomfield Conservation Area are discussed further in Section 3 below.

### 2. Development Consent Conditions

With respect the development of this AHCS, conditions 33 and 34 of [DA92/97 \(as modified and granted on 19 September 2011\)](#) requires that:

33. The Applicant shall prepare and implement an Aboriginal Heritage Conservation Strategy for the development to the satisfaction of the Director-General. This strategy must:
  - (a) be prepared by a suitably qualified and experienced persons whose appointment has been endorsed by the Director-General;
  - (b) be prepared in consultation with OEH and the Aboriginal stakeholders;
  - (c) be submitted to the Director-General for approval prior to carrying out any development on site;
  - (d) provide for the establishment and conservation of an off-site Aboriginal cultural heritage conservation area/s that has comparable Aboriginal cultural heritage values (both cultural and archaeological) to the areas that would be developed on site;

- (e) describe the measures that would be implemented to provide appropriate long term security for the proposed Aboriginal cultural heritage conservation areas; and
- (f) include an action plan for the implementation of the strategy.

The detailed measures for the implementation of the strategy are to be outlined in the [Aboriginal] Heritage Management Plan (see condition 36).

*Note: the Aboriginal cultural heritage conservation area/s may be combined with any similar offset/conservation area required for the development under Commonwealth legislation, subject to suitably offsetting the cultural heritage impacts of the development.*

- 34. Within 2 years of the approval of the Aboriginal Heritage Conservation Strategy, the Applicant shall demonstrate to the satisfaction of the Director-General, that it has made suitable arrangements to provide appropriate long term security for the Aboriginal cultural heritage conservation area/s in the Aboriginal Heritage Conservation Strategy.

The remainder of this schedule addresses these conditions.

