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DELTA COAL

Heritage Management Plan

Authors	Katie Weekes EMM Consulting
	Morgan Wilcox EMM Consulting
	Nena Lane-Kirwan EMM Consulting
	Chris Armit Delta Coal
Authorised by:	Chris Armit
	Approvals Coordinator
Date:	6 November 2020

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Acknowledgement

Delta Coal would like to acknowledge and pay respect to the traditional custodians of the area and their unique cultural heritage, spiritual beliefs and continuing relationship with the land and water.

We pay our respect to the Elders, past, present and emerging, and recognise their strength, resilience and rich contribution to society.

Delta Coal recognises the role of the registered Aboriginal parties in the management of the Aboriginal cultural heritage sites, landscape features and values of the area around Chain Valley Colliery and support their custodial and legislative rights and obligations to manage and participate in Caring for Country.

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1 Introduction

1.1 Purpose

This Heritage Management Plan (HMP) outlines the requirements to be undertaken to ensure compliance with statutory requirements and applies to the surface operations at Chain Valley Colliery (CVC) and Mannering Colliery (MC), including pit top facilities and lands where additional infrastructure may be constructed.

This management plan addresses the requirements for Development Consent SSD-5465 (MOD3), Schedule 3, Conditions 21 and 21A (CVC) and Project Approval PA 06_0311 (MOD5), Schedule 3, Conditions 18 and 18A (MC). The conditions require the preparation of a HMP.

The purpose of this management plan is to:

- provide an overall framework for consultation related to heritage items;
- detail the regulatory requirements and commitments made in relation to management of Aboriginal and historic heritage at CVC and MC;
- identify measures to minimise impacts to heritage items;
- detail monitoring requirements for known heritage sites (if required);
- facilitate the effective management of heritage issues;
- outline the requirements and actions to be taken upon the discovery of heritage items;
- define specific responsibilities of all stakeholders and function as a management tool for all relevant operational personnel; and
- identify the requirements for review of the document and a procedure for continual improvement.

The overall aim of this management plan is to promote a high level of environmental performance through the minimisation of heritage impacts.

1.2 Background

CVC and MC are underground coal mines located adjacent to each other on the southern side of Lake Macquarie approximately 60 km south of Newcastle and 80 km north of Sydney (see **Figure 1**). The CVC pit-top is located approximately 1 km south-east of the township of Mannering Park at the southern extent of Lake Macquarie. The MC pit-top is located 3 km south of the township of Mannering Park.

1.2.1 Chain Valley Colliery

In August 1960, J&A Brown and Abermain Seaham Collieries Ltd commenced clearing the present site of CVC, with drift and shaft sinking starting a few months later. Production of coal from the Wallarah Seam commenced, with the first delivery to the adjacent Delta Electricity's Vales Point Power Station (VPPS) in April 1963.

LakeCoal was formed in 2001 to acquire BHP Billiton's 80% share in the Wallarah Coal Joint Venture (WCJV), the remaining 20% share was owned by Sojitz. In October 2006, Peabody Energy, a US listed company acquired LakeCoal Pty Limited.

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In November 2009 LDO Coal Pty Limited purchased LakeCoal Pty Limited. LDO Coal is a consortium consisting of LD Operations, AMCI and private investors. In March 2011 the 20% share in the WCJV which Sojitz held was acquired by LDO Coal shareholders through the entity Fassi Coal Pty Ltd. The WCJV had operated the Wallarah, Moonee and Chain Valley underground coal mines and the Catherine Hill Bay Coal Preparation Plant, all located at the southern end of Lake Macquarie. At the time of LakeCoal's acquisition by LDO Coal, both the Wallarah and Moonee mines were closed.

1.2.2 Mannering Colliery

Development of MC (known as Wyee Mine) began in 1960 in conjunction with the construction of VPPS and was operated by Powercoal Pty. Ltd. Production commenced in 1961 with extensive mining (first workings and secondary extraction) having taken place in both the Great Northern and Fassifern seams. Coal operations temporarily ceased on 30 June 2002 when the operation was placed on care and maintenance.

Centennial Coal acquired control of Powercoal on 7 August 2002 and the Colliery remained on care and maintenance until reopening as Mannering Colliery. Production recommenced in December 2005, mining the Fassifern Seam to gain access to greater than 5 million tonnes of recoverable reserves beneath Lake Macquarie and surrounding lands.

MC was once again placed on care and maintenance in November 2012 and in 2013 the owners of MC and CVC entered into an agreement which enabled LakeCoal to operate the MC until 2022. LakeCoal became the operator of MC effective 17 October 2013. The underground link road between CVC and MC was completed in October 2017.

LakeCoal was placed into Voluntary Administration on 3 October 2018. The receivers continued operation of the mines in the period 3 October 2018 to 1 April 2019. As of 1 April 2019, Great Southern Energy Pty Ltd (trading as Delta Coal) own and operate the two underground coal mines, CVC and MC.

1.3 Operations

CVC is an underground coal mine which extracts coal through both first workings and miniwall extraction methods (second workings) as per the development approval SSD-5465 (as modified), with the latest modification (MOD 3) granted on 26 June 2020. Mining is currently undertaken at CVC, with the ROM coal being transported underground to MC where the coal is crushed and screened and sent to VPPS.

The surface infrastructure comprises limited facilities at the CVC 14 hectare pit top area adjacent to the VPPS, off Construction Road at Mannering Park, and another 0.3 hectare area at the ventilation facility situated at Summerland Point. Both the pit top and ventilation facilities have remained largely unchanged since their establishment.

As per the project approval PA 06_0311 all coal from MC is transported from CVC via the MC underground workings to the MC drift conveyor system to the surface, coal crushing facility and dedicated overland conveyor to VPPS for domestic energy generation.

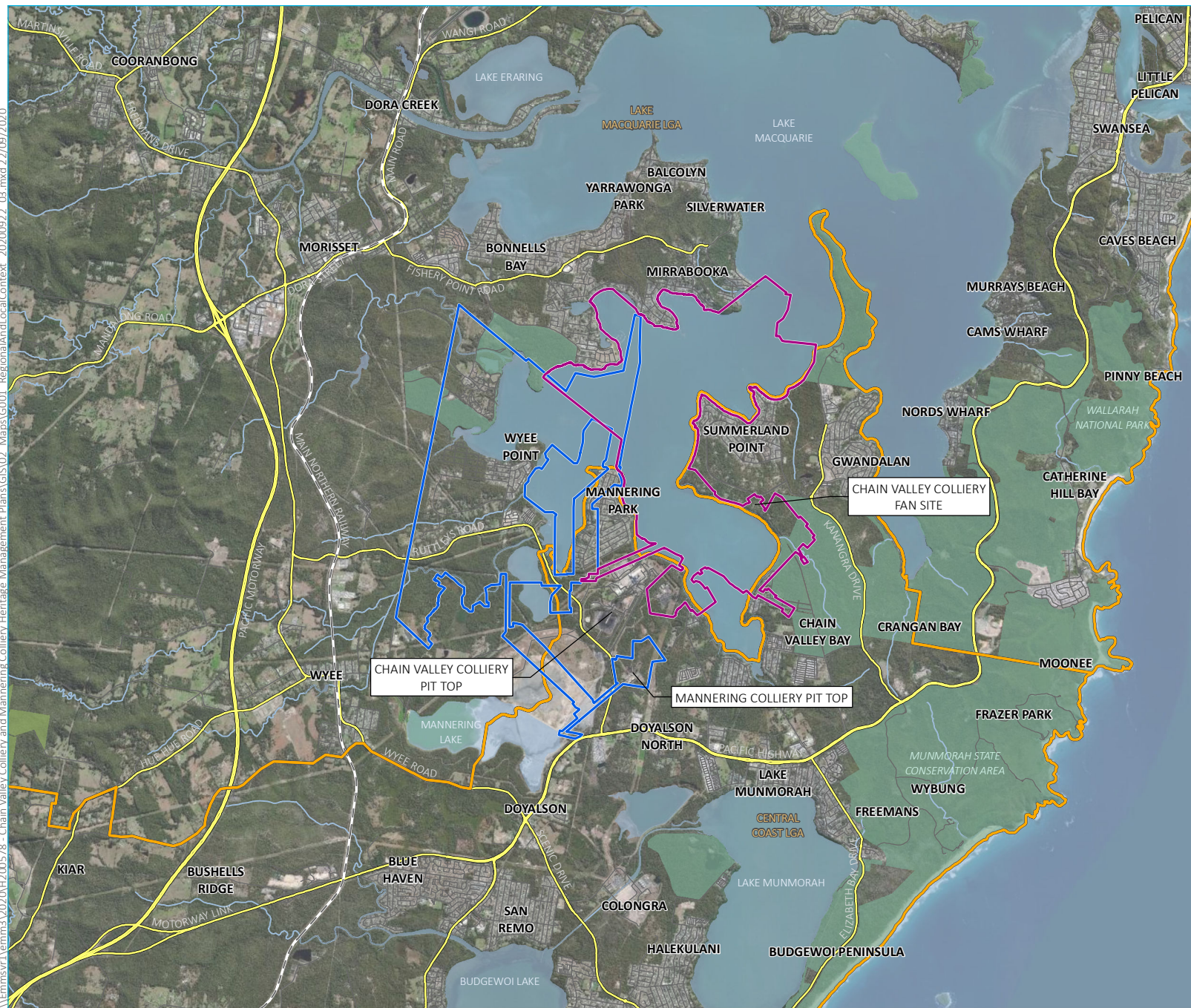
On 26 June 2020 Delta Coal (DC) received approval for a modification (MOD 5) to PA 06_0311 to allow for:

- an increase in the rate of ROM coal handling at MC from 1.3 to 2.1 Mtpa;
- transport from MC to VPPS;
- an extension to the approved end date for mining operations to 31 December 2027; and
- the use of alternate bord and pillar mine designs.

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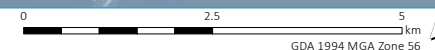


- KEY**
- Chain Valley Colliery development consent boundary
 - Mannering Colliery project approval boundary
 - Local government area
 - Rail line
 - Major road
 - Minor road
 - Watercourse
 - Waterbody
 - NPWS reserve
 - State forest

Regional and local context



Source: EMM (2020); DFSI (2017); GA (2011); ASGC (2006)



1.4 Statement of Significance

1.4.1 The Awabakal and Guringai Peoples

Following is a Statement of Significance by the Awabakal and Guringai Peoples for the CVC Revised Heritage Management Plan 2014. No changes to the Statement of Significance have been made and the statement has been reproduced with permission.

“Awabakal and Guringai is one of the 600 or more language groups or ‘nations’ that existed across Australia at the time of European contact and are part of the oldest and continuous living Culture in human history.

Our People were recorded in this area and acknowledged in the first records ever made of the Aboriginal People of the Lake Macquarie, Newcastle and Central Coast areas. Prominent people such as L.E.Threlkeld, Jonathon Warner and many others documented our People, Cultural Heritage and Language in detail going back to the very early 1800’s.

Our people believe that all Aboriginal sites and Traditional Culture that has existed for many thousands of years within our area are a tangible link to our Ancestors and our past. Surveys and assessments within the Chain Valley Colliery area has identified Aboriginal Cultural Heritage Sites (the tangible evidence of occupation) and (the intangible evidence) of landscape features of cultural value embedded within a landscape that provided physical and spiritual sustenance to the Awabakal and Guringai and those Aboriginal People they invited into their Country. The survival of these sites is significant to the continuation of collective knowledge and inspiration for our young people and coming generations of Awabakal and Guringai People. We acknowledge our Ancestors for passing on knowledge and also the legacy for us to continue what they put into place, to pass on our Cultural Heritage and to protect our sites for all those in the future.

The Awabakal and Guringai presence within the Chain Valley Colliery area extends from the present day back many thousands of years and is reflected in both tangible and intangible aspects of Aboriginal Culture and history. As Awabakal and Guringai People, we hold Cultural Knowledge that has been passed down from our Ancestors about our Traditional Country for thousands of years and a spiritual awareness, presence and connectedness of place that is what makes us one with the Land of our People. Therefore, the Awabakal and Guringai People have a continuing, contemporary history of trying to protect and preserve the Cultural Heritage within the surrounding areas.

We maintain concerns over Mining and Development licences being approved within the area and the adverse impacts this has on our Cultural Values and landscape features, and footprints of our Ancestors which are being impacted through cumulative and overlapping development, mining and unmonitored and unmanaged human recreational activities.

As indicated by the statements provided by the Traditional Owners, the mental, physical and spiritual wellbeing of the Awabakal and Guringai People and those Aboriginal Peoples that feel a connection to this landscape is also a contemporary phenomenon and not just ‘a thing of the past’.

The Project Area contains Registered Aboriginal Cultural Heritage sites identified as having Aboriginal Cultural value and are numerous within LakeCoal Project area. The sites and landscape features link contemporary Awabakal and Guringai People with generations of their Ancestors and are extremely important teaching places and places of spiritual renewal.

We, as the Traditional People of these areas since colonisation of our land, have had to endure many deprivation and degradation along with the subsequent loss of not just our People and land but many aspects of our Culture and Heritage. This has been brought about through the damage and neglect of many ventures both modern and historically that have taken place, the result being, significant loss of Cultural places and artefacts that for thousands of years have given substance and meaning to the lives of Awabakal and Guringai People.

