

MANAGEMENT PLAN

ABORIGINAL HERITAGE MANAGEMENT PLAN – FINAL



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Key Contact: Manager Approvals, Land, Access and Heritage

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1. Acknowledgment

Hunter Valley Energy Coal Pty Ltd (HVEC) acknowledges the Traditional Custodians of the land, the Wanaruah/ Wonnarua people. HVEC pays its respect to all Elders past, present and emerging.

The Mt Arthur Coal (MAC) mine has operated since the 1960's. The cultural knowledge shared by the Wanaruah/ Wonnarua people for over five decades, has assisted in ensuring that Aboriginal cultural heritage values are appropriately captured in approval documents and are adequately incorporated in the day to day management of the mine.

HVEC wishes to express its gratitude and a deep appreciation to the generations of Wanaruah/ Wonnarua people who have been involved in the ongoing management of Aboriginal cultural heritage at MAC.

2. Our Approach at BHP

At BHP we respect the rights of Indigenous Peoples and acknowledge their right to maintain their culture, identity, traditions and customs. BHP commits to the 2013 International Council on Mining and Metals (ICMM) Position Statement on Indigenous Peoples and Mining. This frames our approach to engaging with Indigenous Peoples with respect to new operations or major capital projects that are located on lands traditionally owned by or under customary use of Indigenous Peoples and which are likely to have significant adverse impacts on Indigenous peoples. This commitment includes:

- Undertaking participatory and inclusive social and environmental impact assessments.
- Seeking to agree on and document engagement and consultation plans with potentially impacted Indigenous Peoples.
- Working to obtain the consent of Indigenous Peoples to BHP activities consistent with the ICMM Position Statement.

This commitment will be satisfied through compliance with domestic laws or completion of host government regulatory processes where they are consistent with the objectives of the ICMM Position Statement as determined by the BHP Chief Legal Counsel. Where the consent of Indigenous Peoples is not forthcoming despite the best efforts of all parties, in balancing the rights and interests of Indigenous Peoples with the wider population, governments might determine that a project should proceed and specify the conditions that should apply. In such circumstances, BHP will determine whether it will remain involved with a project.

Please refer to **Appendix 1** for the full BHP Indigenous Peoples Policy Statement.

3. Purpose

This Aboriginal Heritage Management Plan (AHMP) has been prepared to satisfy HVEC's obligations for the care and management of Aboriginal cultural heritage at the MAC mine.

The AHMP has been prepared in consultation with HVEC's Registered Aboriginal Parties (RAPs) and in accordance with requirements set out Planning Approval PA09_0062 (as Modified on 26 September 2014) specifically, Schedule 3, Condition 45, and Planning Approval PA06_0091 (granted on 2 December 2008) specifically, Schedule 3, Condition 11.

The objectives of this AHMP are to:

- facilitate the involvement of the Wanaruah/ Wonnarua people, represented by the RAPs, in the decision making process for the ongoing monitoring and management of Aboriginal cultural heritage at MAC;
- minimise the impacts of HVEC's operations on Aboriginal cultural heritage;
- achieve cultural heritage management outcomes which RAPs consider acceptable;
- continue effective engagement through collaboration and open and transparent communication with the RAPs, to further enhance the relationship between the RAPs and HVEC; and
- comply with the requirements of the NSW *National Parks and Wildlife Act 1974* and the NSW *Environmental Planning and Assessment Act 1979* and HVEC's Planning Approvals.

4. Project Description

HVEC operates the MAC mine Complex, which consists of approved open cut and underground mining operations, coal handling and preparation plant, and a rail loop and associated rail loading facilities. MAC is located approximately 5 kilometres south west of Muswellbrook within the Muswellbrook Shire Local Government Area (LGA) in the Upper Hunter Valley of NSW.

The Traditional Custodians of the land on which HVEC operates, are the Wanaruah/ Wonnarua people.

5. Requirements of the AHMP

5.1 Statutory Requirements

The extent of the area covered by this AHMP is shown in **Appendix 5** and includes all land associated with mining purposes within the 2009 environmental assessment boundary (EA Boundary), within approval (PA09_0062) and the Thomas Mitchell Drive and Saddlers Creek Biodiversity Conservation Areas.

In accordance with HVEC's consolidated open cut planning approval (PA09_0062), as modified, and the HVEC Underground Planning approval (PA06_0091), this AHMP includes all of the items set out in **Table 1** below.

Table 1: Project approval conditions as they relate to Aboriginal cultural heritage

Condition of Approval (CoA)	AHMP scope item	Addressed in this AHMP
PA09_0062, Schedule 3, Condition 45	A plan of management for the Thomas Mitchell Drive Offsite Offset Area (TMD)	Section 10.2
	A program/procedures for: <ul style="list-style-type: none"> salvage, excavation and/ or management of Aboriginal sites and potential Archaeological deposits within the project area disturbance area; protection and monitoring of Aboriginal sites outside the project disturbance area, including the scar tress and axe grinding grooves identified on site; managing the discovery of any new Aboriginal objects or skeletal remains during the project; maintaining and managing access to archaeological sites by the Aboriginal community; ongoing consultation and involvement of the Aboriginal communities in the conservation and management of Aboriginal cultural heritage on the site; and Management of the "Fairford 1" site in situ, including reasonable and feasible measures to mitigate impacts on site, until an agreement can be reached with the relevant Aboriginal stakeholders and NSW OEH, for its salvage and relocation. 	Section 9.3 Section 9.2 Section 9.6, 9.7 Section 9.5 Section 7 Section 9.2.1
PA06_0091, Schedule 3, Condition 11	A detailed plan of management for the Saddlers Creek Conservation Area	Section 10.3
	A program/procedures for: <ul style="list-style-type: none"> salvage, subsurface investigation and management of affected highly significant Aboriginal sites (including sites SC01 and QC01); salvage and management of all other affected Aboriginal sites, based on additional assessment in the case of sites affected by the relocation of the 330/500kV transmission line; and protecting, monitoring and managing site QC02 (a scarred tree). 	Section 9.2 Section 9 Section 9.2

6. Roles and Responsibilities

Role	Responsibilities
Manager Approvals, Land, Access and Heritage	<ul style="list-style-type: none"> • Implementation of the AHMP. • Ensuring ongoing compliance with AHMP obligations and objectives. • Facilitation of engagement with RAPs in relation to survey, salvage and the ongoing management of cultural heritage. • Primary contact for RAPs and the wider Aboriginal community in relation to cultural heritage matters at MAC. • Review and update of the AHMP in consultation with the RAPs, as required. • Key knowledge holder for restricted information. • Coordination of cultural awareness training. • Primary contact for arranging site visits/ inspections for RAP's and the wider Aboriginal community.
Manager HSE	<ul style="list-style-type: none"> • Ensuring compliance with the AMHP during the planning for disturbance through the internal MAC Permit to Disturb process.
General Manager	<ul style="list-style-type: none"> • Ensure all activities undertaken at MAC take into consideration HVEC's obligations to RAPs and the wider Aboriginal community, as set out within the AHMP. • To ensure the notification procedures are implemented as set out in Section 9.7 of this AHMP (for the discovery of human remains).

7. Consultation

7.1 Consultation during Environmental Assessments

The requirements of the Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DECCW, 2005), Interim Community Consultation Requirements for Applicants (DECCW, 2004), and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the Consultation Requirements) (DECCW 2010), were applied to ensure that an appropriate level of engagement with the RAPs was undertaken for the open cut and underground Environmental Assessments in relation to Aboriginal cultural heritage. Details of the consultation can be found in the 2006 Mt Arthur Underground Environmental Assessment, the 2009 Mt Arthur Coal Consolidation Project Environmental Assessment and the 2013 Mt Arthur Coal Modification Environmental Assessment.