### **3. Broomfield Conservation Area**

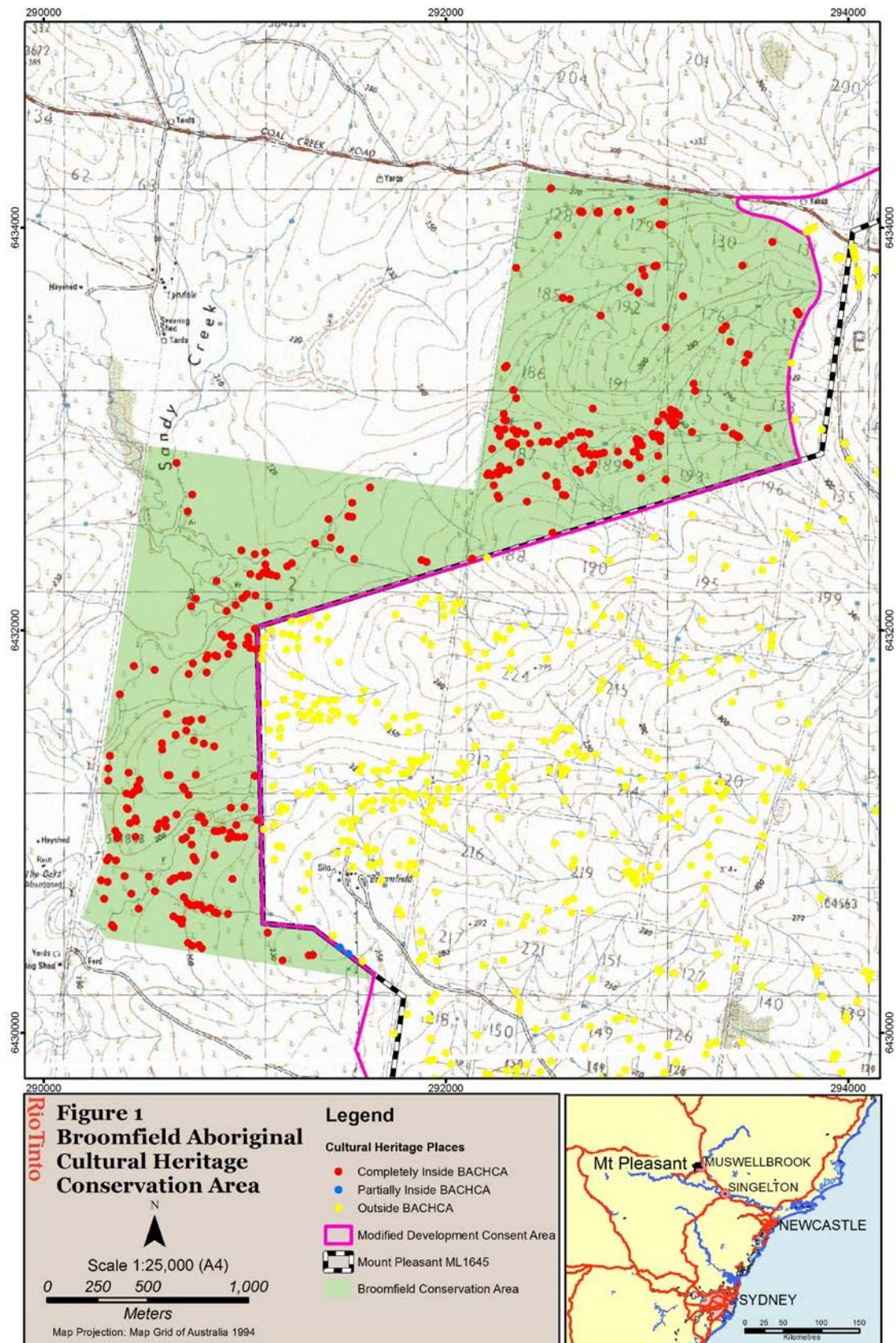
#### **3.1 Description**

The Broomfield Conservation Area comprises approximately 487ha of freehold land situated on Sandy Creek between Wybong Road and Castlerock Road (Figure 1). A comprehensive and systematic Aboriginal cultural heritage assessment of the Broomfield Conservation Area identified more than 300 Aboriginal site locations. The area has been assessed as having comparable Aboriginal cultural heritage values to those that exist within the adjacent Project Area.

#### **3.2 Aboriginal Cultural Heritage and Comparability with the Broader Project Area**

The full results and discussions from the formal cultural heritage investigation and assessment of the Broomfield Conservation Area are presented in [Scarp 2010](#). The following is provided here by way of summary:

- Aboriginal cultural heritage was identified and recorded at 327 individual locations;
- place types included stone artefact scatters; isolated stone artefact/s; scarred trees and extensive areas of potential subsurface archaeological deposits;
- a total of at least 2,370 stone artefacts were identified and recorded;



- silcrete dominated the stone artefact assemblage with considerably smaller amounts of indurated mudstone, chert, basalt, quartzite, quartz, porcellanite, chalcedony, petrified wood and other volcanic materials also noted;
- artefact types were generally unmodified flakes but a range (some 14% of those analysed) indicated that they had been used. These include a range of backed artefacts, blades, a burin and a single basalt axe head.

As part of this report, Scarp was requested to undertake a comparative analysis of the proposed Broomfield Conservation Area with the Aboriginal cultural heritage places previously identified and recorded throughout the remaining portions of the Project Area. In undertaking this they directly compared the results of all six stages of fieldwork undertaken. A series of attributes were used in this analysis including:

1. Abundance of Stone Artefacts. The numbers of stone artefacts per square metre across each stage area was calculated based on the gross numbers of stone artefacts recorded within each. Some 2,370 stone artefacts were identified within the Broomfield Conservation Area. This equated to 4.7 stone artefacts per hectare. While almost 3,500 stone artefacts were recorded throughout the Stage 1-5 areas (i.e. within the overall mining area), this equated to an average stone artefact density of 1.3 per hectare. Across the 5 stage areas this ranged from 0.19 to 2.26.
2. Types of Cultural Heritage Places. This was measured in several ways. The first examined the relative abundance of stone artefacts within each of the individual places identified and recorded. An arbitrary cut-off of 10 artefacts within a place differentiated between high and low frequency places for the purposes of this analysis. This showed that the Broomfield Conservation Area, with some 24% of places recorded, clearly possessed a much higher frequency of larger lithic scatters than the other areas investigated where this ranged from 1.5-12.3% (and averaging 7.2% of places).