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We as Traditional Owners today have vowed to protect our Cultural Heritage and those significant places remaining, so we and our young people and those to come will not go the way of many other Aboriginal People and their Culture and Heritage to become just a name in history books of what was. It has been quite a struggle for our people, with our numbers reduced to a handful after the white fella arrived in Australia in 1788.

It would seem we were doomed to the fate of many other First Peoples that have disappeared from countries all around the world, but we are still here, we have survived and are proud to be called Awabakal and Guringai.

Although the impact of European invasion dramatically changed Aboriginal life in Australia, not to mention the lives of our own People forever, the recent history of the Lake Macquarie area is also characterised by the Cultural resilience of Aboriginal Peoples, for both those who have retained connection to Country and those that are reconnecting to Country. Recent history is also characterised by the movement of other Aboriginal Peoples into the Country of the Awabakal and Guringai and the development of their own more recent attachments to the area. Whilst a diversity of attachment and experience is recognised, it is also necessary to recognise that the landscape, vegetation and watercourses of the Chain Valley Colliery area forms a unique part of the Cultural Heritage and Cultural landscape of the Awabakal and Guringai People.

Aboriginal lore requires that the Aboriginal cultural landscape of the Chain Valley Colliery area (which includes Aboriginal heritage sites, landscape features of Cultural value, the plants, animals and water) is cared for so that it will survive for future generations of Aboriginal Peoples.

The custodial rights and obligations of Aboriginal people Caring for Country underpin the principles of this HMP. It is highlighted, however, that the Awabakal and Guringai People in no way support any impact to Aboriginal sites, landscape features of Aboriginal cultural value or any aspect of the natural environment of the Chain Valley Colliery Area. Aboriginal people inherit the right and obligation to Care for Country, and endorsing any form of harm is assessed as culturally and ethically inappropriate". (© Awabakal & Guringai 2014)

1.4.2 The Biraban Local Aboriginal Land Council

Following is a Statement of Significance by the Biraban Local Aboriginal Land Council for the combined Heritage Management Plan 2020. No changes to the Statement of Significance have been made and the statement has been reproduced with permission.

"Biraban Local Aboriginal Land Council aim to promote, protect and foster the best interests of all Aboriginal people within its boundary and its members. As part of Biraban Local Aboriginal Land Council's role, we provide ongoing protection and conservation to all tangible and intangible Aboriginal cultural and heritage sites and cultural landscapes throughout our boundary being across both Awabakal and Wonnarua countries.

For generations Aboriginal people have cared for country and continue to care for country, some of whom are descendants of the Awabakal and Wonnarua nations, others who were born and/or raised in these countries and have a strong continual connection to country, and are now too custodians of these lands. Aboriginal people have a strong unwavering spiritual and emotional connection to country and take great pride in continuing the efforts of our Elders and our Ancestors by caring for the land, the waters, the plants, the animals, the Dreaming and now and into the future the last remaining evidence of the traditional occupation of our country by our Aboriginal Ancestors.

The archaeological evidence is of significance to Aboriginal people and culture as too are the cultural landscapes, the flora, the fauna and the connections each one has to the other, the intangible values of a place contribute significantly to an areas significance, with special care and protection given to the traditional occupation sites, shell middens, scarred trees, stone and wooden artefacts, grinding grooves, ceremonial grounds and sites, burial grounds, dreaming sites and hunting and gathering grounds.

Aboriginal people are the primary determinants of their Aboriginal culture and heritage, they are the knowledge holders and the caretakers, they have a strong connection to country and have cared for country for thousands of years and will continue to care for country for thousands of years to come." (© Biraban LALC 2020)

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1.5 Consultation

1.5.1 Chain Valley Colliery Heritage Management Plan

The original draft of the CVC Heritage Management Plan (HMP) was issued to the previously identified Aboriginal stakeholders for comment on 7 August 2012. Responses were received from:

- Darkinjung Local Aboriginal Land Council (DLALC);
- Bahtabah Local Aboriginal Land Council (BLALC);
- Awabakal Traditional Owners Aboriginal Corporation (ATOAC); and
- Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC).

These stakeholders identified the issues of accurate background information, inclusion of Aboriginal stakeholders in certain management measures and timing of review. At meetings with BLALC, ATOAC and ADTOAC at the CVC offices on 30 August 2012 the wording of the HMP was discussed in more detail and amendments were incorporated into the final version of the HMP which was subsequently approved on the 1 July 2013.

Version 2 of the management plan was based on the work completed for the heritage assessment of SSD-5465 and subsequent site inspection and workshop held in September 2013. At this site inspection representatives of the ADTOAC, ATOAC, Guringai Tribal Link Aboriginal Corporation and Awabakal Local Aboriginal Land Council were present for the fieldwork and, although unable to attend the fieldwork, an additional representative from the DLALC was able to attend the subsequent workshop.

A number of actions arose from the site inspection and workshop in September 2013 with all actions completed and incorporated into the HMP.

The third version of the CVC HMP addressed actions resulting from Modification 2 to Development Consent SSD-5465, specifically the recommendations of the Aboriginal Cultural Heritage Assessment (ACHA) prepared for Chain Valley Colliery Modification 2 Statement of Environmental Effects (EMM, June 2015).

The fourth version of the CVC HMP while based substantially on the previously approved LakeCoal HMP, was updated to reflect the recommendations and minor changes of the Independent Environmental Audit (IEA) conducted by SLR in June 2019.

The updates were administrative only and there were no changes to activities, impacts, the mine footprint or development consent requirements associated with CVC. This version included consultation with the Registered Aboriginal Parties, the Biodiversity and Conservation Division (BCD) and the Department of Planning, Industry and Environment (DPIE) and was approved by DPIE on 21 April 2020.

1.5.2 Mannering Colliery Aboriginal Cultural Heritage Management Plan

The original MC Aboriginal Cultural Heritage Management Plan (ACHMP) prepared by RPS in 2012 for Centennial Coal's Northern Holding, which included MC, was issued to the previously identified Aboriginal Stakeholders for comment. Following amendments, the ACHMP was approved on 26 November 2012.

In accordance with the review and auditing process outlined in Chapter 8, a draft of the updated ACHMP developed for MC was provided to the Aboriginal Stakeholders for comment on 16 August 2019. There were no responses received.

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The updates were administrative only and there were no changes to activities, impacts, the mine footprint or development consent requirements associated with MC. This version included consultation with the Registered Aboriginal Parties, BCD and DPIE and was later approved by DPIE on 13 November 2019.

1.5.3 Mannering Colliery Historic Heritage Management Plan

The original MC Non-Indigenous Cultural Heritage Management Plan (NICHMP) was previously prepared by Centennial Coal in February 2013. The plan was approved by the (former) Department of Planning and Infrastructure (DPI) on 10 September 2013.

The second version of this NICHMP, while based substantially on the approved Centennial Coal management plan, was updated to reflect the recommendations and minor changes of the Independent Environmental Audit (IEA) conducted by SLR in June 2019.

The updates were administrative only and there were no changes to activities, impacts, the mine footprint or project approval requirements associated with MC. This version of NICHMP was provided to NSW Environment Protection authority (EPA) and DPIE and was approved on 13 November 2019.

1.5.4 Combined Delta Coal Heritage Management Plan

Registered Aboriginal Parties (RAPs) who have registered an interest to participate in the consultation process comprise the four groups consulted for the original HMP draft and six further Aboriginal organisations. The complete list of ten RAPs are:

- ATOAC;
- ADTOAC;
- BLALC;
- DLALC;
- Biriban Local Aboriginal Land Council;
- Daniella Chedzey;
- Cacatua Culture Consultants;
- Guringai Tribal Link;
- Wonn 1 Contracting; and
- Yula - Punaal Aboriginal Education and Healing Centre.

In accordance with the review and auditing process, a draft of this combined HMP, developed for CVC and MC was provided to the RAPs, DPIE, Heritage NSW (inclusive of Aboriginal Cultural Heritage Advisory Council and Heritage Council of NSW) for comment on 22 October 2020. This HMP was provided to DPIE on 6 November 2020 following the 14 day consultation period.

A summary of the comments received, and amendments subsequently made to the document prior to finalisation are detailed in **Table 1**. Evidence of consultation is provided in **Appendix 1**.

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Table 1: Consultation Summary

Stakeholder	Comments	Response/Action
RAPs	No comments provided	NA
NSW DPIE	TBC	NA
Heritage NSW	No comments provided	NA

1.5.5 Ongoing community consultation and involvement

As part of the of the HMP, DC facilitates ongoing consultation and involvement of RAPs in the conversation and management of Aboriginal cultural heritage on CVC and MC sites. This is achieved by:

- providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s);
- providing for ongoing communication of information on mining operations and cultural heritage management and the Aboriginal community;
- providing advice on how to address community relationships; and
- commenting on future draft assessment reports and management plans before they are submitted to regulatory authorities.

1.5.6 Access to Aboriginal sites and stored Aboriginal objects

Local Aboriginal community access to Aboriginal sites and stored Aboriginal objects will be made available by DC subject to reasonable safety and security measures, such as availability of DC staff assistance. Any request to visit is to be made to the DC Environmental Compliance Coordinator.

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2 Statutory Requirements

2.1 Key Legislation, Policy and Guidelines

This HMP has been prepared in accordance with the principles of the Australia ICOMOS Burra Charter, 2013 (Burra Charter). The Burra Charter provides guidance for the conservation and management of places of cultural significance and sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Items of heritage significance in NSW are protected by a series of acts whose purpose it is to ensure that change is appropriately managed to ensure that significance is not lost. In NSW, the *Heritage Act 1977* and the *Environmental Planning and Assessment Act 1979* (EP&A Act) are the primary statutory controls protecting historical heritage and archaeology within NSW. Listing on statutory registers provides legal protection for heritage items.

2.2 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legal framework to protect and manage nationally and internationally important heritage places as well as places that are owned by the Commonwealth, such as defence lands and postal facilities.

2.2.1 Native Title Act 1993

The Commonwealth Government enacted the *Native Title Act 1993* to formally recognise and protect native title rights in Australia following the decision of the High Court of Australia in *Mabo & Ors v Queensland (No.2)* (1992) 175 CLR 1 ("Mabo".)

2.2.2 Aboriginal Land Rights Act 1983

The purpose of this legislation is to provide land rights for Aboriginal people within New South Wales and to establish Local Aboriginal Land Councils (LALCs). The land able to be claimed by Aboriginal Land Councils on behalf of Aboriginal people are certain Crown lands as detailed in s36 of the *Aboriginal Land Rights Act 1983*. Claims for land are by application to the Office of the Registrar, *Aboriginal Land Rights Act 1983*.

2.2.3 National Parks and Wildlife Act 1974

The primary state legislation relating to the protection of Aboriginal cultural heritage in NSW is Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act).

The *National Parks and Wildlife Regulation 2009* (NPW Regulation) is subsidiary legislation made under its parent act, the NPW Act. The NPW Regulation provides codes of practice, documents and guidelines that relate to the NPW Act, including:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010);
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010);
- *Aboriginal Consultation Requirements for Proponents 2010* (DECCW 2010); and
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011).

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2.2.4 Heritage Act 1977

Historical archaeological relics, buildings, structures, archaeological deposits and features are protected under the *Heritage Act 1977* (as amended 1999) and may be identified on the State Heritage Register (SHR) or by an active Interim Heritage Order.

I. Relics Provision

Relics are defined by the Heritage Act are *“any artefact, object or material evidence which relates to the settlement of that area that comprises New South Wales, not being Aboriginal settlement, and is of State or local significance.”* Relics are protected under Section 139 of the Heritage Act. Where the potential for relics exists, the land in which it is found cannot be disturbed or excavated without an excavation permit.

II. State Heritage Register

The SHR is a list of places and objects of particular importance to the people of NSW. When a place is listed on the SHR or is affected by an interim heritage order, approval under Section 60 of the Heritage Act is required for any major work. The purpose of this requirement is to ensure that change to significant places is managed appropriately and does not detract from the heritage significance of the place.

III. Section 170 Register

State government agencies have responsibilities under Section 170 of the *Heritage Act* that requires them to identify, conserve and manage heritage assets owned, occupied or managed by that agency. Each agency is required to maintain a s170 register of all heritage assets and assess the significance of each asset.

2.2.5 Environment Planning and Assessment Act 1979 (EP&A Act)

The EP&A Act establishes the framework for cultural heritage values to be formally assessed in the planning and development consent process in NSW. The EP&A Act requires that environmental impacts are considered before land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits.

The EP&A Act requires that local governments prepare planning instruments, such as Local Environment Plans (LEPs) and Development Control Plans (DCPs) to provide guidance on the level of environmental assessment. This includes identification of heritage items, as listed on the heritage schedules of an LEP.

The Act regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage, assessment documents prepared to meet the requirements of the EP&A Act.

2.3 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW

In 2010, the NSW Office of Environment and Heritage released the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW. This code of practice is designed to assist individuals and organisations to exercise due diligence, when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

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The *National Parks and Wildlife Act 1974* (NPW Act) provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

The code sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

- identify whether or not Aboriginal objects are, or are likely to be present in an area;
- determine whether or not their activities are likely to harm Aboriginal objects (if present);
- determine whether an AHIP application is required; and
- Aboriginal Cultural Heritage Consultation Requirements for Proponents.

