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Aboriginal Cultural Heritage Chance Finds Protocol

for the

Broken Hill North Mine

Prepared by:



R.W. CORKERY & CO. PTY. LIMITED

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TITLE BLOCK

Name of Mine:	Broken Hill North Mine Project
Development Application Number	SSD 7538
Applicant	Perilya Broken Hill Limited
Development Consent Date	22 December 2017, Last Modified 9 December 2021
Development Consent Condition Number & Title	Condition 35 of Schedule 3 Aboriginal Cultural Heritage Chance Finds Protocol

VERSION CONTROL

SUMMARY OF DOCUMENT REVISIONS				
Rev. No.	Date Revised	Section Revised	Revision Description	Revision Authority
A	20/08/18	ALL	Issued for COMPANY Review	M. Bland
B	21/8/18	Nil	Issued for OEH and Broken Hill LALC review and approval	G. Hender
C	24/9/18	3	Approved version issued for implementation	G. Hender
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D.2	08/04/22	Various	Issued for SECRETARY'S Approval (following receipt of DPE comments)	G. Hender

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1 Introduction and Scope

This *Aboriginal Cultural Heritage Chance Finds Protocol* is one of several management plans required by the Development Consent Conditions of SSD 7538. These plans are listed in Section 4. The overarching document in this list is the *Environmental Management Strategy* which contextualises each of the subordinate management plans and includes generic systems-based details that are common to all plans.

This document has been prepared by Perilya Broken Hill Limited (PBHL), in conjunction with R.W. Corkery & Co. Pty Limited, to describe the protocol to be implemented in the event that an unanticipated Aboriginal object(s) is identified within the Broken Hill North Mine Project (North Mine) Mine Site. This document becomes “live” on the commencement of mining operations.

This document represents a staged approach to the preparation of the various management plans and covers the post-construction phase of the Mine following formal notification of the commencement of mining operations under Condition 10(b) of Schedule 2 of SSD 7538. This document specifically addresses the requirements of Condition 35 of Schedule 3 of SSD 7538.

Responsibility for preparation of the document has been as follows.

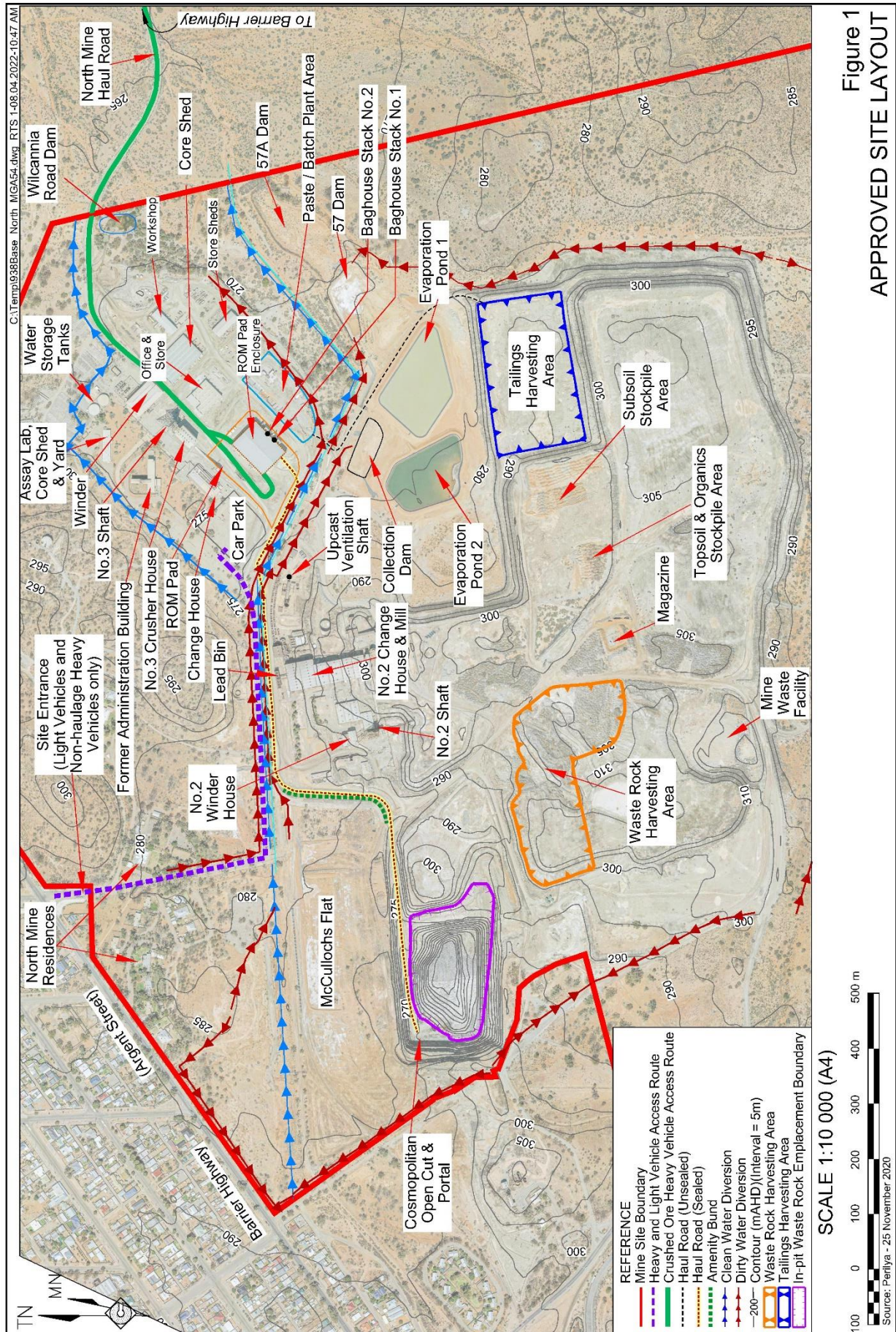
- R.W. Corkery & Co. Pty Limited (RWC) – prepared the first draft and consultation draft of the Protocol and finalised the document following receipt of advice from the Broken Hill Local Aboriginal Land Council and Office of Environment and Heritage that the document was adequate
- PBHL – reviewed the draft document and managed consultation with the Broken Hill Local Aboriginal Land Council and Office of Environment and Heritage.