7.2 Consultation for this Aboriginal Heritage Management Plan

Heritage NSW, RAPs and Muswellbrook Shire Council (MSC) have been consulted during the development of the revision of this AHMP in accordance with HVEC's Planning Approval (09_0062) and in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents, 2010*. Draft copies of the AHMP were distributed to MSC and the fifty three (53) RAPs listed in **Appendix 2** on 8 June 2021. RAPs were also invited to participate in a meeting to discuss the revised AHMP on 6 July 2021. However, due to Covid restrictions imposed by the NSW Government, the meeting had to be cancelled. The five RAPs (out of the 53 RAPs listed in **Appendix 2**) that had expressed an interest in attending the meeting on the 6 July 2021, were contacted via email and offered a phone or Videoconference meeting to discuss the AHMP. A copy of the final revised AHMP was provided to Heritage NSW on 12 July 2021 for comment however no comments were received. Examples of and copies of consultation records for this AHMP revision are provided in **Appendix 3**. This AHMP was finalised after the consultation period with RAPs, MSC and Heritage NSW.

7.3 Ongoing consultation for the life of the mine

HVEC is committed to continue effective engagement with RAPs, through collaboration and open and transparent communication.

To achieve the objectives of this AHMP, a cultural heritage risk assessment will be maintained and updated (where required) as part of ongoing operations. Project specific and operational risk assessments will incorporate an assessment of risk of impact on cultural heritage values. Any planned impact by mining operations to a cultural heritage site, will be discussed with RAPs to ensure prior and informed consent is freely given by RAPs.

7.3.1 Project specific meetings

Meetings with RAPs will be held on an as required/requested basis as part of survey and salvage works. Minutes from these meetings will be made available to RAPs within four weeks of the meeting, where possible.

7.3.2 Methodology for Fieldwork

Where the proposed methodology for fieldwork is not consistent with the AHMP, HVEC will provide a copy of the proposed methodology and provide an opportunity for RAPs to provide feedback on the methodology. Where possible, HVEC will allow at least four weeks for RAPs to review and provide a response. On occasion, it may be necessary for a shorter review period.

HVEC will consider all responses received on and finalise the methodology. A copy of the final methodology would be provided to RAPs upon request.

7.3.3 Engagement of RAPs for Fieldwork

Where the fieldwork methodology is approved by RAPs or consistent with the AHMP, HVEC will engage with RAPs that are able to meet the work health and safety requirements for the proposed field work. Field work may include monitoring of significant archaeological sites, participation in the cultural salvage program, verification and salvage of artefacts and other activities identified by HVEC.

Where possible, HVEC will provide RAPs with a minimum of five business days' notice of the date of commencement of the field investigation. On occasion, shorter notification may be required.

In circumstance where only a small number of RAPs are required for field work at any one time, HVEC will establish a rotating field work roster to ensure that all RAPs get an opportunity to participate in field work at MAC.

7.3.4 Previously unidentified cultural values of significance

Where a risk assessment identifies that there are suspected cultural or archaeological values that are of higher value than what was considered or captured by the EA and AHMP for heritage sites within the project boundary, HVEC will provide an opportunity for RAPs to provide comment on the cultural values of the sites prior to undertaking management of those sites.

7.3.5 Draft reports

All reports prepared as part of **Section 9** of this AHMP will take into consideration the comments provided by attending RAPs with respect to the significance, values and features of an area. Upon request, HVEC will provide RAPs with a copy of the draft and final versions of reports that are prepared under this AHMP.

8. Summary of Previous Assessments and Plans

The MAC complex has been the subject of some of the most detailed Aboriginal heritage assessments and archaeological salvage projects ever conducted in NSW. A summary of archaeological reports, plans and Aboriginal Heritage Impact Permits is provided in **Appendix 4**.

8.1 Archaeological Sites within the Mt Arthur Coal EA Boundary

A Geographic Information System (GIS) database of all NSW Aboriginal Heritage Information Management System (AHIMS) registered archaeological sites located within the EA boundary has been developed, maintained and updated over time to assist HVEC with the management of Aboriginal cultural heritage. Owing to the geographical extent of some artefact scatters, additional data points have been recorded against individual AHIMS records to assist in the management of these sites.

A total of 2,755 records of archaeological sites are contained within the GIS database within the EA boundary across 918 AHIMS records.

A summary of archaeological sites by type is provided described in **Table 2**. An up to date GIS database is maintained by HVEC to ensure the day to day management of the mine takes into consideration any potential impacts cultural heritage and where appropriate, avoidance or mitigation measures are implemented.

Table 2: Archaeological site types located within Mt Arthur Coal EA boundary

Site Types	Count of Site Type	% of Total sites
Artefact Scatter	2289	83.06%
Artefact Scatter with Hearth	2	0.07%
Artefact with PAD	7	0.25%
Artefact(s) Unspecified	61	2.21%
* Restricted site	1	0.04%
Contact/Historic Site/Artefact Scatter	1	0.04%
Grinding Grooves	1	0.04%
Grinding Grooves with Artefact Scatter	2	0.07%
Isolated Find	372	13.50%
Painting Stones	1	0.04%
Potential Archaeological Deposit	1	0.04%
Scarred Tree	16	0.58%
Subsurface Excavation	1	0.04%
Women's Site* Restricted site	1	0.04%
Grand Total	2755	100.00%

9. Management of onsite Aboriginal Cultural Heritage

9.1 Ground disturbance approval process

HVEC ensures that cultural heritage is taken into consideration in the early planning process. This process includes:

- consideration of the MAC GIS database and to whether there are management requirements under the AHMP;
- consideration of the AHMP requirements;
- risk assessment of the likelihood of disturbance to heritage sites adjacent to impact areas and the implementation of further controls, for example flagging, bunding or fencing; and/ or
- completion of due diligence inspections by a qualified Archaeologist.

9.2 Monitoring of Significant Archaeological Sites

Annual visual inspections of Grinding Grooves and Scar Trees will be undertaken with a RAP and if there are any concerns raised around the integrity of condition of these sites, an Archaeologist will be engaged to complete an assessment.

Table 3 provides a list of restricted sites and identifies who the knowledge holder is for these sites.

Table 3: Restricted Sites Features and Knowledge Holders

AHIMS Site #	AHIMS Site Name	Management Status	Knowledge Holder
37-2-0110	Mt Arthur	Permanently protected	Manager Approvals, Land Access and Heritage
37-2-0111	Fairford 1	Relocated to TMD	Manager Approvals, Land Access and Heritage
Restricted Site	WCMSS2	Permanently protected and secured	Manager Approvals, Land Access and Heritage

9.2.1 Grinding Grooves

Two AHIMS registered grinding groove sites were recorded within the MAC EA Boundary (**Table 2**). AHIMS registered grinding groove site, Fairford 1 (AHIMS Site#37-2-0111) was relocated to the TMD in February 2019 after extensive consultation with the RAPs subsequent unanimous support from the RAPs, and will be monitored annually.

The in situ grinding groove platform (known as Saddlers Creek Grinding Grooves) has been fenced and will be managed in situ unless otherwise agreed by the RAPs, and following approval from the relevant regulatory authorities.