Also, in 2010, the NSW Office of Environment and Heritage released the Aboriginal Cultural Heritage Consultation Requirements for Proponents. The purpose of the consultation guidelines is to establish the requirements for consultation with the registered Aboriginal parties as part of the heritage assessment process to determine potential impacts of proposed activities on Aboriginal objects and places and to also inform decision making for any application for an AHIP. The aims of the consultation guidelines are to facilitate positive Aboriginal cultural outcomes by:

- *affording an opportunity for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to be involved in consultation so that information about cultural significance can be provided to DECCW to inform decisions regarding applications for an AHIP; and*
- *providing Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project with the opportunity to participate in decision making regarding the management of their cultural heritage by providing proponents information regarding cultural significance and inputting into management outcomes.*

2.4 Approvals

This plan has been prepared in accordance with CVC Schedule 3, Condition 21 of Development Consent SSD-5465, and MC Schedule 3, Condition 18 of Project Approval 06_0311, which states the requirements of the Heritage Management Plan (HMP) and what it must address. Cultural heritage related requirements of the approvals, including specific requirements that are to be addressed in this plan, and where they are addressed, are detailed in **Appendix 2**.

In accordance with Schedule 2, Conditions 2 and 2A, in addition to carrying out the works in accordance with the conditions of CVC Development Consent SSD-5465, DC will also carry out works generally in accordance with the Environmental Impact Statement (EIS), Statement of Environmental Effects (SEE) (Mod 1), SEE (Mod 2), SEE (Mod 3), Project Layout Plans, and Statement of Commitments.

In accordance with Schedule 2, Conditions 2, in addition to carrying out the works in accordance with the conditions of MC Project Approval 06_0331, DC will also carry out works generally in accordance with the Environmental Impact Statement (EIS), Statement of Environmental Effects (SEE) (Mod 1), SEE (Mod 2), SEE (Mod 3), SEE (Mod 4), SEE (Mod 5), Project Layout Plans, and Statement of Commitments.

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3 Aboriginal Heritage Management

3.1 Background

The Awabakal is bordered generally by the Darkinjung to the south west, Wonnarua to the north west and by the Worimi to the north beyond Newcastle. The Awabakal language extended south to Brisbane Waters or even to Sydney Harbour North Head, if the Gringai (Kurringai) language is related to Awabakal (Shane Frost pers.comm. Aug 2012).

The Lake Macquarie area has been the focus of a number of surface investigations and a small number of excavations. In order to develop a predictive model of site location, distribution and type that occur in the vicinity of CVC and MC, previous archaeological work undertaken within the region was reviewed.

There have been numerous archaeological studies undertaken for the Lake Macquarie region, starting from the 1970s until the present (eg Haglund 1986; Navin Officer and Saunders 1996; Umwelt 2011; EMM 2012). These studies have largely been undertaken as part of commercial, linear infrastructure and mining developments.

Archaeological investigations have identified that Aboriginal subsistence was focused on the estuarine shell beds on the lake margins. There is a strong association with shell midden sites and the lake shore, whereas stone artefact sites are often mixed with midden sites but also distributed adjacent to watercourses in the hinterland of Lake Macquarie. Furthermore, studies have found that Aboriginal scarred or carved trees may be adjacent to water sources in areas of uncleared forest.

It was determined that there were no items of historic heritage significance within the existing or proposed disturbance or mining areas, although a number of items were located nearby. These are discussed further in Section 4. A number of Aboriginal heritage sites were identified within the CVC and MC site and areas of proposed mining, as discussed in further detail below.

3.2 Chain Valley Colliery Previous Assessments

3.2.1 Environmental Assessment (AECOM 2011)

For the EA (AECOM, 2011), a search of Office of Environment and Heritage (OEA) Aboriginal Heritage Information Management System (AHIMS) database was conducted on 30 September 2009 and revealed six registered Aboriginal sites within the area. In addition to this, as part of the EA process, consultation and field work was undertaken with Aboriginal stakeholders within the study area of the EA, which resulted in the identification of an additional five Aboriginal sites.

3.2.2 Environmental Impact Statement (EMM 2012)

An extensive search of the AHIMS register was also conducted during 2012 as part of the EIS for an area of 10 km by 10 km surrounding the CVC. The search revealed a total of 99 registered sites, the majority of which occurred along the Lake Macquarie foreshore. Middens accounted for 60% of the total sites registered, isolated finds accounted for 11% and scarred trees represented 10%. Subsequent fieldwork undertaken by EMM in conjunction with RAPs identified one new site (45-7-0339) and also redefined the extents of sites 45-7-0154 (at Fishery Point, Sunshine) and 45-7-0157 (at Casuarina Point, Sunshine).

Notwithstanding the high significance of Aboriginal sites and objects to Aboriginal people, Aboriginal stakeholders advise that all of the land is of significance to Aboriginal people.

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In the 2014 HMP it was noted that the Awabakal and Guringai People had a Registered Native Title claim over the site and surrounding areas including the Lake Macquarie City Council and Wyong Shire Council Local Government Areas (LGAs) along with other LGAs. The Native Title claim was registered on 13 June 2013 and discontinued as at 30 June 2017.

In addition, there is a current claim by Johnson and Kendall Grange. The Native Title claim was registered on 27 April 2007 and is not yet determined.

3.2.3 ACHA (EMM, 2015)

In addition to the above assessments, an Aboriginal Cultural Heritage Assessment (ACHA) was completed as part of the Statement of Environmental Effects prepared for Chain Valley Colliery Modification 2 (EMM, June 2015). This report identified Aboriginal site 45-7-0157 would be subject to subsidence impacts at a negligible level as a result of the proposed modification, and recommended monitoring requirements. The assessment also recommended Aboriginal site 45-7-0154 be removed from the monitoring program as it will no longer be undermined.

3.2.4 Aboriginal due diligence assessments for subsidence monitoring (EMM, 2017 and 2019)

EMM was engaged in 2017 and 2019 to undertake Aboriginal due diligence assessments in relation to the installation of subsidence monitoring lines along Summerland Point/Chain Valley Bay foreshore (2017) and the Point Wollstonecraft Foreshore (2019). The assessments were a part of ongoing subsidence monitoring associated with mining operations. Although both assessments identified shell material associated with naturally occurring deposits, and cultural deposits at existing AHIMS site, no further sites were identified. No impacts to Aboriginal sites or objects were proposed by the subsidence monitoring activities.

3.2.5 Management Plan Reviews (EMM, 2020)

Methods used to identify potential Aboriginal cultural heritage sites and/or objects for inclusion in this revised HMP were as follows:

- a review of the previous archaeological investigations undertaken at CVC and its surrounds;
- an extensive search of the AHIMS database to identify previously recorded Aboriginal sites; and
- objects in and around the CVC project approval boundary.

An updated AHIMS search was conducted on 14 October 2020 with results provided in **Appendix 3**. A total of 86 Aboriginal sites were identified within the search area, the majority of which were located around the Lake Macquarie foreshore. Of these sites, 29 are located within the current CVC project area boundary as detailed in **Table 2** and shown on **Figure 2**. Fifteen additional Aboriginal sites have been included in this HMP within or near the CVC development consent boundary in comparison with the 2014 HMP.

Table 2: AHIMS registered sites within/near the CVC project area (as at 19 October 2020)

No.	AHIMS ID(s)	Site name	Site type/features
1	45-3-0334	Tiembula Creek Midden	Shell Midden
2	45-7-0131	Summerland Point	Shell Midden
3	45-7-0166	M8, Sugar Bay	Shell Midden
4	45-7-0167	Camp Brightwaters	Shell Midden

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No.	AHIMS ID(s)	Site name	Site type/features
5	45-7-0176	Gwandalan	Shell Midden
6	45-7-0178	Hembula Creek	Scarred Tree (x2)
7	45-7-0179	Black Neds Point	Shell Midden
8	45-7-0181	Chain Valley Bay 1	Shell Midden
9	45-7-0182	Chain Valley Bay 2	Shell Midden
10	45-7-0189	Sandy Beach 1	Shell Midden
11	45-7-0227	St Johns 1	Artefact
12	45-7-0255	Trinity Point GG2	Grinding Groove
13	45-7-0257	Trinity Point Ochre	Ochre Quarry
14	45-7-0258	Trinity Point IF1	Artefact
15	45-7-0262	SJOG 7	Grinding Groove
16	45-7-0263	SJOG 6	Shell Midden
17	45-7-0271	CV-08-09	Shell Midden
18	45-7-0272	CV-09-09	Shell Midden
19	45-7-0273	CV-10-09	Shell Midden
20	45-7-0277	CV-16-09	Shell Midden
21	45-7-0279	CV-18-10	Shell Midden
22	45-7-0281	CV-20-10	Shell Midden
23	45-7-0282	CV-21-10	Shell Midden
24	45-7-0293	RPS MP3	Modified Tree (Carved or Scarred)
25	45-7-0154	M7	Shell Midden
26	45-7-0157	M10	Shell Midden
27	45-7-0339	CV-001	Isolated artefact
28	45-7-0412	DC1	Shell
29	45-7-0413	DC2	Shell

Sites listed in bold are sites not included in the 2014 HMP. It may be that some are located just outside the development consent boundary but have been included in this management plan for completeness.

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3.3 Mannering Colliery Previous Assessments

3.3.1 Aboriginal Cultural Heritage Management Plan (ACHMP) (RPS 2012)

In 2012, RPS prepared an ACHMP for Centennial Coal's Northern Holdings. The Northern Holdings included Newstan Colliery, Awaba Colliery, Myuna Colliery, Mannering Colliery and Mandalong Mine.

A search of the Aboriginal Heritage Information Management System (AHIMS) database conducted on 21 March 2012 identified a total of 332 Aboriginal sites within the boundaries of Centennial's Northern Holdings. Of these sites, 28 were located within the MC project area boundary (RPS 2012: Attachment 3).

The most common site types identified were artefact scatters or isolated finds, grinding groove sites, shell middens and rock shelters. Modified trees, which included both scarred and carved trees, were present in moderate numbers. Potential archaeological deposits and shelters with art had been identified in relatively few numbers and have been considered less common in the region. The remainder of sites within Centennial's Northern Holdings were multi-component sites ranging between one and three instances, which most likely represent places where a range of subsistence activities took place. Multi component sites are places where a variety of activities may have taken place and therefore have a range of site types within the overall assemblage.

3.3.1 Modification 3 Environmental Assessment (EMM 2015)

The current previous approved modification, Modification 3 Environmental Assessment for Mannering Colliery (EMM 2015) outlines an extensive AHIMS search conducted by EMM Consulting on 17 August 2014. The search was for an area of 5 km by 5 km encompassing MC (the search area), and adjacent catchments. The search identified a total of 112 registered sites, with middens being the most common site type recorded.

No Aboriginal sites were identified in the Modification 3 area.

3.3.2 Aboriginal Cultural Heritage Management Plan (ACHMP) Review 2019

The current review has been completed to extract relevant information from the previous Centennial Coal Northern Holdings ACHMP, and to develop an ACHMP specific to the MC project area.

Methods used to identify potential Aboriginal cultural heritage sites and/or objects for inclusion in this revised ACHMP were as follows:

- a review of the previous archaeological investigations undertaken at MC and its surrounds; and
- an extensive search of the AHIMS database to identify previously recorded Aboriginal sites and objects in and around the MC project approval boundary.

An updated AHIMS search was conducted on 14 October 2020 with results provided in **Appendix 3**. A total of 86 Aboriginal sites were identified within the search area, the majority of which were located around the Lake Macquarie foreshore. Of these sites, 10 are located within the current MC project area boundary as detailed in **Table 3** and shown on **Figure 2**. Only one additional Aboriginal site, 45-7-0363, has been recorded within the MC project area since completion of the 2012 ACHMP and has been shown in bold on the following table.

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Table 3: AHIMS registered sites within/near the MC project area (as at 19 October 2020)

No.	AHIMS ID(s)	Site name	Site type/features
1	45-3-1553	Wyee Bay, Ruttleys Road	Midden
2	45-7-0001	Morisset Hospital	Midden
3	45-7-0003	Vales Point, Lake Macquarie	Midden
4	45-7-0190	Wyee Point	Midden/artefact
5	45-7-0207	The Hole (TH1)	Open Camp site
6	45-7-0291	RPS HSO M1	Shell
7	45-7-0316	RPS Wyee Point 2	Shell
8	45-7-0320	RPS Mannering 1	Shell
9	45-7-0321	RPS Mannering 2	Modified tree (carved or scarred)
10	45-7-0363	Woods Repatriation Site	Burial/modified tree (carved or scarred)

It may be that some are located just outside the development consent boundary but have been included in this management plan for completeness.

3.4 Items of Significance

Obligation to Avoid Harm

All employees, contractors, sub-contractors and visitors to CVC and MC have an obligation to avoid harming Aboriginal heritage unless engaged in an Aboriginal heritage management activity described in this plan.