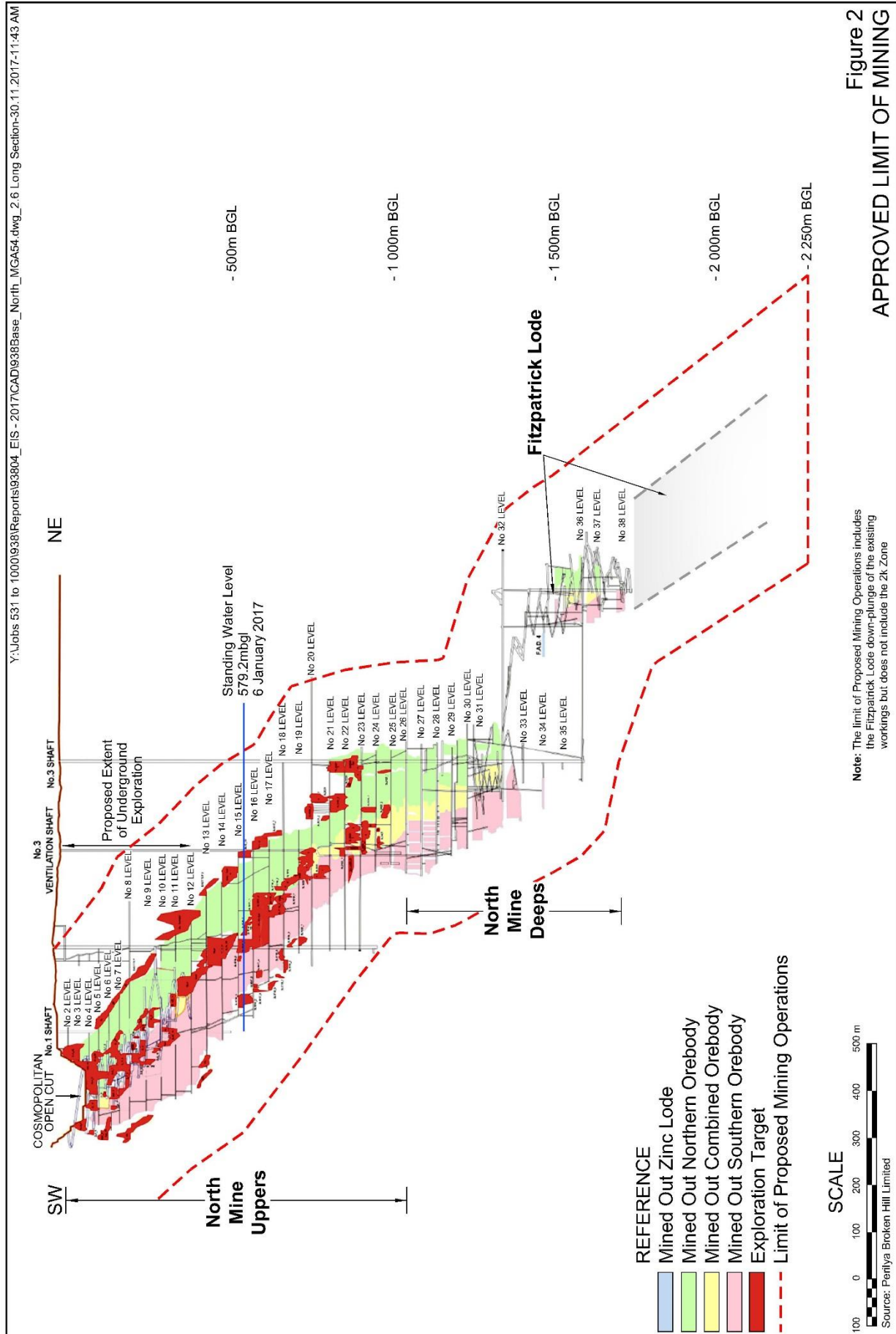
2 Project Description

The North Mine first started operations in 1883. Perilya Broken Hill Limited (PBHL) acquired assets of Pasminco Ltd in Broken Hill, including the North and South Mines, in 2002. Operations recommenced at the North Mine in 2003, with ore from the North Mine crushed on site and transported to PBHL's Southern Operations for processing. The North Mine was placed under care and maintenance in August 2008. Underground exploration and maintenance re-commenced in April 2017.

Development Consent SSD7538 for the recommencement of mining operations was granted under Section 89E of the *Environmental Planning and Assessment Act 1979* on the 22 December 2017 and subsequently modified on 7 September 2018, 31 July 2019 and 9 December 2021. The approved activities within the North Mine include the following work (**Figures 1 and 2**).

- Remediate the existing Cosmopolitan access ramp, portal and decline to the 12 Level (the limit of the existing decline) to facilitate safe and efficient access to the underground workings
- Restore and upgrade existing electrical, ventilation, air and water services, including on surface and within the decline, No. 2 and No. 3 Shafts, No. 3 Vent Rise.
- Extend the existing decline from the 12 Level to link with the existing decline between the 32 Level and the 38 Level.
- Undertake exploration drilling from underground to further define remnant ore and identify additional ore lenses and lodes.
- Develop access drives to permit access by modern mining equipment.
- Extract up to 400 000 tonnes per annum of remnant ore and ore below the base of previous mining operations, including within the Fitzpatrick Area.