Table 4: Grinding Groove platforms located within the EA boundary

AHIMS Site #	AHIMS Site Name	Easting (GDA94/Z56)	Northing (GDA94/Z56)	Management Status
37-2-0110	Mt Arthur (Saddlers Creek Grinding Grooves)	297905	6417189	Valid – fenced and protected
37-2-0111	Fairford 1	298705	6417889	Relocated to TMD
37-3-0111	37-3-0111	301863	6422654	Valid (in new location)

Where a potential threat or impact to in situ grinding grooves is identified, a monitoring program will be implemented for the duration of the identified impact, where it is safe to access the site. As an example, this may include where there is the risk of dust impacts or blasting during open cut mining. This may occur annually or more regularly if deemed necessary. The following steps will be undertaken:

- A scope of works will be developed in consultation with HVEC, a suitably qualified archaeologist and RAPs which identifies the period of monitoring, the objectives of the monitoring and the methodology for the monitoring.
- A visual inspection of the grinding groove site will be undertaken by a HVEC representative, a nominated archaeologist and RAPs to establish a baseline assessment with consideration of the methodology and the aims and objectives of the monitoring program. At a minimum, the baseline assessment will include a detailed site plan and photographic record of each site and its component features. The site plan will include the location of photographic points for comparison with future monitoring inspections.
- Additional visual inspections of the site will be undertaken by a HVEC representative, a nominated archaeologist and representatives of RAPs and a photographic record to document any changes to the condition of the site against baseline recording.
- A short report will be prepared on the monitoring program and provided to RAPs upon request.
- Outcomes of the monitoring program will be reported as part of the Annual Reporting process for HVEC.

9.2.2 Scarred Trees

AHIMS registered scarred trees that exist within the MAC EA Boundary are listed in **Table 5**. Two additional scarred trees were identified within the Offset Areas, outside of the EA Boundary.

For extant Scar Trees, appropriate management strategies will be implemented in consultation with the RAPs on a case by case basis.

Table 5: Scarred tree platforms located within the EA boundary

AHIMS Site #	AHIMS Site Name	Easting (GDA94/Z56)	Northing (GDA94/Z56)	Management Status
37-2-0734	LSC1;	298305	6415289	Destroyed / Not a site
37-2-0735	LSC2;	298405	6415289	Destroyed / Not a site
37-2-0736	LSC3;	298405	6415089	Impacted under Permit
37-2-0737	LSC4;	297205	6415489	Impacted under Permit
37-2-1431	Saddler's Pit Scarred Tree;	298605	6416739	Valid / Managed/ Relocated
37-2-1445	Quarry Creek Scarred Tree;	296605	6417739	Permit to be updated*
37-2-1446	Quarry Creek Scarred Tree_2;	296855	6417489	Valid / Managed/ Relocated
37-2-2598	qc02	293553	6417211	Valid

*The Permit is still valid in AHIMS and needs to be updated. In 2014 RPS consultants could not locate the site "there was no evidence of a scarred tree remaining at the recorded site coordinates; the tree was recorded in 1996 and was noted as being heavily infested with termites; it is likely therefore that the tree may not have survived". The site card will be amended to Site status: Destroyed.

9.3 Cultural Salvage Programs

9.3.1 Overview

Cultural salvage programs will allow the recovery of a sample of surface and/or sub-surface material of archaeological or cultural significance and provide for long-term curation of salvaged artefacts. The technical requirements of each salvage program will be detailed in a Scope of Works specific to each program incorporating elements noted in **Sections 7 and 9**. The salvage program will generally incorporate the following components:

- RAP consultation and field work engagement;
- Salvage of surface artefacts;
- Verification and salvage of sub-surface artefact deposits (i.e. Potential Archaeological Deposits);
- Process for designation of areas approved for development; and
- Temporary storage of recovered materials in the approved Temporary Keeping Place.

All salvage program work will be led by a suitably qualified and experienced archaeologist engaged by HVEC.

9.3.2 Salvage of surface artefacts

Surface salvage will involve the systematic recovery of evident surface artefacts from all open artefact scatters and isolated finds that are at risk of impact within the proposed disturbance area.

Surface collection of isolated artefacts and open artefact scatter sites will occur prior to the commencement of ground surface disturbance works, according to the following procedure:

- A photographic record adequate to demonstrate the location, condition and general features of each site (or group of nearby sites) will be made prior to the salvage work commencing;
- The basic attributes of all cultural materials salvaged at each location will be recorded using a GPS and entered into the GIS sites database;
- All artefacts collected at each site will be collected to the standards identified in Requirement 26 of the *Code of Practice for Archaeological Investigation in NSW*, and placed into a suitable plastic storage bag/s along with a permanent tag that includes the unique identifier number of the site and the date salvaged. This information will also be written on the outside of the collection bag in permanent marker ink;
- Bagged and tagged artefacts materials will be stored in suitably robust re-sealable plastic containers, and transferred to the approved Temporary Keeping Place; and
- The results of the salvage works will be included in a report (along with associated GIS data sets) to be prepared by the archaeologist as detailed and specified in the approved Salvage Report Scope of Work.

9.3.3 Verification and salvage of sub-surface artefact deposits (i.e. Potential Archaeological Deposits)

Where a Potential Archaeological Deposit (PAD) has been identified during assessment or salvage activities a process to verify the attributes and extent of the PAD will be conducted. The verification methodology will be detailed in a Scope of Works and be conducted in conformance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (OEH, 2010). The outcomes of the verification process will inform the development of a sub-surface salvage plan specific to each Verified Archaeological Deposit (VAD) in consultation with the RAPs.

9.3.4 Process for the designation of areas as cleared for site disturbance

The attending archaeologist will provide a letter report at the completion of site inspections and salvage for each site. If required, a release form/ field completion sheet will be signed by RAPs at the end of the salvage and will include GPS co-ordinates of the approximate boundary of the cleared area.

Areas cleared for site disturbance will be entered into the Project's GIS database in a timely manner for consideration in the ground disturbance process.

9.4 Temporary Keeping Place for Cultural Material

In consultation with RAPs, HVEC committed to funding and constructing a secure storage facility for all of the artefacts salvaged from MAC over many decades.

HVEC undertook a series of workshops and meetings with RAPs during 2013 to discuss the location and management of the secure storage facility. In consultation with RAPs, a “Temporary Keeping Place” was established at MAC along with the inclusion of an ‘Interpretive Display’ within the foyer of the MAC main administrative building.

Part of setting up the Temporary Keeping Place involved the recovery of many boxes of artefacts that were held at universities, the Australian Museum and at a number of different Archaeology consultants’ offices. The artefacts were then catalogued and stored securely within the Temporary Keeping Place.

The purpose of the Temporary Keeping Place is to:

- store artefacts salvaged as part of the mining operation, securely, for the life of the mine;
- provide a facility (desk space) for education, research and analysis of Archaeological collections; and
- provide opportunities for RAPs and cultural heritage technical advisors to access the collections for valid reasons such as for cultural, educational and research purposes.

A register of persons requesting access to the Aboriginal heritage material is maintained by HVEC.

MAC has a large resource life. As such, artefacts will be stored securely for the life of mine. As part of rehabilitation, closure and decommissioning processes, the RAPs (and broader Aboriginal community where appropriate) will be consulted and involved in decision making with regards to the ongoing management of cultural heritage sites and artefact placement after active mining operations have ceased.

9.5 RAPs and wider Aboriginal Community Access

For cultural and educational reason, RAPs and other members of the local Aboriginal community are encouraged to access archaeological and cultural sites within the MAC mining lease. Supervised access is available for access to Thomas Mitchell Drive Offsite Biodiversity Offset, Mount Arthur and Saddlers Creek Offset areas, and the Temporary Keeping Place. MAC is a large mining operation and unrestricted/ unsupervised access is not possible due to responsibilities under the relevant mining and work health safety legislation regarding public access and safety on mine sites.