The *National Parks and Wildlife Act 1974* (NPW Act) defines “harm” to an object or place as any act or omission that:

- (a) *destroys, defaces or damages the object or place, or*
- (b) *in relation to an object-moves the object from the land on which it had been situated, or*
- (c) *is specified by the regulations, or*
- (d) *causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c),*
- (e) *desecrates the object or place, or*
- (f) *is trivial or negligible, or*
- (g) *is excluded from this definition by the regulations.*

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Any Aboriginal objects or sites at CVC and/or MC will be made aware for all employees, contractors and sub-contractors by the Environmental Compliance Coordinator or the Approvals Coordinator. This will include a message detailing:

- that the objects or sites are protected by law;
- potentially be distributed across the project area and that new sites may be exposed in areas outside of the disturbance footprints;
- are of significance to the Aboriginal community, and important to the wider community and must be treated with respect;
- have included stone tool sites; and
- can be hard to recognise, therefore reference must be made to the Aboriginal heritage maps in this management plan in order to clearly identify them.

In the process of undertaking any mining activities there is potential to impact Aboriginal objects or sites. Any activity which results in the disturbance of the surface has the potential to harm Aboriginal heritage sites. The level of impact to Aboriginal sites depends on the nature of the surface works/subsidence and the physical characteristics of the Aboriginal site types. The Mannering Colliery project approval currently allows for first workings mining only in the Great Northern and Fassifern seams, with <20 mm surface, negligible subsidence effects. This is less than the average natural ground swell movement of 29 mm (Delany et al). This first working mining method is the key management tool to avoiding harm to aboriginal heritage.

3.4.1 Artefact Scatters and Isolated Finds

The distinction between artefact scatters and isolated finds comes down to the interpretive value of these sites. An isolated find, as the name suggests, comprises of a single stone artefact which often cannot be contextualised by other artefacts in the landscape. Artefact scatters contain more than one artefact and have more interpretive value because they may provide information on processes such as procurement, manufacture, usage and discard (Holdaway et al 2002). These two types of sites are usually classified as “open” because they are usually set in exposed landscape (i.e. not a rock shelter) and the extent of these sites are based on an arbitrary boundary according to changes in density level and/or landform units (for artefact scatters). Isolated finds occur as a single artefact and are not generally found within 50 m of another artefact/artefact scatter.

3.4.2 Middens

Shell middens are commonly made up of the remains of edible shellfish and could be the result of a single meal or many meals at the same location over many years. A midden may also contain fish and animal bones, stone tools, or charcoal. They can vary in size and depth. Middens are sometimes associated with burials. Middens can be found on headlands, sandy beaches and dunes, around estuaries, swamps and tidal stretches of creeks and rivers, and along the banks of inland rivers, creeks and lands. Middens may also be found in the open or in rock shelters. Middens can indicate that a place was, and may continue to be, a key meeting place of significance. Middens can also provide information about the environment that existed when Aboriginal people collected the shellfish, such as changes in species, and tools or raw materials that were used. Middens which contain burials are particularly significant. Middens are amongst the most fragile cultural sites. They can be exposed by wind or degraded by human and animal activity. Effective management of midden sites may include stabilising the surface, such as by encouraging vegetation cover, or by restricting access to the site by erecting fencing (Excerpt from due diligence guidelines, DECCW 2010).

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3.4.1 Stone Arrangements

Aboriginal stone arrangements are places where Aboriginal people have positioned stones deliberately in the landscape to form shapes or patterns. Although it is not certain why stone arrangements were made, scholars (O'Conner et al 2007) have suggested that they may have served a spiritual function (ie: rituals and ceremonial usage) or for practical subsistence purposes (ie: demarcating territorial boundaries or as fish traps along coastal regions). There are over 1000 known stone arrangements in NSW and Qld alone (Mulvaney & Kamminga 1999:25).

Stone arrangements are characterised as low height constructions, usually less than a metre high, and generally occur where there is a plentiful supply of boulders and suitable rock material to arrange. Although inferences can be made as to the reasons why particular stone arrangements were created based on research and intensive archaeological investigation, it is not possible to assign a generic function to stone arrangements. These types of sites can vary in size and shape and the choice of materials used in their construction can also vary greatly based on the availability of resources and selectivity of material. The spatial distribution of these arrangements may also have an interpretive implication on their function and usage.

Ground surface clearing activities and subsidence/upsidence can potentially harm stone arrangements. In terms of the potential harm associated with ground surface works, this can take place in the form of earth works activity directly where the site is located. However, these types of sites are more clearly identifiable in the natural landscape than artefact scatters and isolated finds because they are more physically imposing. Subsidence/upsidence may harm stone arrangements if the movement of the ground surface cause the stones move; thus, altering their original arrangement. Secondary effects of subsidence may include changes in drainage patterns which can also pose a risk to moving the stones in the arrangement.

3.4.2 Historic/Social/Ceremonial/Spiritual/ Dreaming Sites

Aboriginal ceremonial/Dreaming/spiritual sites are linked to cultural traditions and their function and significance are determined by the Traditional Owners. These types of sites can be for different types of purposes and would therefore need to be assessed individually. Although it is possible that archaeological remains can be associated with these types of sites, this however is not a necessary qualifier because their value largely hinges on the oral histories and traditions passed down in Aboriginal culture.

3.4.3 Grinding Grooves and Rock shelters

Natural processes such as the constant water flow over sandstone structures can cause erosion. Surface exfoliation can occur due to the heat of bush fires. Mining activities can also cause harm to grinding groove and rock shelter sites. It is observed that natural ground swell movement in Lake Macquarie region range between 7 mm and 58 mm with an average of 29 mm (Delany et al). This research suggests that any movement of the ground surface <58 mm could be attributed to natural processes rather than the result of mining induced ground subsidence.

3.4.4 Scarred Trees/ Carved Trees

Aboriginal modified trees are trees which have been scarred or carved by Aboriginal people through the deliberate removal of bark or wood (Long 2005:6). There are numerous reasons why Aboriginal people removed bark from trees because it is a versatile and plentiful material. It can be used for a range of domestic activities including the manufacture of shelters, watercrafts, containers, weapons (shields/woomeras), etc.

All Aboriginal scarred trees are protected under state legislation and are recognised as sites. Given that the coastal margins of NSW and the valley are among the oldest European settlements in Australia, dating to the 1780s around Sydney and the 1800s in the Newcastle region (Long 2005:52), modified trees in the northern holdings would be expected to be older than 240 years.

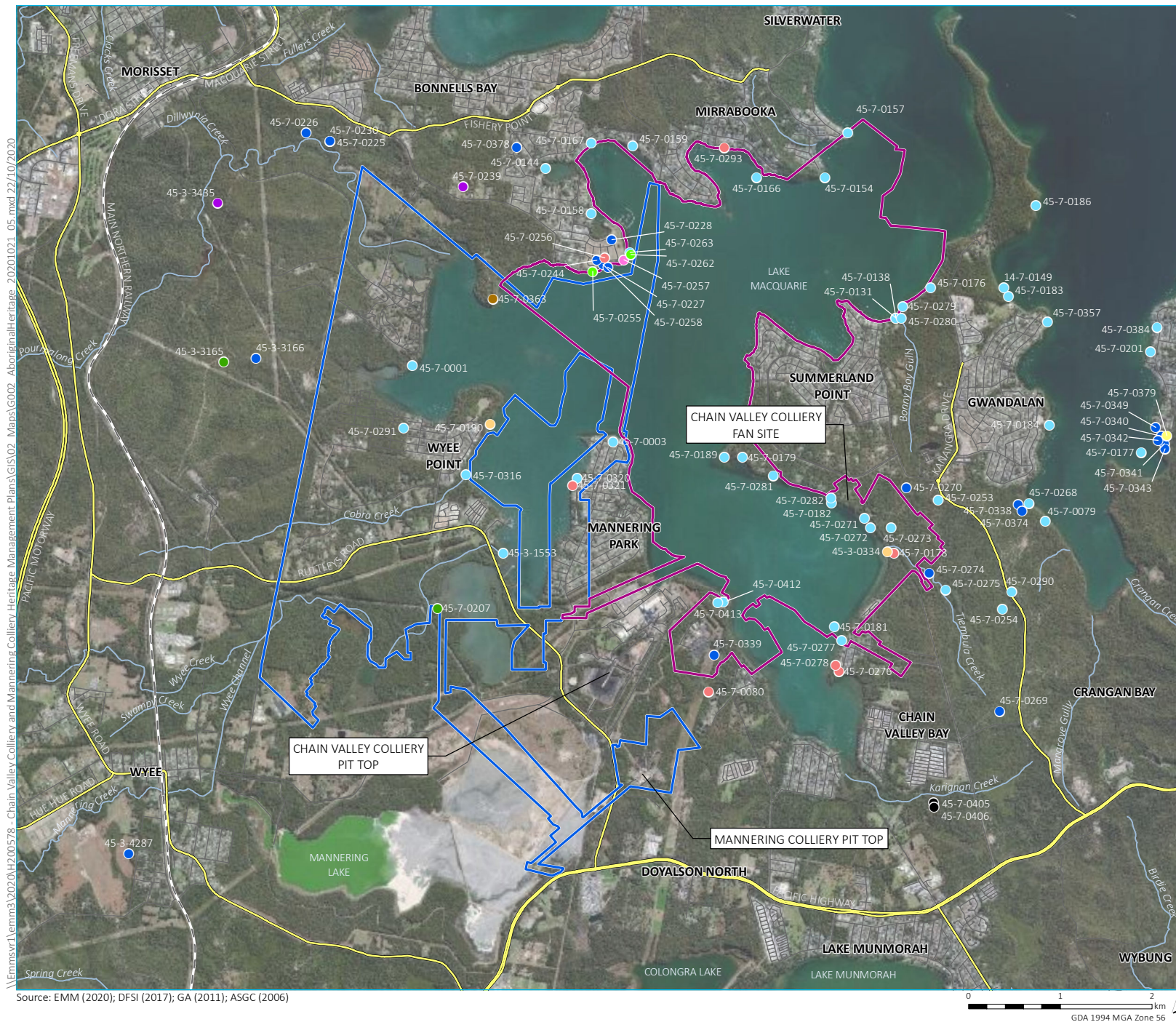
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The potential risk of subsidence/upsidence to scarred/carved tree sites is largely dependent on the condition of the tree (health) and where it is located in the landscape. If mature scarred/carved trees are healthy and alive, they generally have well established root systems which can keep them firmly affixed to the ground surface at the onset of subsidence.

Although a tree might be healthy, the ground condition and location of the site can also affect the sites stability. If the site is located on a precarious ledge along a ridge line or in loose or eroded soils, this would impact on how firmly affixed the tree is to the ground surface. Ground surface activity such as earthworks (including the construction of buildings, roads, vents, pollution ponds, stockpile areas) can harm scarred tree sites if they are within the area of proposed works. Changes in ground water levels or ponding areas, as a result of subsidence, may also lead to changes in tree health and potentially increase the risk of impact.

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- KEY**
- Chain Valley Colliery development consent boundary
 - Mannering Colliery project approval boundary
 - Rail line
 - Major road
 - Minor road
 - Named watercourse
- AHIMS site type**
- Aboriginal Ceremony and Dreaming
 - Burial/scarred tree
 - Grinding groove
 - Isolated find
 - Midden
 - Midden and artefact
 - Ochre quarry
 - Open camp site
 - Potential archaeological deposit (PAD)
 - PAD and midden
 - Scarred tree

Identified Aboriginal heritage sites



4 Historic Heritage Management

This management plan included searches of the EPBC Act Matters of National Significance Register, the NSW State Heritage Register, Heritage and Conservation (Section 170) Register, Commonwealth Heritage List, World Heritage List, Lake Macquarie City Council LEP 2014, Wyong Local Environmental Plan 2013 and City of Lake Macquarie Heritage Study (1993). The following items were identified in the vicinity of the project area but are not expected to be impacted by CVC or MC. The locations of these sites are shown on **Figure 3**.

4.1 Morisset Hospital Precinct

Morisset Hospital site comprises almost 100 historic buildings on 1,244 hectares. It is approximately 3 km south-west of the township of Morisset. The Morisset Hospital Precinct is listed by Heritage NSW under the *NSW Heritage Act 1977*. Within the Morisset Hospital Precinct, 31 heritage items are individually listed by Local Government and State agencies. As outlined by Heritage NSW, the heritage items in the Morisset Hospital Precinct meet one or more criteria for listing on the SHR. The precinct is listing number 00827 and is of high state significance in the category of Health Services. Significant items also include impressive specimens of indigenous and introduced tree species, vegetation groups and native fauna.

The heritage item is listed as of state significance, item number 118 under the Lake Macquarie Local Environmental Plan 2014.

The Morisset Hospital Precinct area extends from the shoreline of Lake Macquarie and is west of the approval area.

4.2 Eaton Bulk Store Building

The Eaton Bulk Store Building is located at 464 Ruttleys Road, Mannering Park (Lot 11 DP 1091396), approximately 1.9 km south-west of the entrance road to CVC.