Again at the global level, the analysis compared the ascribed archaeological significance for places across the fieldwork stage areas. This indicated two things: firstly that the Broomfield Conservation Area contains a far higher frequency of places that are either high or medium archaeological significance; and, secondly that, despite this, there is a broadly corresponding frequency of places of low archaeological significance.

Finally, comparison of the ascribed place-type (i.e. stone artefact scatter, scarred tree, isolated finds, other) with reference to their overall size was also conducted. This showed that the relative abundance of the main place-types as present within the Conservation Area generally correlated with those recorded within the other fieldwork stage areas.

3. Potential Archaeological Deposits (POAD). Over 30% of all cultural heritage places recorded during the assessment of the Broomfield Conservation Area featured the potential for archaeological deposits. This result is very high in comparison to the other fieldwork stage areas as assessed where it is only in stages 1 and 2 that POAD were identified.

During stage 1 a single POAD was identified. This POAD covered an area of just 15m x 15m (225m<sup>2</sup>). In stage 2, 8 POAD are detailed in tables at the end of the report. They consist of three instances of POAD running along both sides of second order creeks (6 individually recorded POADs) and two instances of POAD found on just one creek bank. The largest area of POAD identified was 8,400m<sup>2</sup> whilst the smallest was 5,000m<sup>2</sup> (indeed 6 of the POAD were this size). The total area of POAD identified was some 4.4 hectares, representing 0.5% of the total Stage 2 assessment area.

The proposed Broomfield Conservation Area assessment recorded a total of 36 POAD areas. These ranged in size from 400m<sup>2</sup> to 130,000m<sup>2</sup> (13 hectares) with the average extending across 1.4 hectares. The total area of POAD is 50.34 hectares which represents almost 10% of the proposed Broomfield Aboriginal Cultural Heritage Conservation Area. Scarp contended that the principle reason that the POAD data is of such magnitude higher in the Broomfield Conservation Area as compared with the other assessment areas relates to its geomorphology and hydrology. Almost 40% of the Broomfield Conservation Area is comprised of drainage areas associated with 2nd and 3rd order drainage channels. It is in this that the Broomfield Conservation Area is notably different from the remainder of the other Stage areas inspected, where similar landscape conditions were estimated as being less than 5%.

On the basis of this comparative analysis, Scarp's conclusions are instructive:

*The results of the basic comparative [sic] analysis completed indicate that the Mount Pleasant ACHCA [the term used for the Broomfield Conservation Area within the Scarp report] possesses [sic] attributes in terms of the archaeology that are greater than the surrounding development assessment areas (when examined generally). . . . we consider that the ACHCA*

*area can be assessed as being greater than the average of the other areas on the following basis;*[sic]

- *There is a much greater concentration of sites*
- *Many sites are more complex*
- *Many sites have a rich raw material assemblage*
  
- *There are more and larger instances of potential archaeological deposits*
- *Sites are of generally higher archaeological significance.*

It will be noted that there are no places of traditional or historical cultural significance (contra archaeological sites which are of scientific and cultural significance) in the Broomfield Conservation Area. This poses no problems with respect to comparability as no such places were identified within the broader Project Area.

It has been accepted more generally that the Broomfield Conservation Area has not only met but significantly exceeded the conditions with regard comparability. As it is intended that this area will be afforded long-term protection from development activities, these values will similarly be so protected.

### **3.3 Management of Aboriginal Cultural Heritage**

The management of Aboriginal cultural heritage (areas, objects and values) within the Broomfield Conservation Area will be undertaken consistently with the principles, processes and actions outlined in the previous sections of the ACHMP and as otherwise developed in consultation with the CHWG.

## **4. Long Term Security and Management of Aboriginal Cultural Heritage**

Options for providing for the long-term security of the proposed Broomfield Conservation Area are being investigated by Coal & Allied in consultation with the Department of Planning and Environment and other parties with interests in the area.