- Transport extracted ore to the surface ROM Pad using underground haul trucks, including establishment of a haulage route utilising existing roads and a proposed haul road cutting.
- Transport extracted waste rock for placement either within completed stopes underground or within the in-pit waste rock emplacement in the Cosmopolitan Open Cut.
- Extract waste rock from the existing surface waste rock emplacement for transportation back underground as required.
- Extract tailings from a former Tailings Storage Facility for mixing with water and cement in a pastefill plant for use backfilling completed stopes.
- Re-establish surface infrastructure required to support the mining operation, including a ROM pad, office and store, workshop and fuel store, change house and car park, services (power, water, air and communications), surface magazine and ancillary infrastructure.
- Stockpile and crush ore within the existing ROM Pad using a mobile crusher.
- Load and transport up to 400 000 tonnes per annum of crushed ore to the Southern Operations using A-double road trains utilising the transport route approved for PBHL's Potosi Mine; namely Barrier Highway, Iodide Street, Crystal Street and Gypsum Street.





- Generate up to:
 - 32 ore laden truck movements per day;
 - 4 ore laden truck movements per hour;
 - 21 ore laden truck movements per day when averaged over a calendar year; and
 - 42 ore laden truck movements per day from the North Mine and the Potosi Mine when averaged over a calendar year.
- Process the transported ore within the Southern Operations Concentrator under the continuing use rights held for that operation.
- Dewater the existing workings and transfer that water to on site evaporation ponds or the Southern Operations.