The heritage item is listed as of local significance, item 139 under the Wyong Local Environmental Plan 2013. The Council statement of significance:

‘The bulk store building is significant locally as a representative example of a riveted steel building structure of the early twentieth century, which is historically part of nearby Wyee Colliery and illustrates the practice of building relocation and re-use typical of the mining industry in New South Wales. As a relocated structure, it provides evidence of the integrated management of multiple mining and generation sites. It retains this value despite its alterations for its reconstruction in a new site. It is a relic of the period of State ownership of electricity generation undertakings, including their fuel supplies in New South Wales. It is a type of building unusual in its vicinity and may have additional association significance arising from its origins at another site, possibly the Harbour Bridge Workshops.’

4.3 Great Northern Railway

The Great Northern Railway line passes through Lake Macquarie from Wyee to Garden Suburbs. The line is listed by Lake Macquarie City Council LEP 2014 as a heritage item (item 189) of local significance.

4.4 Wyee Coal Conveyor Rail Loop

The Wyee coal conveyor rail loop is located on the eastern side of the Great Northern Railway, north of Wyee. The line is listed in the Lake Macquarie City Council LEP 2014 as a heritage item (item 225) of local significance.

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4.5 Wyee Channel

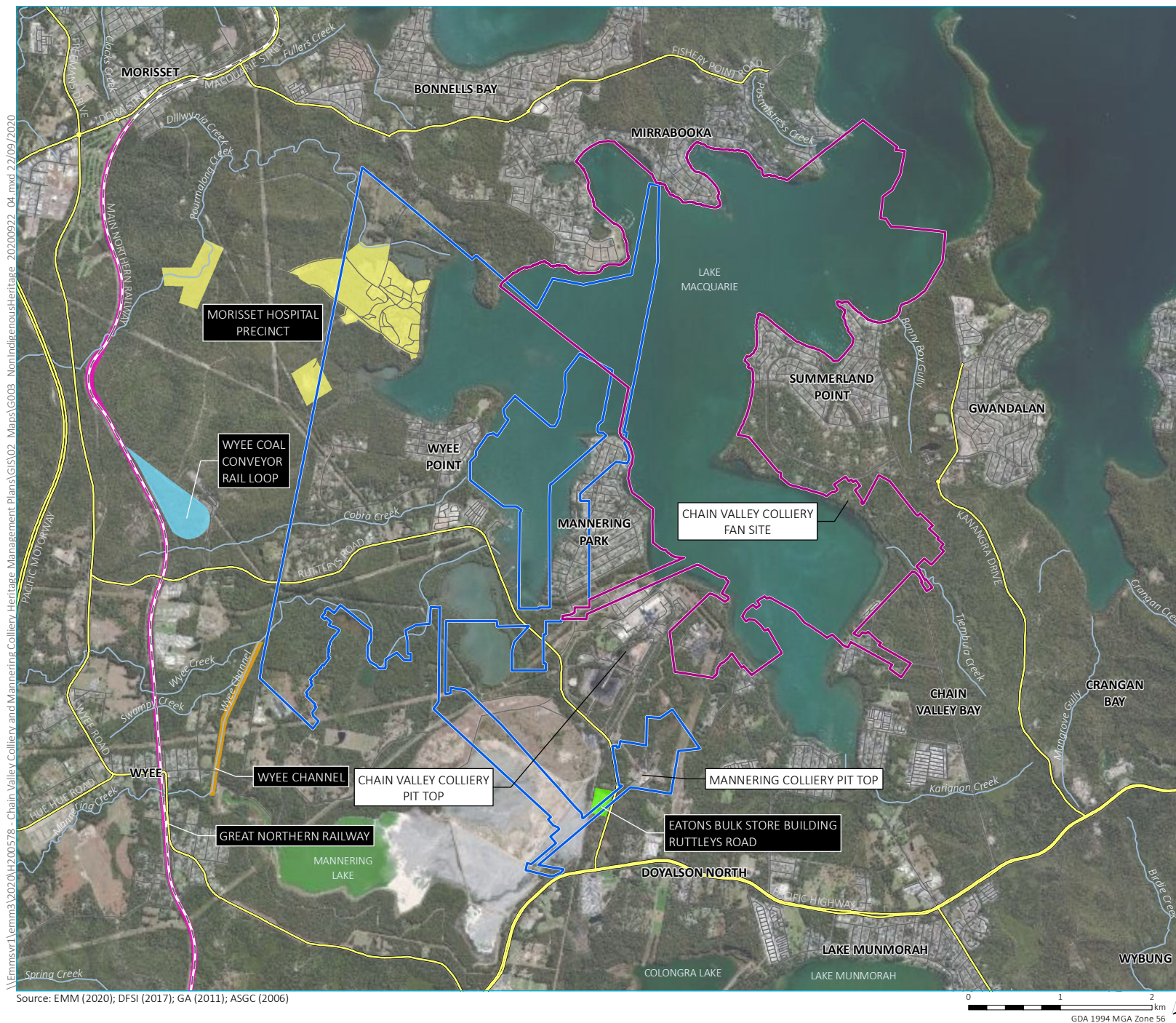
Wyee Channel is listed as a heritage item (Item 226) of local significance under the Lake Macquarie City Council LEP 2014.

Wyee Channel extends north from the Wyee Dam to Wyee Bay, extending under Summerhayes Road.

4.6 Vales Point Power Station

The WSC Heritage Review (Scobie Architects Pty Ltd 2010) investigated the historical context of the Wyong LGA and it identified the VPPS, located approximately 200 m west of CVC as an item of local heritage significance. It was recommended for inclusion in the Schedule of Heritage items within the Draft Wyong LEP by Scobie Architects Pty Ltd (2010) though it was ultimately not listed and is, therefore, not considered to have local or state heritage significance.

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KEY

- Chain Valley Colliery development consent boundary
- Mannering Colliery project approval boundary
- Rail line
- Major road
- Minor road
- Named watercourse
- Non-indigenous heritage sites
- Eatons bulk store building ruttleys road (LEP)
- Great northern railway (LEP)
- Morisset hospital precinct (SHP)
- Wyee channel (LEP)
- Wyee coal conveyor rail loop (LEP)

Historic heritage sites



5 Monitoring, Management and Mitigation Measures

5.1 Aboriginal heritage

5.1.1 Identified Aboriginal Sites

As shown in **Figure 2**, all but two of the identified Aboriginal sites are located outside the pit top area, ventilation facility area or subsidence footprint at CVC. Site 45-7-0189 is located above existing or proposed areas of first workings on Summerland Point, with the remaining site identified at the pit top area in the vicinity of the dams (45-7-0339).

Monitoring of one site (45-7-0189) was previously committed to as part of the Statement of Commitments and the original Heritage Management Plan. Monitoring of site 45-7-0189 commenced in January 2013 (1st year), 2015 (3rd year) and concluded in 2017 (5th year) with no site impacts identified relating to subsidence caused by the mining activities (AECOM, 2018).

In addition to the above monitoring program, a due diligence site inspection of the area to be disturbed by the sediment dam D10 embankment and spillway upgrade was completed (AECOM) prior to commencement of works in those areas. Site CV-001 (45-7-0339) was fenced to exclude access to the area during upgrade works. No additional sites were found during the due diligence inspection or construction works.

Procedures for the discovery of previously unidentified sites or skeletal remains are covered in **Section 5.1.6** and **Section 5.1.7** respectively.

5.1.2 Monitoring of Aboriginal Sites

If monitoring is required for any future underground workings or surface works which could result in disturbance an initial visual inspection of the site by an archaeologist and Aboriginal stakeholders will be conducted. In order to identify any changes to the land surface over time, particularly in view of the negligible subsidence expected, monitoring of each site will be assisted by the:

- establishment of fixed datum point with defined relative level to Australian Height Datum (AHD) by registered surveyor;
- placement of stakes with horizontal markings on either extent of the site to enable accurate recording of landscape shifts;
- installation of a control reference point with defined Relative Level (RL) established outside proposed subsidence area such as a building;
- collecting photographic records from the fixed datum point to enable inter survey photographic comparisons. Photos will be large format with clear distinguishable features; and
- production of a letter report to be retained by DC with copies provided to Aboriginal stakeholders as requested.

A clear distinction will be made between natural processes of bioturbation, erosion, sand shifting events and landscape modification due to subsidence.

No additional monitoring aside from the above is considered necessary due to all secondary extraction and resultant subsidence occurring beneath Lake Macquarie.

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5.1.3 Management of Aboriginal Heritage Sites

If mine-induced subsidence levels exceed 20 mm, a review will be undertaken to identify any potential impacts to cultural heritage in consultation with DPIE.

In the event of disturbance, the following management strategy should be implemented. The strategy will include an accurate recording of the heritage item including:

- mapping of the site;
- photographic recording; and
- detailed survey.

In addition, a monitoring program is to be established based on the placement and monitoring of control points. If there is unforeseen impact on the heritage item, appropriate remediation works should be implemented following advice from DPIE, the DC Environment Compliance Coordinator and the heritage consultant.

DC will endeavour to protect the heritage site from harm wherever practicable. Where relevant, this will be in consultation with RAPs by using non-invasive measures which may include barrier fencing, erosion control, supports or bracing.

DC will undertake all mining operations, Aboriginal stakeholder consultation, site surveys, reporting, impact assessment, site assessment, monitoring and management of Aboriginal sites in accordance with this HMP that has been developed in consultation with the RAPs.

It is advised that if the sites are at risk of harm, a Section 90 AHIP to salvage or destroy the site should be applied for (if the project is not under the State Significant Development or Part 3A provisions of the EP&A Act). In any instance where Aboriginal artefacts are salvaged, a care and control application will also need to be lodged for storage arrangements of artefacts.

Remediation measures must aim to repair the site to maintain the cultural significance and reduce any further impacts to the site. Remediation measures may include infilling of cracks in sandstone rock bars or overhangs to reduce the natural weathering process, which can result in further damage, or undertake repairs to areas of erosion upstream of grinding grooves. Mitigation measures may involve not undertaking any actions at all if it is determined culturally inappropriate to do so by the relevant Aboriginal parties.

With the exception of site CV-001 45-7-0339, all Aboriginal sites identified do not occur within CVC and MC approved boundaries or land controlled by Delta Coal, nor are these sites in areas that would be impacted by the proposed mining activities.

For the Aboriginal sites that are both outside potential impact areas and not within land controlled by DC, passive management is proposed. Passive site management will comprise avoidance of mapped site localities in accordance with this HMP. Passive site management is preferable to active management as there are no activities proposed in these areas and active management measures such as fencing and signage would likely draw unwanted attention to sites.

5.1.4 Obligation to Avoid Harm

All employees, contractors, sub-contractors and visitors to CVC and MC have an obligation to avoid harming Aboriginal heritage unless engaged in an Aboriginal heritage management activity described in this plan.

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The Environmental Compliance Coordinator will ensure all employees, contractors, and sub-contractors are aware of any Aboriginal objects or sites at CVC and/or MC. This will include a message detailing that:

- the objects or sites are protected by law;
- they may potentially be distributed across the project area and that new sites may be exposed in areas outside of the disturbance footprints;
- they are of significance to the Aboriginal community, and important to the wider community and must be treated with respect;
- they have included stone tool sites; and
- they can be hard to recognise, therefore reference must be made to the Aboriginal heritage map in this HMP in order to clearly identify them.

In the process of undertaking any mining activities there is potential to impact Aboriginal objects or sites. Any activity which results in the disturbance of the surface has the potential to harm Aboriginal heritage sites. The level of impact to Aboriginal sites depends on the nature of the surface works/subsidence and the physical characteristics of the Aboriginal site types. The MC project approval currently allows for first workings mining only in the Great Northern and Fassifern seams, with <20 mm surface, negligible subsidence effects. This is less than the average natural ground swell movement of 29 mm (Delany et al). This first working mining method is the key management tool to avoiding harm to aboriginal heritage.

5.1.5 Assessment of Potential Impact

If mining or mining associated activities have the potential to harm Aboriginal site/s, an assessment of the potential and likely impact must be undertaken in the form of an Aboriginal Cultural Heritage Impact Assessment (ACHIA). It is important that all aspects of Aboriginal heritage be considered in the assessment and technical information is appropriately balanced with an assessment of cultural values.

The ACHIA must be developed in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011) and any other relevant guidelines applicable to the planning instrument. As a minimum, The ACHIA must contain the following:

- a description of the Aboriginal object/s and declared Aboriginal places located within the area of the proposed activity;
- a description of the cultural heritage values, including the significance of the Aboriginal objects and declared Aboriginal places that exist across the whole area that will be affected by the proposed activity and the significance of these values for the Aboriginal people who have a cultural association with the project area and the surrounding land;
- how the requirements for consultation with Aboriginal people have been met;
- actual or likely harm posed to the Aboriginal object/s or declared Aboriginal places from the proposed activity with reference to the cultural heritage values identified and any practical measures that may be taken to protect and conserve those Aboriginal object/s or declared Aboriginal places; and
- any practical measures that may be taken to avoid or mitigate actual or likely harm, alternatives to harm or, if this is not possible, to manage (minimise) harm in accordance with this HMP and in consultation with the registered Aboriginal parties.