Through consultation for this AHMP, RAPs agree that at least five business days’ notice will be required for HVEC to be able to arrange access, vehicle escort and any field access risk assessments and PPE (personal protective equipment).

General community access to the Temporary Keeping Place will not be permitted without a RAP present.

No cultural material or reports are to be removed from the Temporary Keeping Place without prior consent from RAPs.

9.6 Procedures for Reporting Previously Unrecorded Sites

If any previously unrecorded Aboriginal cultural heritage material is uncovered during the construction of surface facilities or mining activities, the material will be recorded and collected according to the collection procedure in **Section 9.3.2** above. A new site card will be lodged with Heritage NSW in compliance with section 89A of the NPW Act.

Where cultural values that exceed those described and considered in the EA and AHMP are suspected, a risk assessment will be undertaken in accordance with HVEC internal procedures. HVEC will undertake consultation with the RAPs and archaeologist to determine the significance of the site and develop a management strategy where required. Management of that site will be undertaken with prior and informed consent that is freely given by RAPs.

9.7 Procedures for Human Skeletal Remains

In the event that human remains (skeletal material) are discovered, the steps listed in **Table 6** below will be followed.

Table 6: Protocol to be followed following the discovery of human remains

1	Stop work immediately at the particular location and restrict any further access.
2	Immediately notify the Manager Approvals, Land Access and Heritage , or the HSE Manager who will then inform the General Manager .
3	MAC's General Manager will notify NSW Police (Muswellbrook Police Station Ph: 02 6542 6999) or call 000.
4	If remains are determined to be of Aboriginal ancestral origin the Manager Approvals, Land Access and Heritage will notify Heritage NSW Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location.
5	Manager Approvals, Land Access and Heritage will notify RAPs.
6	Recording of Aboriginal ancestral remains must be undertaken by, or be conducted under the direct supervision of, a specialist physical anthropologist or other suitably qualified person and will be accompanied by representatives of the RAPs
7	A plan for the management for the area will be developed with the RAPs and in consultation with Heritage NSW

10. Management of Aboriginal Cultural Heritage in Biodiversity Offset Areas

10.1 Cultural Heritage management within Offset Areas/ Conservation Agreements

The management of Aboriginal archaeological sites in the Offset Area are determined by whether the sites are within the EA boundary or outside the EA boundary. Those within the EA boundary are determined by the AHMP, those outside are managed in accordance with NSW *National Parks and Wildlife Act 1974*, the NSW *Environmental Planning and Assessment Act 1979* and the respective Conservation Agreements.

10.2 Thomas Mitchell Drive Offsite Biodiversity Offset Area

The Thomas Mitchell Drive Offsite Biodiversity Offset Area (TMD) has been established to offset ecological impacts for the Project. This area is subject to a Conservation Agreement (CA) that is legally binding and it operates in perpetuity. The CA acts as a Plan of Management for the Offset. Cultural heritage values are an important consideration in the ongoing management of this CA.

AHIMS registered grinding groove site, Fairford 1 (AHIMS Site#37-2-0111) was relocated to the TMD in February 2019 after consultation with the RAPs and will be monitored in accordance with the procedures outlined in **Section 9.2.1**.

While unrestricted/ unaccompanied access to the TMD for the RAPs and the wider Aboriginal Community is unachievable due to issues associated with health and safety risks, as set out in **Section 9.5**, access under escort is available with at least five business days' notice.

Any activities required to be carried out to meet the obligations under the CA (i.e. tree planting, fencing, or bushfire management), will be assessed for the potential impact on cultural heritage and if required, RAP and/ or a qualified archaeologist will be consulted if the active management of cultural heritage items is required.

10.3 Saddlers Creek Offset Areas

Saddlers Creek Biodiversity Offset Area (SC) has been established to offset ecological impacts for the Project. This area is subject to a CA that is legally binding and it operates in perpetuity. The CA acts as a Plan of Management for the Offset. Cultural heritage values are an important consideration in the ongoing management of this CA.

While unrestricted/ unaccompanied access to the SC for the RAPs and the wider Aboriginal Community is unachievable due to issues associated with health and safety risks, as set out in **Section 9.5**, access under escort is available with at least five business days' notice.

Any activities required to be carried out to meet the obligations under the CA (i.e. tree planting, fencing, or bushfire management), will be assessed for the potential impact on cultural heritage and if required, RAP and/ or a qualified archaeologist will be consulted if the active management of cultural heritage items is required.

11. Contingency Plan to manage unpredicted impacts.

Section 9 outlines the contingency process for managing any unpredicted impacts to cultural heritage and their consequences. The contingency process includes risk assessments, treatments, protocols and notifications of appropriate stakeholders.

12. Incident and Complaint Response

All complaints received in relation to this AHMP will be responded to in accordance with HVEC's Community and Environmental Incident Response and Reporting. This procedure provides details on how to receive, handle, respond to, and record and action any community complaints.

Upon receipt of a complaint from the community, preliminary investigations will commence as soon as practicable to determine the likely causes of the complaint using specific information associated with the complaint. A response will be provided as soon as practicable, which may include the provision of relevant monitoring data.

HVEC will record all community complaints, incidents and non-compliance items into the site event management database. The database is maintained to include reporting, incident/event notification, close out action tracking, inspections, and audits results.

Every effort will be made to ensure that concerns are addressed in a manner that facilitates a mutually acceptable outcome for both the complainant and HVEC.

In the event of an incident or complaint resulting in a non-compliance with this AHMP, the following protocol will be followed:

1. Check and validate the incident or data which indicates a non-compliance with criterion or conditions.
2. Notify the relevant RAPs, Heritage NSW and NSW Department of Planning, Industry and Environment (DPIE) as soon as practicable after awareness of the incident.
3. A preliminary investigation will be undertaken to establish the cause(s) and determine whether changes to the AHMP are required. This will involve the consideration of the incident in conjunction with:
 - a) activities being undertaken at the time;
 - b) monitoring results;
 - c) on-going maintenance and/or monitoring of the heritage item if relevant;
 - d) comparison of condition with other comparable heritage items at nearby locations;
 - e) changes to the land use/activities being undertaken on and surrounding the heritage items;

A preliminary investigation report will be compiled and submitted to the RAPs, Heritage NSW and DPIE within 7 days of becoming aware of the incident.

4. If the preliminary investigation report recommends further detailed investigations these would be conducted in consultation with the RAPs, NSW Heritage and DPIE.
5. Remedial measures will be developed in consultation with the RAPs, Heritage NSW and DPIE and implemented in response to the outcomes of the investigations.
6. Monitoring, where relevant, would be implemented to measure the effectiveness of remedial measures.

13. Reporting

HVEC will report on the performance of the AHMP in the Annual Environmental Management Report (AEMR), which will be uploaded on the company website.

14. Review of the AHMP

This AHMP will be reviewed, and if necessary revised to the satisfaction of the Secretary (in consultation with relevant government agencies) in accordance with Condition 4 of Schedule 5 of the Project Approval:

- within 3 months of the submission of an:
 - annual review under Condition 3, Schedule 5 of the Project Approval;
 - incident report under Condition 7, Schedule 5 of the Project Approval;
 - Independent Environmental Audit report under Condition 9, Schedule 5 of the Project Approval;
 - Modification to the conditions of the Project Approval.
- When there are changes to project approval or licence conditions relating to cultural heritage;
- Following significant incidents at Mt Arthur Coal relating to cultural heritage;
- Following the conduct of an independent environmental audit which requires changes to the AHMP; or
- If there is a relevant change in technology or legislation.