3 Consultation

The following consultation related to the preparation of this Protocol was undertaken, with the following responses received.

- Heritage NSW (previously known as Office of Environment and Heritage).

An email requesting requirements for the *Construction Environmental Management Plan*, which included an *Aboriginal Cultural Heritage Chance Finds Protocol* was provided on 23 January 2018.

An email from the then Office of Environment and Heritage was received on 12 February 2018 requesting a particular form of words for the *Chance Finds Protocol*. Section 6 incorporates the requested form of words.

A draft of the *Construction Environmental Management Plan* was provided to the then Office of Environment and Heritage on 13 March 2018 and, other than an automated response acknowledging receipt, no response was received.

A final draft of this Protocol was provided to the then Office of Environment and Heritage on 22 August 2018 with a request to provide comments and/or their approval. An email was received from Mr Andrew Fisher, Senior Team Leader Planning with the South West Branch of Office of Environment and Heritage on 12 September 2018. Mr Fisher requested one minor amendment, namely a requirement to notify Office of Environment and Heritage as well as NSW Police in the event that human skeletal remains are identified. The required change was made at Point 2 of Section 6. Following implementation of the requested change, Mr Fisher confirmed on the same day that:

"[the] revised Perilya Broken Hill North Mine Project (SSD 7538) - Aboriginal Cultural Heritage Protocol now meets the condition requirements."

- Broken Hill Local Aboriginal Land Council (BHLALC).

A draft copy of this document was provided to the Broken Hill Local Aboriginal Land Council (in lieu of Registered Aboriginal Parties) on 14 March 2017.

An email acknowledging receipt and requesting further information in relation to the original Heritage Assessment, including a range of documentation was received on 29 April 2018. A response was prepared and provided to BHLALC on 3 May 2018.

A further email was received on 4 May 2018 thanking Perilya for providing the requested documentation and requesting that in the event that chance find are identified that the Land Council be engaged to provide advice in relation to management of the objects. The *Chance Finds Protocol* has been amended to include this request.

A final draft of this Protocol was provided to the BHLALC on 22 August 2018 with a request to provide comments and/or their approval. An email was received from Mr Cory Paulson, Chief Executive Officer of BHLALC on 11 September stating the following.

"At a duly constituted Broken Hill Local Aboriginal Land Council's 113th Board Meeting was the board have endorsed the Broken Hill North Mine Aboriginal Cultural Heritage Chance Finds Protocol."

4 Environmental Management System

The Environmental Management System for the North Mine comprises the following principal documents.

- *Environmental Management Strategy (EMS)*

The EMS defines the broader environmental management system requirements that are common to all relevant environmental aspects for the construction phase of the North Mine.
- *Air Quality Management Plan*
- *Noise Management Plan*
- *Blast Management Plan*
- *Transportation Management Plan*
- *Water Management Plan*
- *Operational Historic Heritage Management Plan*
- *Strategic Historic Heritage Management Plan*
- *Aboriginal Cultural Heritage Chance Finds Protocol (this document)*
- *Lead Monitoring & Education Program*
- *Rehabilitation Management Plan*

A range of Standard Operating Procedures (SOPs) are in place to manage implementation of the above Management Strategy and Management Plans. These SOPs provide operational personnel with a detailed description of how each of the identified measures are to be implemented. These SOPs are live documents and are introduced, amended, removed and replaced as required.

5 Legal and Other Requirements

A range of approvals, licenses and consents exist for the North Mine, each of which include conditional requirements. The following subsections present the requirements relevant to this *Aboriginal Cultural Heritage Chance Finds Protocol*.

5.1 Conditions of Consent

Conditional requirements identified in SSD7538 that are relevant to this document are reproduced in **Table 1** with a reference provided to the section(s) of this document where each conditional requirement is addressed.