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5.1.6 Unexpected Finds Procedure

As identified in the EA (AECOM, 2011), the following predictions were made with respect to the distribution of Aboriginal archeology in the vicinity of the site:

- Aboriginal shell midden sites are likely to occur in areas adjacent to lakes, creeks and coastal areas in the region;
- Aboriginal scarred or carved trees may be present where mature native trees remain, particularly in areas adjacent to lake foreshores and creek lines;
- stone artefacts, comprising artefact scatters or isolated finds, may occur associated with Aboriginal shell midden sites; and
- stone artefacts may occur across the landscape as random occurrences but are most likely to be associated with water bodies.

In light of the above predictive statements, Aboriginal archaeological sites including shell middens and artefact scatters are likely to occur on the Lake Macquarie foreshore and in areas adjacent to creek lines, particularly higher order creek lines.

In the event any new Aboriginal sites are discovered as part of any future archaeological investigations, or should unanticipated Aboriginal objects be found during approved site clearing or construction activities, the following actions will be undertaken:

- work will halt in the vicinity of the site;
- the Mine Manager, Environmental Compliance Coordinator and Approvals Coordinator are to be notified;
- the site will be assessed by a qualified archaeologist in consultation with the RAPs;
- where possible the site should be avoided, but if this is not feasible and the site is likely to be impacted, appropriate mitigation measures will be determined in consultation with the Aboriginal stakeholders;
- work will only recommence once the Environmental Compliance Coordinator advises that the site can be avoided or statutory approval for impact has been obtained; and
- an AHIMS site card will be completed and submitted in compliance with s.89A of the NPW Act within 21 days of discovering the site.

5.1.7 Discovery of Human Skeletal Remains

In the event that known or suspected burial site or suspected human skeletal remains are encountered within the CVC mine area and the MC project approval area, the following procedure must be followed:

- the immediate vicinity will be secured to protect the find and the find will be immediately reported to the work supervisor who will immediately advise the site supervisor or other nominated senior staff member, including the Mine Manager, Environmental Compliance Coordinator and Approvals Coordinator;
- the Environmental Compliance Coordinator or other nominated senior staff member will notify the police and the state coroner on the same day of the find (as required for all human remains discoveries);

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- if the remains are historical and not of Aboriginal origin, Heritage NSW will be notified for further instruction; and
- works will not recommence until written approval is received.

5.1.8 Artefact records and storage facility

All cultural heritage items salvaged under the HMP will be held in an appropriate facility or location. The design and exact placement of the facility or location will be selected and established in consultation with the relevant RAPs.

All materials will be packaged and labelled generally in accordance with Australian Museum standards (refer to <http://australianmuseum.net.au/document/Archaeological-CollectionDeposition-Policy>).

All materials will be retained at the artefact storage facility for the life of the mine unless otherwise approved by Heritage NSW in a Section 85 Care and Control Permit under the NPW Act. At mine closure, the materials will be transferred to a facility nominated by the RAPs subject to approval by Heritage NSW in a Section 85 Care and Control Permit under the NPW Act.

The relevant material may alternatively be reburied within the CVC or MC area in a secure manner that allows later retrieval. The location must be chosen following consultation with the relevant Aboriginal stakeholders and Heritage NSW notified.

Where an agreed facility or burial location cannot be nominated, consideration will be given to lodging the material with either the Australian Museum (subject to its acceptance), a local Aboriginal cultural centre (if one is present) or a local heritage museum that can provide secure ongoing storage and curation.

5.2 Historic Heritage

There are no identified historic heritage items within the development consent or project approval boundary and therefore no management actions are currently proposed. Notwithstanding, unidentified historical relics are protected under Section 139 of the Heritage Act and if potential relics are uncovered during project-related activities, the land in which it is found cannot be disturbed or excavated without an excavation permit or other approval under SSD and PA conditions.

Considering the above, the following unexpected finds protocol applies for historic heritage:

- work will halt in the vicinity of the site;
 - the Mine Manager, Environmental Compliance Coordinator and Approvals Coordinator are to be notified;
 - the site will be assessed by a qualified archaeologist;
 - where possible the site should be avoided, but if this is not feasible and the site is likely to be impacted, appropriate assessment, approvals and mitigation measures will be determined in consultation with Heritage NSW; and
- work will only recommence once the Environmental Compliance Coordinator advises that the site can be avoided or statutory approval for impact has been obtained.

If monitoring of any unexpected historic heritage finds indicate that mine-induced subsidence levels occur, a review will be undertaken to identify any potential impacts to unexpected finds in consultation with DPIE.

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6 Reporting

6.1 Reporting impact to Aboriginal sites

An Aboriginal Site Impact Recording Form must be completed following impacts to AHIMS sites that are:

- a) a result of test excavation carried out in accordance with the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW;
- b) authorised by an AHIP issued by Heritage NSW;
- c) undertaken for the purpose of complying with Secretary's environmental assessment requirements issued by the DPIE for:
 - i) State Significant Development (SSD),
 - ii) State Significant Infrastructure (SSI), or
 - iii) a major project, or
- d) authorised by an SSD/SSI/former Part 3A consent/approval under the EP&A Act.

Completed forms must be submitted to the AHIMS Registrar at the DPIE website. Aboriginal Site Impact Recording Forms can be downloaded from the DPIE website.

6.2 Annual Review

The results of the monitoring of any heritage sites will be reviewed upon receipt and a summary of any heritage monitoring undertaken will be included in the relevant Annual Review, along with a description of any actions being implemented or planned with respect to the known heritage sites. The Annual Review will be forwarded to the relevant authorities.

The Annual Review will also be forwarded to members of the Community Consultative Committee, local Councils (Central Coast and Lake Macquarie), to the Aboriginal stakeholders and be placed on the company's website.

6.3 Incident or Non-Compliance Reporting

If site inspections reveal that, as a direct result of CVC or MC, there has been unpredicted damage to a site, then DC will conduct an investigation into the source of the damage with a suitably qualified and experienced archaeologist. The report will be provided to relevant people and/or groups, including Councils, the Secretary of DPIE, RAPs and Heritage NSW.

The report will:

- describe the date, time and nature of the observation;
- identify the cause (or likely cause) of the damage;
- describe what action has been taken to date; and
- describe the proposed measures to address the damage and prevent further such occurrences.

DC will implement any recommendations in order to prevent future occurrences. Confidential information about Aboriginal site location will not be included in any report that enters the public domain. Additional details of the incident reporting process are provided in the Environmental Management Strategy (EMS). Any incident or complaint will be recorded and fully investigated to find root causes and corrective actions implemented where necessary.

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7 Stakeholder Management and Response

7.1 Meetings

Regular meetings are to be held with RAPs on a minimum of an annual basis which will provide a project update and any required revisions to this management plan. These meetings may be on site or via teleconference.

7.2 Complaint Protocol

DC has a 24-hour telephone hotline (1800 115 277) through which members of the public can lodge complaints, concerns, or to raise issues associated with the operation. This service aims to promptly and effectively address community concerns and environmental matters.

All complaints are recorded and responded to and if, for some reason, no action is taken then the reason why is recorded. The information recorded in the complaint register includes:

- date and time the complaint was lodged;
- personal details provided by the complainant;
- nature of the complaint;
- action taken or, if no action was taken, the reason why; and
- follow up contact with the complainant.

7.3 Independent Review

As detailed in Condition 2, Schedule 5 of CVC SSD-5465 and Condition 1, Schedule 4 of MC PA 06_0311, an Independent Review can be requested by a landowner who *“considers the development to be exceeding the relevant criteria in Schedule 3”*.

If the Secretary is satisfied that an independent review is warranted, then within 2 months of the Secretary’s decision the Applicant shall:

- (a) *commission a suitably qualified, experienced and independent person, whose appointment has been approved by the Secretary, to:*
 - *consult with the landowner to determine his/her concerns;*
 - *conduct monitoring to determine whether the development is complying with the relevant criteria in Schedule 3; and*
 - *if the development is not complying with these criteria then identify the measures that could be implemented to ensure compliance with the relevant criteria; and*
- (b) *give the Secretary and landowner a copy of the independent review.*

7.4 Dispute Resolution

If any disputes are not adequately addressed by the complaints handling process then they will be handled by the Environmental Compliance Coordinator. If the response by DC is not considered to satisfactorily address the concern of the complainant, a meeting may be convened with the complainant, the Mine Manager together with the Approvals Coordinator and Environmental Compliance Coordinator to determine any further options to reduce potential impacts.

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Any actions agreed from the meeting will be implemented by DC. After implementation of the proposed actions the complainant will be contacted and advice sought as to the satisfaction or otherwise with the measures taken.

If no agreed outcome is determined or the complainant is still not satisfied by the action taken, then an Independent Review may be requested by the complainant. If determined to be warranted by the Secretary, an independent review will be undertaken in accordance with the process identified in CVC Schedule 5, Condition 2 of SSD-5465 and in MC Schedule 4, Condition 1 of PA 06_0311.

7.4.1 Conflict of Interest

The mediator must, prior to the commencement of the mediation, disclose to the parties to the best of his or her knowledge any prior dealings with any of the parties as well as any interests in the dispute. If, in the course of the mediation the mediator becomes aware of any circumstances that might reasonably be considered to affect the mediator's capacity to act impartially, the mediator must immediately inform the parties of these circumstances. In this instance, the parties will then decide whether the mediation will continue with that mediator or with a new mediator appointed by the parties.

7.5 Training, Awareness and Competence

Training is an essential component of the implementation phase of this HMP. The Environmental Compliance Coordinator will ensure that training and awareness processes are implemented to manage, identify and minimise potential impacts of CVC and MC, and to ensure personnel are aware of their roles and responsibilities in terms of cultural heritage management.

Generally training at DC consists of induction training for new starters and contractors along with environmental awareness training at two-year intervals and ongoing "toolbox" training for all permanent employees as required.

As the document owner, the Approvals Coordinator is the contact point for any person that does not understand this document or their specific requirements and will provide guidance and training to any person that requires additional training regarding this HMP.

7.5.1 Heritage Induction

Health safety and environment inductions will include content on the nature of heritage items present or likely to be present within the CVC and MC leases. Records of inductions will be kept according to DC's standard practices.

The induction includes the following content:

- Historic heritage sites have not been identified nor are considered likely to occur within the CVC and MC project area;
- CVC and MC are within the traditional land of the Darkinjung and Awabakal peoples for whom Lake Macquarie was a key feature of their territories;
- one Aboriginal site, a single artefact, has been identified, fenced off and signposted within the CVC pit top area;
- Aboriginal sites are known to occur above current and future mining areas, and along certain parts of the Lake Macquarie foreshore;
- Aboriginal sites known to occur are scarred trees and middens. Middens are made up of concentrations of mature shellfish such as oyster, cockle and club whelk;

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- the burial remains of Aboriginal people have been found in some middens. Some middens also include Aboriginal stone artefacts which generally have the appearance of chipped stone; and
- all Aboriginal sites are protected by the NPW Act, which provides significant penalties for harm to Aboriginal objects and sites. Any shellfish deposits or stone artefacts encountered must not be collected.

8 Audit and Review

8.1 Review and Improvement

In accordance with Schedule 6, Condition 5 of CVC Development Consent SSD-5465 and Schedule 5, Condition 4 of MC Project Approval 06_0311 this HMP shall be reviewed, and if necessary revised, within 3 months of the following:

- the submission of an Annual Review;
- the submission of an incident report;
- the submission of an independent environmental audit; and
- following any modification to the development consent.

Changes to this HMP will be made in the following circumstances:

- where new Aboriginal sites are discovered, they must be added to the inventory in this HMP within three months of the find; and
- where an AHIP is issued, this HMP will be reviewed and updated where necessary to comply with the requirements of any AHIP conditions.

Where changes are made to the HMP, a draft of the modified plan will be provided to RAPs for review. RAPs will not be required to review the HMP for minor plan updates. This comprises:

- when a new Aboriginal site is discovered and is at no risk of impact by the project. In this instance, the inventory of the HMP will be updated to acknowledge the site, but RAPs will not be required to review the HMP; and
- when the status of a site needs to be updated on the inventory of the HMP. For example, once a site has been salvaged the HMP will be updated to reflect the site's status. However, RAPs will not be required to review this action.

Although RAPs are not required to review the HMP for minor plan updates, they will be notified if new sites are identified and of updates relating to the status of Aboriginal cultural heritage sites.

Matters raised in consultation which are specific to the changes in the plan will be acknowledged and addressed in the modified plan.

Any changes made to this HMP will be made in consultation with Heritage NSW, with a copy of the revised management plan provided for approval.

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8.2 Auditing

The objectives of an audit are to maintain compliance with the HMP. Audits shall be carried out by personnel who have the necessary qualifications and experience to make an objective assessment of the issues. The extent of the audit, although pre-determined, may be extended if a potentially serious deviation from this document is detected.

Any audit non-conformances and/or improvement opportunities will have corrective and preventative actions implemented to avoid recurrence, these actions will be loaded into the site Incident Database to ensure the actions are assigned to the relevant people and completed.

External audits will be conducted utilising external specialists and will consider this document and related documents. External auditors shall be determined based on skills and experience and upon what is to be accomplished.

An Independent Environmental Audit (IEA) was undertaken during June 2019. In accordance with SSD-5465 Schedule 6, Condition 9 and PA 06_0311 Schedule 5, Condition 8, IEA's will be scheduled for every three years thereafter (unless the Secretary directs otherwise) by an audit team whose appointment has been endorsed by the Secretary.