The AHMP may also be reviewed where the described management is no longer appropriate.

Unless administrative in nature, any updates to this AMHP will be undertaken in consultation with RAPs.

HVEC will provide the RAPs with notification of any planned revision and a minimum four weeks to comment on any proposed amendments to the AHMP.

A copy of the final updated AHMP will be provided to the RAPs upon request and a copy placed on the BHP website.

Subject to agreement by DPIE, HVEC may submit a revised AHMP for approval without undertaking consultation, in instances where the changes proposed to the AHMP are not material/ are minor in nature. In the context of this AHMP, changes that would be considered minor/ not material in nature may include updates to the project description or updates to the salvage status of known sites and/or the incorporation of additional sites.

Any changes to the AHMP that propose a change in the way RAPs are engaged or to the way cultural heritage is managed, would not constitute a minor amendment.

15. References

AECOM (2009a). Aboriginal Archaeology and Cultural Heritage Impact Assessment, Hunter Valley Energy Coal. Muswellbrook, NSW, Hansen Bailey Pty Ltd.

AECOM (2009b). Salvage of AboriginalHeritage Sites, Hunter Valley Energy Coal, NSW.

RPS (2013). Aboriginal & Non-Indigenous Cultural Heritage Assessment. Mt Arthur Coal Open Cut Modification.

South East Archaeology Pty Ltd (1999). An Aboriginal Archaeological Assessment of the Proposed Mount Arthur North Coal Mine, Near Muswellbrook, Hunter Valley, New South Wales, Dames and Moore Pty Ltd.

Umwelt (2007). Mt Arthur Underground Project - Aboriginal Archaeological Assessment.

16. Version Management

Date	Version Control		Page(s)	Details
	Major	Minor		
20 August 2012	0		All	Original as Approved by NSW DPE
31 March 2021	1.0		All	First Draft of Major Revision
13 August 2021	2.0		All	Final of Major Revision

16. HVEC related plans and procedures

- MAC-ENC-PRO-042 Community Complaints Handling, Response and Reporting

Appendix 1 – BHP Indigenous Peoples Policy Statement



Indigenous Peoples Policy Statement

Indigenous Peoples are critical partners and stakeholders in many of BHP's operations both within Australia and around the world.

Many of our operations are located on or near lands traditionally owned by or under the customary use of Indigenous Peoples and the long-term nature of our operations allows us to establish long lasting relationships with these Indigenous communities. These relationships are based upon Our Charter value of respect, through which we seek meaningful engagement, trust and mutual benefit.

Through this experience we understand that Indigenous Peoples often have profound and special connections to, and identification with, lands and waters and that these are tied to their physical, spiritual, cultural and economic well-being.

We also understand Indigenous Peoples in many regions of the world have been historically disadvantaged and often still experience poverty and other forms of social exclusion. Through our engagement with Indigenous Peoples we seek to contribute to their sustainable long term economic empowerment, social development needs and cultural well-being.

Our Approach

We respect the rights of Indigenous Peoples and acknowledge their right to maintain their culture, identity, traditions and customs.

We commit to the 2013 [International Council on Mining and Metals \(ICMM\) Position Statement on Indigenous Peoples and Mining](#). This frames our approach to engaging with Indigenous Peoples with respect to new operations or major capital projects that are located on lands traditionally owned by or under customary use of Indigenous Peoples and which are likely to have

significant adverse impacts on Indigenous peoples. This commitment includes:

- Undertaking participatory and inclusive social and environmental impact assessments.
- Seeking to agree on and document engagement and consultation plans with potentially impacted Indigenous Peoples.
- Working to obtain the consent of Indigenous Peoples to BHP activities consistent with the ICMM Position Statement.

This commitment will be satisfied through compliance with domestic laws or completion of host government regulatory processes where they are consistent with the objectives of the ICMM Position Statement as determined by the BHP Chief Legal Counsel.

Where the consent of Indigenous Peoples is not forthcoming despite the best efforts of all parties, in balancing the rights and interests of Indigenous Peoples with the wider population, governments might determine that a project should proceed and specify the conditions that should apply. In such circumstances, BHP will determine whether it will remain involved with a project.

Consistent with the [ICMM Position Statement](#), this BHP policy:

- Applies to new operations or major capital projects for which approvals and permitting process have not commenced prior to May 2015;
- Seeks consent processes which are based on good faith negotiation and which do not confer veto rights to individuals or sub-groups, nor require unanimous support from potentially impacted Indigenous Peoples unless legally mandated.

Through successful implementation of this policy BHP aims to be a partner of choice for Indigenous Peoples through which our relationships contribute to their economic, social and cultural empowerment.

Appendix 2 – Registered Aboriginal Parties

RAP Business Name	Contact
Aboriginal Native Title Consultants	Christine Paul
Alera French Trading	Aleira French
Cacatua General Services/ Carcatchua P/L / Cacatua Cultural Consultants	George & Donna Sampson
Culturally Aware	Tracey Skene
Deslee Talbot Consultant	Deslee Matthews
Gomery Cultural Consultants	David Horton
Hunter Valley Aboriginal Corporation Muswellbrook	Rhonda Griffiths
Jarban & Mugrebea	Les Atkinson
Kauwul/ Wonn1	Arthur Fletcher
Kawul Cultural Services	Vicki Slater
Tocomwall	Scott Franks
Ungooroo Aboriginal Corporation	Admin Office & Allen Paget
Upper Hunter Wonnarua Council	Victor, Rhoda and Georgina Perry
Wanaruah Local Aboriginal Land Council	CEO
Wattaka Wonnarua Cultural Consultancy Services	Des Hickey
Yinarr Cultural Services	Kathie Kinchela
Widescope Indigenous Group	Steven Hickey
Murra Bidgee Mullangari Aboriginal Corporation	Ryan Johnson and Darleen Johnson-Carroll
Wonnarua Elders Council	Richard Edwards
Gidawaa Walang & Barkuma Neighbourhood Centre Inc.	Craig Horne and Debbie Dacey-Sullivan
DFTV Enterprises	Derrick Vale Snr
Robert Syron	Robert Syron
Wonnarua Nation Aboriginal Corporation	Laurie Perry
Hunter Traditional Owner	Paulette Ryan
Wonnarua Cultural heritage	Gordon Griffiths
Lower Wonnaruah Tribal Consultancy Pty Ltd	Barry Anderson
Bawurra	Kevin Sampson
Black Creek Aboriginal Corporation	Tracey White
Breeza Plains Cultural Heritage Consultants	Terry Matthews
Bunda Consultants	Tammy Knox
Carrawonga Consultants	Justin Matthews
Cheryl Moodie Consultants	Cheryl Moodie
Gidawaa Walang Cultural Heritage Consultancy	Annie Hickey
Giwirr Consultants	Ronday Matthews
Hunter Traditional Owner Environmental Management	Rick Coles and Cara Coles
Hunter Valley Cultural Consultants	Christine Matthews
Hunter Valley Cultural Surveying	Luke Hickey and Pansy Hickey
Kayaway Eco Cultural & Heritage Services	Mark Hickey
Lower Hunter Wonnarua Council Inc	Dean Miller
Mingaa Consultants	Mick Clifford/ Clifford Matthews
Mooki Plains Consultants	Stephen Matthews
Mur-Roo-Ma	Bec Young
Nur-Run-Gee Pty Ltd	Leonard Anderson
Roger Noel Matthews	Roger Noel Matthews

RAP Business Name	RAP Business Name
Scott Smith	Scott Smith
T & G Culture Consultants	Tony Griffiths Leigh Griffiths
Ungooroo Cultural & Community Services Inc	Mrs Rhonda Ward
Upper Hunter Heritage Consultants	Darrel Matthews- Melissa Matthews
Valley Culture	Larry Van Villey- Elizabeth Howard
Warragil Cultural Services	Aaron Slater
Wanaruah Aboriginal Custodians Corporation	Maria Stocks
Yamuloong Group Initiatives	Sean Gordon
Yarrowalk Enterprises	Barry McTaggart

Note: Contact the Manager Approvals, Land, Access and Heritage, for RAP contact details.