Table 1 Conditions of Consent Associated with the CEMP

<i>Cond No.</i>	<i>Conditions of Consent</i>	<i>Document Reference</i>
3(35)	<i>Prior to commencing construction, the Applicant must prepare a Chance Finds Protocol to manage any unexpected Aboriginal cultural heritage items for the development, to the satisfaction of Heritage NSW and RAPs.</i>	Sect 6

5.2 Legislation

Section 86 of the *National Parks and Wildlife Act 1974* states that

- “(1) A person must not harm or desecrate an object that the person knows is an Aboriginal object ...
(2) A person must not harm an Aboriginal object”

Subsection (1) requires prior knowledge of the existence of an Aboriginal object. The heritage survey prepared to support the application for SSD 7538 did not identify any Aboriginal objects within the Mine Site. However, potential exists for unanticipated Aboriginal objects to exist and this document has been prepared to minimise the chance of a breach of subsection (2).

6 Chance Finds Protocol

The following presents the chance finds protocol to be implemented in the event that an object of suspected Aboriginal origin is identified within the Mine Site.

1. All ground surface disturbance in the area of the find(s) will cease immediately the finds are uncovered.
 - a) The discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted and ensure that there is no further harm to the object;
 - b) The discoverer of the find(s) will secure the area and prevent equipment or personnel from entering the area except in accordance with this protocol; and
 - c) The site supervisor will be informed of the find(s).
2. If finds are suspected to be human skeletal remains, then NSW Police and the Office of Environment & Heritage will be contacted as a matter of priority.
3. If there is substantial doubt regarding an Aboriginal origin for the finds, then the North Mine Manager or their delegate will obtain a qualified opinion from an archaeologist and/or the Broken Hill Local Aboriginal Land Council as soon as possible. In the event that the object is determined not to be of Aboriginal origin, then works will recommence. If the object is or is likely to be an Aboriginal object, then the following steps will be implemented.
4. Immediately notify the following authorities or personnel of the discovery if not already done so:
 - a) Heritage NSW ((02) 9873 8500); and
 - b) Relevant Aboriginal Community Representatives, including the Broken Hill Local Aboriginal Land Council.
5. Facilitate, in co-operation with the appropriate authorities and relevant Aboriginal community representatives (BHLALC):
 - a) The recording and assessment of the finds;
 - b) Fulfilling any legal constraints arising from the find(s). This will include complying with Heritage NSW directions; and
 - c) The development and conduct of appropriate management strategies. Strategies will depend on consultation with stakeholders and the assessment of the significance of the find(s).
6. Re-commencement of ground disturbing works may only resume in the area of the find(s) following compliance with any consequential legal requirements and gaining written approval from Office of Environment and Heritage.

7 Incident and Non-compliance Reporting

7.1 Incident and Non-compliance Reporting

Refer to Sections 8.1 and 8.2 of the *Environmental Management Strategy* for details of the incident and non-compliance reporting process.

7.2 Emergency Management Process

Refer to Section 8.3 of the *Environmental Management Strategy* for details of the emergency management process.

7.3 Complaints Management Process

Refer to Section 7 of the *Environmental Management Strategy* for details of the complaint's management process.

8 Training and Awareness

All site personnel will receive training in the following.

- Protection provided to Aboriginal objects by the *National Parks and Wildlife Act 1974* and the consequences of failing to abide by the relevant provisions.
- Identification of objects of Aboriginal or historic heritage significance and the steps to be implemented should such objects be identified.

Additional information on the Environmental Training and Awareness program for North Mine is location in Section 9 of the *Environmental Management Strategy*.

9 Roles and Responsibilities

Table 2 presents the roles and responsibilities for the implementation of this Protocol.

Table 2 Roles and Responsibilities

<i>Role</i>	<i>Responsibility</i>
General Manager	• Ensure adequate resources are available to enable implementation of the Protocol.
North Mine Manager	• Accountable for the overall environmental performance of the North Mine, including the outcomes of this Protocol.
Health, Environment, Safety and Training Manager	• Ensure adequate resources are available to enable implementation of the Protocol. • Ensure adequate training is provided to all personnel.
Environmental Superintendent	• Accountable for the implementation of this Protocol.
Environmental Advisor	• Accountable for the day-to-day implementation of this Protocol.
All other employees and contractors	• Responsible for following directions and instructions from site management and supervisors.

10 Review and Revision Process

In accordance with the requirements of Condition 6 of Schedule 4, this Protocol will be reviewed within 3 months of:

- a) the submission of an annual review;
- b) the submission of an incident report;
- c) the submission of an audit;
- d) any modification to the conditions of this consent, (unless the conditions require otherwise); and/or
- e) a direction from the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document will be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.