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9 Records and Document Control

9.1 Records

Generally, the Environmental Compliance Coordinator or delegate will maintain all Environmental Management System records which are not of a confidential nature. Records that will be maintained include:

- monitoring data;
- environmental inspections and auditing results;
- environmental incident reports;
- the complaints register; and
- licences and permits.

All records will be stored so that they are legible, readily retrievable and protected against damage, deterioration and loss. Records will be maintained for a minimum of 4 years or as otherwise required under any legislation, licence, lease, permit or approval.

If the relevant RAPs would like to undertake further documentation and archival recording of particular sites and places of spiritual significance or would like to document and record their oral histories about the County, these matters should be internally resourced from within their own organisations. However, if the RAPs seek assistance from DC to facilitate any cultural requests, then a meeting will be held to discuss the nature of the assistance, the scope of works involved and whether DC is able to facilitate the request.

In the event that DC agrees to assist with any cultural requests, a written agreement must be produced which specifies who will be undertaking the archival recording and lodgement of information (being either the Aboriginal parties or Delta Coal), the recording methodology to be adopted and matters related to the care and control of the intellectual property.

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9.2 Document Control

This document and all others associated with the Environmental Management System shall be maintained in a document control system which is in compliance with the site Document Control Standard which is available to all site personnel. Any proposed change to this document will be via the Approvals Coordinator.

A copy of this document is available on the DC website. Document revision details are provided in **Table 4**.

Table 4: Document Revision Details

Version	Date	Details of Revision	Company	Reviewed by/ Authorised by
1	06/11/2012	Original HMP	LakeCoal	N. Baker C. Ellis
2	23/06/2014	Reviewed	LakeCoal	Peter Campbell Robert Corbett C. Ellis
3	01/12/2019	Updated to Delta Coal format	Delta Coal	K. Weekes R. Desic C. Armit
4	19/10/2020	Combined CVC and MC HMP	Delta Coal	K. Weekes N. Lane-Kirwan M. Wilcox C. Armit

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10 Roles and Responsibilities

All employees and contractors at DC are responsible for environmental management. However, various positions in the organisation have roles, responsibilities and authorities for managing environmental aspects, action plans, programs and controls.

Roles and responsibilities specific to completing the requirements of this plan are identified in **Table 5**.

Table 5: Heritage Management Plan Roles and Responsibilities

Role	Responsibilities
Managing Director	Ensure that adequate financial and personnel resources are made available for the implementation of the HMP.
Manager of Mining Engineering (Mine Manager)	- Maintain overall responsibility for environmental compliance with Mining Lease, EPL, development consent and other mining approvals as they pertain to the management of Aboriginal and historic heritage. - Ensure that adequate training is provided to staff to minimise impacts to cultural heritage.
Environmental Compliance Coordinator or delegate	- Point of contact of all onsite personnel regarding heritage. - Document owner responsible for managing the implementation of the plan. - Arrange for reviews of HMP. - Inclusion of any heritage monitoring summarised within the Annual Review. - Document owner responsible for managing the implementation of the plan. - Coordinate relevant specialist personnel to conduct regular monitoring at the required time and frequencies if required. - Ensure inclusion of heritage in worker inductions through delivery or input to induction documents. - Arrange inductions and training for all personnel involved in implementing this HMP. - If inadvertent impact on a listed heritage item occurs, implement remediation works following consultation with Heritage NSW and the heritage consultant. - Distribution of HMP copies as required. - Maintain a contact list for organisations and individuals who may need to be contacted under this HMP. - Be aware of the potential for further unrecorded heritage sites to occur.

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Role	Responsibilities
Heritage Consultant	- Assist with the implementation of this HMP, as required. - Provide advice on remediation, if through unforeseen circumstances impact occurs on a heritage item. - Undertake the recording of new sites in accordance with government guidelines. - Provide heritage advice in accordance with relevant legislation. - Undertake recording of new sites in accordance with government guidelines. - Assist with updating this HMP when necessary.
All employees and contractors	- Comply with the requirements of this HMP. - Immediately notify Environmental Compliance Coordinator of possible heritage item or damage.

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11 References

Documents referenced in the preparation of the HMP are detailed in **Table 6**.

Table 6: References

Reference	Title
Australian Standards	AS/NZS ISO 14001:2004 Environmental management systems – Requirements with guidance for use AS/NZS ISO 14004:2004 Environmental management systems – General guidelines on principles, systems and support techniques
Legislation and Regulations	<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) <i>Environment Protection and Biodiversity Act 1999</i> (EPBC Act) Environment Protection and Biodiversity Regulations 2000 <i>Mining Act 1992</i> <i>Protection of the Environment Operations Act 1997</i> (POEO Act) <i>Heritage Act 1977</i> Environment Protection Licence (EPL) 191 Environmental Protection Licence (EPL) 1770 Lake Macquarie City Council LEP 2014 Wyong Local Environmental Plan 2013 Project Approval (PA) 06_0311 (as modified) Development Consent SSD 5465 (as modified)
Delta Coal documents	Delta Coal Environmental Management Strategy
External documents	Delany et al 2005, Field Monitoring of Expansive Soil behaviour in the Newcastle-Hunter Region, Australian Geomechanics, Vol 40, Issue 2. Department of Environment, Climate Change and Water (DECCW) 2010, Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. Department of Environment, Climate Change and Water (DECCW) 2010, Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales. Department of Environment, Climate Change and Water (DECCW) 2010, Aboriginal Consultation Requirements for Proponents. Department of Environment, Climate Change and Water (DECCW) 2011, Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales. Department of the Environment and Energy (2013), EPBC Act Protected Matters Search Tool, Australian Commonwealth Government

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Reference	Title
	Department of Environment (2013), Matters of National Environmental Significance, Significant Impact Guidelines 1.1, Environment Protection and Biodiversity Conservation Act 1999, Commonwealth of Australia. Holdaway S et al. 2002, Artefact Visibility at Open Sites in Western New South Wales, Australia, Journal of Field Archaeology, Vol: 29, Number3/4, PP: 255-271 ICOMOS, (1999) The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, Australia ICOMOS Inc. Long A (2005) Aboriginal Scarred Trees in New South Wales: A field Manuel, Department of Environment and Conservation NSW. Mulvaney J & Kamminga J 1999, Prehistory of Australia, Allen and Unwin Publishing, NSW O'Connor S et al 2007, Stone Construction on Rankin Island, Kimberley, Western Australia, Australian Archaeology, Number 64, PP: 15-22 Office of Environment and Heritage (OEH) 2011, Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW. Report to State of NSW and the Office of Environment and Heritage, Department of Premier and Cabinet. OEH (2019), State Heritage Register, NSW Government, Office of Environment & Heritage

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12 Definitions

ACHA	Aboriginal Cultural Heritage Assessment
ACHCR	Aboriginal Cultural Heritage Consultation Requirements
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
BCD	Biodiversity and Conservation Division, DPIE
CCC	Community Consultative Committee
CVC	Chain Valley Colliery
DC	Delta Coal
DPIE	NSW Department of Planning, Industry and Environment
EL	Exploration Licence
EA	Environmental Assessment
EMS	Environmental Management System
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Act 1999</i>
EPL	Environment Protection Licence
HMP	Heritage Management Plan
ICOMOS	International Council on Monuments & Sites
LEP	Local Environment Plan
LGA	Local Government Area
LMCC	Lake Macquarie City Council
MC	Mannering Colliery
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	National Parks and Wildlife Regulation 2009
NSW	New South Wales
OEH	Office of Environment & Heritage
PA	Project Approval
PAD	Potential Archaeological Deposits

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POEO	<i>Protection of the Environment Operations Act 1997</i>
RAPs	Registered Aboriginal Parties
ROM	Run of Mine
Secretary	Secretary of the Department of Planning & Environment, or nominee
SHR	State Heritage Register

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Appendix 1: Consultation, Endorsement Letter and Management Plan approval

Combined HMP

From: Chris Armit <CArmit@deltacoal.com.au>

Sent: Thursday, 22 October 2020 3:11 PM

To: ceo@birabanlalc.com.au; Barry Williams <barry.williams@dlalc.org.au>; Amanda Shields <amanda.shields@dlalc.org.au>; kerrie@awabakal.com.au; peterleven@y7mail.com; bahtabahmick@hotmail.com; tracey@guringai.com.au; cacatua@resetsdsl.net.au; darkinjung@dlalc.org.au; daniellachedzey@yahoo.com.au; wonn1sites@gmail.com; kauwul@gmail.com; heritage@heritage.nsw.gov.au; HERITAGEMailbox@environment.nsw.gov.au; Laura.Dafter@environment.nsw.gov.au; rog.hcc@environment.nsw.gov.au

Cc: Lachlan McWha <LMcWha@deltacoal.com.au>; Chris Nicholas <CNicholas@deltacoal.com.au>; angela@insiteheritage.com.au; Morgan Wilcox <mwilcox@emmconsulting.com.au>; Katie Weekes <kweekes@emmconsulting.com.au>

Subject: Unexpected find at Mine Cottages and Draft DC HMP for comment

Dear All,

Please also find attached as promised the draft Delta Coal (combined Chain Valley Colliery and Mannering Colliery) Heritage Management Plan for comment. We will finalise and forward on to DPIE after 14 days.

Regards,
Chris

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Chain Valley Colliery

You forwarded this message on 20/03/2020 5:29 AM.

From: Chris Armit
To: 'kerrie@awabakal.com.au'; 'peterlevent@y7mail.com'; 'bahtabahmick@hotmail.com'; 'ceo@birabanalc.com.au'; 'tracey@guringai.com.au'; 'cacatua@resetsdsl.net.au'; 'darkinjung@dlalc.org.au'; 'daniellachedzey@yahoo.com.au'; 'wonn1sites@gmail.com'; 'kauwul@gmail.com'; 'heritage@heritage.nsw.gov.au'; 'HERITAGEMailbox@environment.nsw.gov.au'
Cc: Ryan Desic; 'Morgan Wilcox'; Katie Weekes; Chris Nicholas; Colin Phillips
Subject: Chain Valley Colliery Heritage Management Plan review

Message  CVC Heritage Management Plan.pdf (11 MB)  Open PDFs in Adobe Acrobat x

Hi All,
 Please find attached a review of the Chain Valley Colliery's Heritage Management Plan for your comment and review.
 Please respond within 14 days, comments/consultation will be reviewed and after that it will be added onto the DPIE's portal for final review and then publication on DC's website.
 If there's any questions don't hesitate to call.
 Kind regards,
 Chris

From: Chris Armit
Sent: Friday, 16 August 2019 3:21 PM
To: 'kerrie@awabakal.com.au'; 'peterlevent@y7mail.com'; 'bahtabahmick@hotmail.com'; 'ceo@birabanalc.com.au'; 'tracey@guringai.com.au'; 'cacatua@resetsdsl.net.au'; 'darkinjung@dlalc.org.au'; 'daniellachedzey@yahoo.com.au'; 'wonn1sites@gmail.com'; 'kauwul@gmail.com'
Cc: Katie Weekes; 'Morgan Wilcox'
Subject: Introductions and Mannering Colliery ACHMP review

Hi All,
 I'm just doing a group email out to the RAPs to introduce Delta Coal and the Delta Coal Environmental team.



Our ref: DOC19/104620

Chris Armit
 Environmental and Community Coordinator
 Chain Valley Colliery
 MANNERING PARK NSW 2259

By email: CArmit@deltacoal.com.au

Dear Mr Armit

Re: Request for comment on Chain Valley Colliery's Heritage Management Plan (SSD 5465 Condition 21)

Thank you for your referral dated 2 December 2019 inviting comments from the Heritage Council of NSW on the Heritage Management Plan for the above State Significant Development proposal as a requirement of the conditions of consent.

The subject site is not listed on the State Heritage Register (SHR), nor is it in the immediate vicinity of any SHR items. Further, the site does not contain any known historical archaeological deposits. Therefore, no comment from the Heritage Council of NSW is required in this management plan.

I note the Heritage Management Plan refers primarily to Aboriginal Cultural Heritage (ACH) issues. Matters relating to ACH issues are handled by the Department of Planning, Industry and Environment.

If you have any questions regarding the above advice, please contact Gary Hinder, A/Senior Heritage Assessment Officer, at Gary.Hinder@environment.nsw.gov.au or on 9873 8547.

Yours sincerely



Adrian Hohenzollern
 A/Director, Heritage Operations
 Heritage NSW
 Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW
 9 December 2019

Mannering Colliery

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From: Katie Weekes
Sent: Friday, 11 October 2019 3:53 PM
To: Anthony Barnes <Anthony.Barnes@planning.nsw.gov.au>; Colin Phillips <Colin.Phillips@planning.nsw.gov.au>; Steve Clair <Steve.Claire@epa.nsw.gov.au>; Joel Curran <Joel.Curran@planning.nsw.gov.au>; Melissa Anderson <Melissa.Anderson@planning.nsw.gov.au>
Cc: Chris Nicholas <CNicholas@deltacoal.com.au>; Chris Armit <CArmit@deltacoal.com.au>; Katie Weekes <kweekes@emmconsulting.com.au>; Katie Weekes <KWeekes@deltacoal.com.au>; Tim Chisholm <TChisholm@deltacoal.com.au>
Subject: Revised Mannering Colliery management plans attached

Hi Colin, Steve and Anthony,

Please find attached the final Non-indigenous, Air quality and Greenhouse Gas and Land and Bushfire management plans for Mannering Colliery (MC). The comments previously sent through have been incorporated into the plans. I have also attached the Aboriginal Cultural Heritage management plan which has previously been sent to RAPs for comment.