Appendix 3 – Examples of consultation records for this AHMP



Thomas Mitchell Drive
Private Mail Bag No. 8
Muswellbrook, New South Wales 2333
Australia

13 August 2021

T +61 2 6544 5800
F +61 2 6544 5801
bhp.com

The Secretary
NSW Department Planning Industry and Environment
Via Planning Portal

c/o: Joe Fittell - Senior Planning Officer

Mt Arthur Coal Mine revised Aboriginal Heritage Management Plan

Hunter Valley Energy Coal (HVEC) has reviewed and updated its approved Mt Arthur Coal Mine (MAC) Aboriginal Heritage Management Plan (AHMP). A copy of the AHMP revision is enclosed.

The currently approved AHMP was prepared in 2012 in consultation with Registered Aboriginal Parties (RAP's), and in accordance with requirements set out in Project Approval PA09_0062 and Project Approval PA09_0091. The 2012 AHMP needed to be contemporised following approval of PA09_0062 (Mod 1) in 2014. The AHMP has been updated to reflect appropriate RAP engagement and the ongoing management of cultural heritage at MAC.

As required, copies of the draft revised AHMP were provided to RAPs, NSWHeritage and Muswellbrook Shire Council for comment, prior to finalisation.

The objectives of this AHMP are to:

- facilitate the involvement of the Wanaruah/ Wonnarua people, represented by the RAPs, in the decision making process for the ongoing monitoring and management of Aboriginal cultural heritage at MAC;
- minimise the impacts of MAC's operations on Aboriginal cultural heritage;
- achieve cultural heritage management outcomes which RAPs consider acceptable;
- continue effective engagement through collaboration and open and transparent communication with the RAPs, to further enhance the relationship between the RAPs and HVEC; and
- comply with the requirements of the NSW National Parks and Wildlife Act 1974 and the NSW Environmental Planning and Assessment Act 1979 and MAC's Planning Approvals.

If you require any further information or wish to arrange a meeting to discuss, please email me sarah.k.bailey@bhp.com.

Yours sincerely

Sarah Bailey
Manager Approvals, Land, Access & Heritage
0467 743 639

Bailey, Sarah

From: Bailey, Sarah
Sent: Monday, 12 July 2021 11:13 AM
To: HERITAGEMailbox@environment.nsw.gov.au
Subject: Mt Arthur Coal - revised Aboriginal Cultural Heritage Plan - for NSW Heritage review by 12 August 2021
Attachments: 12 July 2021 Mt Arthur Coal let to NSW Heritage re revised AHMP - for NSW Heritage review by 12 Aug 2021.pdf
Importance: High

Dear HeritageNSW

Hunter Valley Energy Coal (HVEC) is currently updating its approved Mt Arthur Coal (MAC) Aboriginal Heritage Management Plan (AHMP). A copy of the draft AHMP revision is enclosed for your review and comment.

The currently approved AHMP was prepared in 2012 in consultation with Registered Aboriginal Parties (RAP's), and in accordance with requirements set out in Project Approval PA09_0062 and Project Approval PA09_0091, and needs to be contemporised in the context of RAP engagement and the ongoing management of cultural heritage at MAC. The conditions of these project approvals require consultation with Heritage NSW on the revision of the AHMP.

Please note that the draft revised AHMP was provided to Muswellbrook Shire Council, the Wanaruah Aboriginal Land Council, and HVEC's fifty three RAPs, for comment from the 8 July 2021 to the 8 July 2021. No comments were received.

The objectives of this AHMP are to:

- facilitate the involvement of the Wanaruah/ Wonnarua people, represented by the RAPs, in the decision making process for the ongoing monitoring and management of Aboriginal cultural heritage at MAC;
- minimise the impacts of MAC's operations on Aboriginal cultural heritage;
- achieve cultural heritage management outcomes which RAPs consider acceptable;
- continue effective engagement through collaboration and open and transparent communication with the RAPs, to further enhance the relationship between the RAPs and HVEC; and
- comply with the requirements of the NSW National Parks and Wildlife Act 1974 and the NSW Environmental Planning and Assessment Act 1979 and MAC's Planning Approvals.

Please provide feedback on the enclosed AHMP revision by 12 August 2021 to allow HVEC to submit the revision to NSW DPIE by 31 August 2021 (the due date). If you require any further information or wish to arrange a meeting to discuss, please email me sarah.k.bailey@bhp.com.

Sarah Bailey
Manager Approvals, Land, Access & Heritage
NSW Energy Coal
sarah.k.bailey@bhp.com
M 0467743639

We work flexibly at BHP. I am sending this message now because it suits me. I don't expect that you read, respond to, or action it, outside your regular hours.



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Australia

12 July 2021

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Heritage NSW
Aboriginal Cultural Heritage Section
Via Email: heritagemailbox@environment.nsw.gov.au

To whom it may concern

Review of the Mt Arthur Coal revised Aboriginal Heritage Management Plan – please provide feedback by 12 August 2021

Hunter Valley Energy Coal (HVEC) is currently updating its approved Mt Arthur Coal (MAC) Aboriginal Heritage Management Plan (AHMP). A copy of the draft AHMP revision is enclosed for your review and comment.

The currently approved AHMP was prepared in 2012 in consultation with Registered Aboriginal Parties (RAP's), and in accordance with requirements set out in Project Approval PA09_0062 and Project Approval PA09_0091, and needs to be contemporised in the context of RAP engagement and the ongoing management of cultural heritage at MAC. The conditions of these project approvals require consultation with Heritage NSW on the revision of the AHMP.

Please note that the draft revised AHMP was provided to Muswellbrook Shire Council, the Wanaruah Aboriginal Land Council, and HVEC's fifty three RAPs, for comment from the 8 July 2021 to the 8 July 2021.

The objectives of this AHMP are to:

- facilitate the involvement of the Wanaruah/ Wonnarua people, represented by the RAPs, in the decision making process for the ongoing monitoring and management of Aboriginal cultural heritage at MAC;
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- comply with the requirements of the NSW National Parks and Wildlife Act 1974 and the NSW Environmental Planning and Assessment Act 1979 and MAC's Planning Approvals.

Please provide feedback on the enclosed AHMP revision by 12 August 2021 to allow HVEC to submit the revision to NSW DPIE by 31 August 2021 (the due date). If you require any further information or wish to arrange a meeting to discuss, please email me sarah.k.bailey@bhp.com.

Yours sincerely

Sarah Bailey
Manager Approvals, Land, Access & Heritage
0467 743639

Bailey, Sarah

From: Bailey, Sarah
Sent: Tuesday, 3 August 2021 12:20 PM
To: HERITAGEMailbox@environment.nsw.gov.au
Subject: RE: Mt Arthur Coal - revised Aboriginal Cultural Heritage Plan - for NSW Heritage review by 12 August 2021
Attachments: 12 July 2021 Mt Arthur Coal let to NSW Heritage re revised AHMP - for NSW Heritage review by 12 Aug 2021.pdf

Dear HeritageNSW

We have not yet heard from anyone re whether HeritageNSW is planning to provide feedback on the attached AHMP. Feedback is required by the 12 August 2021 to allow us enough time to collate feedback and submit the revised AHMP to NSW DPIE on time – before the 31 August 2021.

Please contact me if you wish to discuss any aspect on the AHMP.

Regards Sarah

Sarah Bailey
Manager Approvals, Land, Access & Heritage
NSW Energy Coal
sarah.k.bailey@bhp.com
M 0467743639



I acknowledge the Traditional Custodians of the land, the Wanaruah/ Wonnarua people, and pay respect to all Elders past, present and emerging.

From: Bailey, Sarah
Sent: Monday, 12 July 2021 11:13 AM
To: HERITAGEMailbox@environment.nsw.gov.au
Subject: Mt Arthur Coal - revised Aboriginal Cultural Heritage Plan - for NSW Heritage review by 12 August 2021
Importance: High

Dear HeritageNSW

Hunter Valley Energy Coal (HVEC) is currently updating its approved Mt Arthur Coal (MAC) Aboriginal Heritage Management Plan (AHMP). A copy of the draft AHMP revision is enclosed for your review and comment.

The currently approved AHMP was prepared in 2012 in consultation with Registered Aboriginal Parties (RAP's), and in accordance with requirements set out in Project Approval PA09_0062 and Project Approval PA09_0091, and needs to be contemporised in

the context of RAP engagement and the ongoing management of cultural heritage at MAC. The conditions of these project approvals require consultation with Heritage NSW on the revision of the AHMP.

Please note that the draft revised AHMP was provided to Muswellbrook Shire Council, the Wanaruah Aboriginal Land Council, and HVEC's fifty three RAPs, for comment from the 8 July 2021 to the 8 July 2021. No comments were received.

The objectives of this AHMP are to:

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- continue effective engagement through collaboration and open and transparent communication with the RAPs, to further enhance the relationship between the RAPs and HVEC; and
- comply with the requirements of the NSW National Parks and Wildlife Act 1974 and the NSW Environmental Planning and Assessment Act 1979 and MAC's Planning Approvals.

Please provide feedback on the enclosed AHMP revision by 12 August 2021 to allow HVEC to submit the revision to NSW DPIE by 31 August 2021 (the due date). If you require any further information or wish to arrange a meeting to discuss, please email me sarah.k.bailey@bhp.com.

Sarah Bailey
Manager Approvals, Land, Access & Heritage
NSW Energy Coal
sarah.k.bailey@bhp.com
M 0467743639

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Bailey, Sarah

From: Bailey, Sarah
Sent: Tuesday, 8 June 2021 11:37 AM
To: admin.wanaruah@bigpond.com; ceo.wanarua@bigpond.com
Subject: Mt Arthur Coal Aboriginal Heritage Management Plan draft revision – consultation – please provide feedback by 8 July 2021 - Wanaruah Local Aboriginal Land Council
Attachments: Mt Arthur Coal DRAFT Aboriginal Heritage Management Plan _REVISION for RAP consultation_8 June 2021 EMAILED.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Wanaruah Local Aboriginal Land Council

SUBJECT: Mt Arthur Coal Aboriginal Heritage Management Plan draft revision – consultation – please provide feedback by 8 July 2021

Hunter Valley Energy Coal (HVEC) is currently updating its approved Mt Arthur Coal (MAC) Aboriginal Heritage Management Plan (AHMP). A copy of the draft AHMP revision is enclosed for your review and comment.

The currently approved AHMP was prepared in 2012 in consultation with Registered Aboriginal Parties (RAP's), and in accordance with requirements set out in Planning Approval PA09_0062 and Planning Approval PA09_0091, and needs to be contemporised in the context of RAP engagement and the ongoing management of cultural heritage at MAC.

The MAC mine has operated since the 1960's. The cultural knowledge shared by the Wanaruah/ Wonnarua people for over five decades, has assisted in ensuring that Aboriginal cultural heritage values are appropriately captured in approval documents and are adequately incorporated in the day to day management of the mine.

HVEC wishes to express its gratitude and a deep appreciation to the generations of Wanaruah/ Wonnarua people who have been involved in the ongoing management of Aboriginal cultural heritage at MAC.

HVEC wishes to invite you to participate in an AHMP review workshop to be held Tuesday **6 July 2021** (tentative) in Muswellbrook (location and time to be advised). If you are available to attend, please register your interest by return email. Further details will be provided closer to the date. The workshop will only proceed if there is enough interest.

If you wish to provide feedback on the enclosed AHMP revision, please do so by **8 July 2021**. If you require any further information or wish to arrange a meeting to discuss, please email me sarah.k.bailey@bhp.com

Regards

Sarah Bailey
Manager Approvals, Land, Access & Heritage
NSW Energy Coal
sarah.k.bailey@bhp.com


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8 June 2021

Mrs Fiona Plesman
General Manager
Muswellbrook Shire Council
PO Box 122 Muswellbrook NSW 2330
Email: Fiona.Plesman@muswellbrook.nsw.gov.au

Cc: Sharon Pope, Executive Manager Environment and Planning Services

Dear Fiona

Review of the Mt Arthur Coal revised Aboriginal Heritage Management Plan – please provide feedback by 8 July 2021

Hunter Valley Energy Coal (HVEC) is currently updating its approved Mt Arthur Coal (MAC) Aboriginal Heritage Management Plan (AHMP). A copy of the draft AHMP revision is enclosed for your review and comment.

The currently approved AHMP was prepared in 2012 in consultation with Registered Aboriginal Parties (RAP's), and in accordance with requirements set out in Planning Approval PA09_0062 and Planning Approval PA09_0091, and needs to be contemporised in the context of RAP engagement and the ongoing management of cultural heritage at MAC.

HVEC recognises that Council are not an authority on Aboriginal heritage, however as required by HVEC's Planning Approval, consultation with Council on the AHMP is required. Please note that consultation with RAP's is being undertaken in parallel.

The objectives of this AHMP are to:

- facilitate the involvement of the Wanaruah/ Wonnarua people, represented by the RAPs, in the decision making process for the ongoing monitoring and management of Aboriginal cultural heritage at MAC;
- minimise the impacts of MAC's operations on Aboriginal cultural heritage;
- achieve cultural heritage management outcomes which RAPs consider acceptable;
- continue effective engagement through collaboration and open and transparent communication with the RAPs, to further enhance the relationship between the RAPs and HVEC; and
- comply with the requirements of the NSW National Parks and Wildlife Act 1974 and the NSW Environmental Planning and Assessment Act 1979 and MAC's Planning Approvals.

If you wish to provide feedback on the enclosed AHMP revision, please provide comments by 8 July 2021. If you require any further information or wish to arrange a meeting to discuss, please email me sarah.k.bailey@bhp.com.

Yours sincerely

Sarah Bailey
Manager Approvals, Land, Access & Heritage

Bailey, Sarah

From: Bailey, Sarah
Sent: Tuesday, 8 June 2021 11:26 AM
To: [REDACTED]@bigpond.com
Subject: Mt Arthur Coal Aboriginal Heritage Management Plan draft revision – consultation – please provide feedback by 8 July 2021 - [REDACTED] Consultants
Attachments: Mt Arthur Coal DRAFT Aboriginal Heritage Management Plan _REVISION for RAP consultation_8 June 2021 EMAILED.pdf

Follow Up Flag: Follow up
Flag Status: Completed

COPY OF EMAIL SENT TO RAPs

Dear [REDACTED] Cultural Consultants

SUBJECT: Mt Arthur Coal Aboriginal Heritage Management Plan draft revision – consultation – please provide feedback by 8 July 2021

Hunter Valley Energy Coal (HVEC) is currently updating its approved Mt Arthur Coal (MAC) Aboriginal Heritage Management Plan (AHMP). A copy of the draft AHMP revision is enclosed for your review and comment.

The currently approved AHMP was prepared in 2012 in consultation with Registered Aboriginal Parties (RAP's), and in accordance with requirements set out in Planning Approval PA09_0062 and Planning Approval PA09_0091, and needs to be contemporised in the context of RAP engagement and the ongoing management of cultural heritage at MAC.

The MAC mine has operated since the 1960's. The cultural knowledge shared by the Wanaruah/ Wonnarua people for over five decades, has assisted in ensuring that Aboriginal cultural heritage values are appropriately captured in approval documents and are adequately incorporated in the day to day management of the mine.

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HVEC wishes to invite you to participate in an AHMP review workshop to be held Tuesday **6 July 2021** (tentative) in Muswellbrook (location and time to be advised). If you are available to attend, please register your interest by return email. Further details will be provided closer to the date. The workshop will only proceed if there is enough interest.

If you wish to provide feedback on the enclosed AHMP revision, please do so by **8 July 2021**. If you require any further information or wish to arrange a meeting to discuss, please email me sarah.k.bailey@bhp.com

Regards

Sarah Bailey
Manager Approvals, Land, Access & Heritage
NSW Energy Coal
sarah.k.bailey@bhp.com
[REDACTED]

We work flexibly at BHP. I am sending this message now because it suits me. I don't expect that you read, respond to, or action it, outside your regular hours.

COPY OF LETTER EMAILED AND POSTED TO RAPs



Thomas Mitchell Drive
Private Mail Bag No. 8
Muswellbrook, New South Wales 2333
Australia

8 June 2021

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bhp.com

Dear Registered Aboriginal Party for the Mt Arthur Coal mine
Sent via email on 8 June 2021.

Mt Arthur Coal Aboriginal Heritage Management Plan draft revision – consultation – please provide feedback by 8 July 2021

Hunter Valley Energy Coal (HVEC) is currently updating its approved Mt Arthur Coal (MAC) Aboriginal Heritage Management Plan (AHMP). A copy of the draft AHMP revision is enclosed for your review and comment.

The currently approved AHMP was prepared in 2012 in consultation with Registered Aboriginal Parties (RAP's), and in accordance with requirements set out in Planning Approval PA09_0062 and Planning Approval PA09_0091, and needs to be contemporised in the context of RAP engagement and the ongoing management of cultural heritage at MAC.

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HVEC wishes to express its gratitude and a deep appreciation to the generations of Wanaruah/ Wonnarua people who have been involved in the ongoing management of Aboriginal cultural heritage at MAC.

HVEC wishes to invite you to participate in an AHMP review workshop to be held Tuesday 6 July 2021 (tentative) in Muswellbrook (location and time to be advised). If you are available to attend, please register your interest by return email. Further details will be provided closer to the date. The workshop will only proceed if there is enough interest.

If you wish to provide feedback on the enclosed AHMP revision, please do so by 8 July 2021. If you require any further information or wish to arrange a meeting to discuss, please email me sarah.k.bailey@bhp.com.

Yours sincerely

Sarah Bailey
Manager Approvals, Land, Access & Heritage
Mt Arthur Coal

Bailey, Sarah

From: Bailey, Sarah
Sent: Tuesday, 29 June 2021 4:00 PM
To: [REDACTED]@gmail.com'
Subject: AHMP meeting cancelled

COPY OF EMAIL SENT TO RAPS re MEETING CANCELLATION DUE TO COVID RESTRICTIONS

Hi [REDACTED]

Unfortunately due to the current Covid restrictions we will need to cancel the Aboriginal Heritage Management Plan (AHMP) workshop planned for next week.

Please let me know if you would like a Videocon or phone call to discuss any feedback you have on the AHMP otherwise we are happy to receive it via email.

I look forward to catching up with you when we next get an opportunity to meet in person. We have consultation planned for Aug/ September for the Mt Arthur Coal Continuation Project - Aboriginal Cultural Heritage Assessment (ACHA). We will be in touch with regards to meeting dates, hopefully the ACHA won't be impacted by Covid restrictions like the AHMP.

Stay safe.

Sarah

Sarah Bailey
Manager Approvals, Land, Access & Heritage
NSW Energy Coal
sarah.k.bailey@bhp.com
[REDACTED]

We work flexibly at BHP. I am sending this message now because it suits me. I don't expect that you read, respond to, or action it, outside your regular hours.

Appendix 4 – Previous Archaeological Reports and Aboriginal Heritage Impact Permits

Report Author and Title	Cultural Information Restrictions in Place
RPS (2017) Grinding Grooves Annual Visual Inspection Mt Arthur Coal, NSW.	
RPS (2016) Grinding Grooves Annual Visual Inspection 2015, Mt Arthur, New South Wales	
RPS (2015) Grinding Grooves Baseline Study and Annual Visual Inspection 2014, Mt Arthur, New South Wales	
RPS (2014b) Re: Summary of Ground Truthing of Scar Trees in Mt Arthur Coal Mine -2 June 2014.	
RPS (2014a) Re: MAC Record of Salvage Undertaken at Mt Arthur Coal. 9 May 2014.	
RPS (2013b) Grinding Grooves Baseline Study, Mt Arthur, New South Wales	
RPS (2013a) Aboriginal and Non-Indigenous Cultural Heritage Assessment. Mt Arthur Coal Open Cut Modification. Mt Arthur Coal Mine.	
BHP Billiton (2012) Aboriginal Heritage Management Plan	
Global Soil Systems (2011) Scar Tree Assessment Hunter Valley Coal Pty Ltd – Mt Arthur Coal.	
RPS (2011b) Salvage of Aboriginal Artefacts at Mcleans Hill	
BHP Billiton HVEC (2011) Macleans Hill Cultural Heritage Management Plan	
AECOM (2009b) Salvage of Aboriginal Heritage Sites, Mt Arthur Coal, Hunter Valley, NSW.	
AECOM (2009a) Aboriginal Archaeology and Cultural Heritage Assessment, Mt Arthur Coal	
Umwelt (2008b) Mt Arthur Underground Project Aboriginal Archaeological Assessment	
Umwelt (2007) Aboriginal Archaeological Assessment – South Pit Extension Project Mt Arthur Coal.	
AHIP#2275 (12 August 2005)	
South East Archaeology Pty Ltd (2004) Salvage of Aboriginal Heritage Sites in the Mt Arthur North Coal Mine Lease, Hunter Valley, NSW. Report to BHP Billiton.	
Donlon and Kuskie (2003). Traditional Aboriginal Burial at Mount Arthur North, Hunter Valley, New South Wales. Unpublished report to Mount Arthur North Project and Wonnarua Elders.	Yes. See Land Access Manager for the knowledge holder.
Aboriginal Heritage Impact Permit #SZ353 (17 October 2001)	
NPWS #SZ34A / AHIP 1384 *issued 16 July 2001)	
NPWS #SZ347/ AHIP 147 *issued 16 July 2001)	
Aboriginal Heritage Impact Permit #SZ346	
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Appendix 5 – Recorded Aboriginal cultural heritage sites within the EA boundary