If you have any questions, please do not hesitate to contact me.

Regards, Katie



Katie Weekes
 P/T Environment and Community Officer
 Phone: 02 4358 0875
 Mobile: 0418 267 532

From: Colin Phillips
Sent: Monday, 14 October 2019 4:32 PM
To: Katie Weekes <KWeekes@deltacoal.com.au>
Cc: Melissa Anderson <Melissa.Anderson@planning.nsw.gov.au>; Anthony Barnes <Anthony.Barnes@planning.nsw.gov.au>; Stephen Shoesmith <Stephen.Shoesmith@planning.nsw.gov.au>
Subject: FW: DPIE Review of Revised Mannering Colliery Management Plan

Good Afternoon Katie,

Thank you for the submission of revised Management Plans (MPs) for Mannering Colliery.

There are still some matters that will need to be attended to. Some are matters that I didn't notice in my earlier review, some are related to the submission of MPs that have different title to those contained in the conditions of consent and some are where my suggestion has not been acted upon and now I will make those a requirement.

Aboriginal Cultural Heritage Management Plan (ACHMP)

12. I am pleased to see that the ACHMP has included an appendix (Appendix 1) to contain copies of consultation documents.

13. Section 7.2 needs to be expanded to accurately reflect that an Independent Review can be requested by a landowner who "considers the project to be exceeding the impact assessment criteria in schedule 3". (refer to condition 1 of Schedule 4).

As Section 7.2 is titled "Dispute Resolution", is this the correct use of the Independent Review? Appendix 6 of the consent contains a flowchart of an "Independent Dispute Resolution Process" which seems more appropriate manner to complete a section on Dispute Resolution.

I suggest that a better way to deal with these two related, but separate, processes would be to introduce a new section with the title of "Independent Review" and to keep this separate from the "Dispute Resolution" section.

14. Section 6.3 – Incident or Non-compliance Reporting. Last paragraph on Page 18. While this section is correct in terms of how to deal with the required written report of a non-compliance, condition 6 of Schedule 5 requires the Proponent to notify the Secretary, and any other relevant agencies, at the earliest opportunity of an incident that causes or threatens to cause material harm to the environment. For other incidents, the timing is as soon as practicable.

Please note that the definition of an incident altered with the modification of 2012 and includes an exceedance of the limits of performance measures /criteria in this approval. This change was possibly not recognised in the most-recently approved version of the LBMP.

Section 6.3 must be updated to identify the reporting requirement for all forms of "incidents", taking into consideration how these incidents could possibly occur in terms of Aboriginal cultural heritage. Possibly these matters are covered in the methodology set out in sections on dealing with unexpected finds and skeletal remains. However, I consider that the broader definition of an incident requires modification to the text in Section 6.3.

15. There are almost no typos in this document, which is a credit to those who prepared it. Paragraph 3 on page 23 contains the word "County" which I suspect should be "Country". Would you please check this and change it if needed.

Colin Phillips
 Team Leader
 Energy and Resources Assessments
 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
 T 02 9274 6483 E: colin.phillips@planning.nsw.gov.au



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 Industry &
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I usually do not work Thursdays

 Please consider the environment before deciding to print this e-mail.

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Mr Chris Armit
Approvals Coordinator
Great Southern Energy Pty Ltd (t/as Delta Coal)
By Email: Carmit@DeltaCoal.com.au

09/10/2020

Dear Mr Armit

**Chain Valley Colliery (SSD-5465) and Mannering Colliery (MP06_0311)
Request to Combine Management Plans and Approval of Experts**

I refer to your letter of 2 October 2020 requesting the Planning Secretary's approval to combine specific management plans required under both the Chain Valley Colliery (SSD-5465) and Mannering Colliery (MP06_0311) development consents, in accordance with conditions 23(d) of Schedule 2 of SSD-5465 and 16(d) of Schedule 2 of MP06_0311 respectively.

The Department acknowledges the common ownership and management of both collieries by Great Southern Energy (trading as Delta Coal) and understands that they are managed in an integrated manner. Accordingly, the Department supports Delta Coal's request to combine specific management plans required under both consents to improve the on-site environmental management of the collieries.

Therefore, the Planning Secretary grants approval for Delta Coal to produce the following combined management plans:

- Heritage Management Plan – as required by condition 21A of Schedule 3 of SSD-5465 and condition 18A of Schedule 3 of MP06_0311;
- Land Management Plan – as required by condition 14 of Schedule 3 of MP06_0311;
- Noise Management Plan – as required by condition 9 of Schedule 3 of SSD-5465 and condition 3C of Schedule 3 of MP06_0311; and
- Air Quality and Greenhouse Gas Management Plan – as required by condition 13 of Schedule 3 of SSD-5465 and condition 17 of Schedule 3 of MP06_0311.

I also refer to your letter and supporting curriculum vitae requesting the Planning Secretary's approval of suitably qualified and experienced persons to prepare and review a number of management plans for the SSD-5465 and MP06_0311, in accordance conditions 21A(a) of Schedule 3 of SSD-5465 and 18A(a), 3C(a), 14(b), 17(a) of Schedule 3 of MP06_0311.

The Department has reviewed the nominations and information provided and is satisfied that the experts listed below are suitably qualified and experienced to assist in preparing the specified management plans. Consequently, the Planning Secretary approves the appointment of the following persons to prepare the listed management plans in accordance with the relevant conditions of SSD-5465 and MP06_0311.

Name	Organisation	Management Plan
Morgan Wilcox	EMM Consulting	Heritage Management Plan
Katie Teyhan	EMM Consulting	Noise Management Plan
Katie Weekes	EMM Consulting	Land Management Plan
Judith Cox	SLR Consulting	Air Quality and Greenhouse Gas Management Plan

For clarity, I would like to confirm that this approval is limited to the combining of the nominated management plans and does not extend to other requirements with respect to the preparation of, or required consultation for, other management plans for either of the development consents.

If you wish to discuss the matter further, please contact Melissa Anderson on 8275 1392.

Yours sincerely



Matthew Sprott
Director
Resource Assessments (Coal & Quarries)

As nominee of the Planning Secretary

Appendix 2: Development Consent Summary

Chain Valley Colliery Development Consent SSD-5465 Summary

This HMP has been prepared in accordance to Schedule 3, Condition 21A of SSD-5465 (MOD3), which states the requirements of the HMP and what it must address. **Table A2** outlines the requirements of the HMP and where this document addresses these requirements.

Table A2: Requirements from Chain Valley Colliery Development Consent (SSD-5465)

Condition No.	Requirement	Relevant section of this document
	Schedule 2 Administrative Conditions	
23	Staging, Combining and Updating Strategies, Plans or Programs <i>With the approval of Planning Secretary, the Applicant may:</i>	Section 8
	a) <i>prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);</i>	This Document
	b) <i>combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);</i>	This Document
	c) <i>update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and</i>	Section 8.1
	d) <i>combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management.</i>	This Document
	Schedule 3 Environmental Conditions - General	
	Heritage	
21	<i>The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance area, beyond those predicted in the documents listed in condition 2(e) of Schedule 2.</i>	This document
21A	<i>The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This plan must:</i>	This Document
	a) <i>be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;</i>	This HMP has been prepared by EMM Consulting in accordance with correspondence from

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Condition No.	Requirement	Relevant section of this document
		DPIE dated 9 October 2020
	b) <i>be prepared in consultation with BCD and Registered Aboriginal Parties;</i>	Submission letter dated 20 November 2012; approval letter dated 1 July 2013
	c) <i>include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;</i>	Section 3 and 4
	d) <i>describe the procedures and management measures to be implemented on the site or within any offset area to:</i>	Section 5
	i) <i>ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;</i>	Section 7.5.1
	ii) <i>protect, monitor and manage identified non-Aboriginal heritage, Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition 2(e) of Schedule 2 and including the ongoing monitoring of site 45-7-0189 at Summerland Point</i>	Section 4, 5.1.1 and 5.1.2
	iii) <i>protect non-Aboriginal heritage, Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;</i>	Section 5.2
	iv) <i>manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;</i>	Section 5.1.6 and 5.1.7
	v) <i>maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and</i>	Section 1.5.6
	vi) <i>facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and</i>	Section 1.5.5
	e) <i>include a strategy for the care, control and storage of Aboriginal objects salvaged on site, both during the life of the development and in the long term.</i> <i>The Applicant shall implement the approved management plan as approved from time to time by the Secretary.</i>	Section 5.1.8
	Schedule 6 Environmental Management, Auditing and Reporting	

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Condition No.	Requirement	Relevant section of this document
3	Management Plan Requirements Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: (a) a summary of relevant background or baseline data; (b) details of: • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures/criteria; and • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures; (c) any relevant commitments or recommendations identified in the document/s listed in condition 2(e) of Schedule 2; (d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; (e) a program to monitor and report on the: • impacts and environmental performance of the development; and • effectiveness of the management measures set out pursuant to condition 2(e) of Schedule 2; (f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; (g) a program to investigate and implement ways to improve the environmental performance of the development over time; (h) a protocol for managing and reporting any: • incident, non-compliance or exceedance of any impact assessment criterion or performance criterion; • complaint; or • failure to comply with other statutory requirements; (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and (j) a protocol for periodic review of the plan. <i>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i>	This document
4	The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.	This Document
5	Revision of Strategies, Plans and Programs Within Three months of: a) the submission of an incident report under condition 6; b) the submission of an Annual Review under condition 8; c) the submission of an Independent Environmental Audit under condition 9; or	Section 8

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Condition No.	Requirement	Relevant section of this document
	d) the approval of any modification of the conditions of this consent (unless the conditions require otherwise), the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.	
	Appendix 9: Statement of Commitments	
	Management and monitoring of heritage will continue to be undertaken in accordance with the Colliery's HMP, which will be reviewed and updated as required to include the commitments made below. Great Southern Energy Pty Limited will:	
	review and revise the HMP to remove site #45-7-0154 and incorporate any other changes as a result of the proposed modification;	Section 5.1.1
	update the HMP following approval of the Proposal to include the extended area to which it relates;	This document
	ensure that should unanticipated Aboriginal or historic heritage artefacts be found during dam embankment and diversion works, work will cease and the site assessed by an archaeologist; and	Dam works complete
	ensure that in the unlikely event that skeletal remains are found during dam embankment and diversion works, work will cease immediately in the area and the NSW Police Coroner called to determine if the material is of Aboriginal origin. BCD and relevant Aboriginal community stakeholders will be notified if the remains are positively identified as being of Aboriginal origin to determine their appropriate management prior to works recommencing.	Dam works complete

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Appendix 3: Project Approval Summary

Mannering Colliery Project Approval PA 06_311 Summary

This HMP has been prepared in accordance to Schedule 3, Condition 18 and 18A of PA 06_0311 (MOD5), which states the requirements of the HMP and what it must address. **Table A3** outlines the requirements of the HMP and where this document addresses these requirements.

Table A3: Requirements from Mannering Colliery Project Approval (PA-06_0311)

Condition No.	Requirement	Relevant section of this document
	Schedule 2 – Administrative Conditions	
16	<i>Staging, Combining and Updating Strategies, Plans or Programs</i> <i>With the approval of the Planning Secretary, the applicant may:</i>	
	a) <i>prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);</i>	This Document
	b) <i>combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined);</i>	This Document
	c) <i>update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development); and</i>	Section 8.1
	d) <i>combine any strategy, plan or program required by this consent with any similar strategy, plan or program required by an adjoining mining consent or approval, in common ownership or management</i>	This Document
	Schedule 3 – Specific Environmental Conditions	
	Heritage	
18	<i>Protection of Aboriginal Heritage</i> <i>The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item located outside the approved disturbance area, beyond those predicted in the documents listed in condition 2(e) of Schedule 2.</i>	This document
18A	<i>The Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Planning Secretary. This Plan must:</i>	This document
	a) <i>be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary;</i>	This HMP has been prepared by EMM Consulting in accordance with correspondence from DPIE dated 9 October 2020
	b) <i>be prepared in consultation with BCD and Registered Aboriginal Parties;</i>	Letter submitted; approval letter dated 26 November 2012
	c) <i>include consideration of the Aboriginal and non-Aboriginal cultural context and significance of the site;</i>	Section 3 and 4
	d) <i>describe the procedures and management measures to be implemented on the site or within any offset area to:</i>	

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Condition No.	Requirement	Relevant section of this document		
	i) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;	Section 7.5.1		
	ii) protect, monitor and manage identified non-Aboriginal heritage, Aboriginal objects and Aboriginal places (including any proposed archaeological investigations of potential subsurface objects and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition 2(e) of Schedule 2;	Section 4 and 5.1.2		
	iii) protect non-Aboriginal heritage, Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;	Section 5.2		
	iv) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;	Section 5.1.6 and 5.1.7		
	v) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and	Section 1.5.6		
	vi) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and	Section 1.5.5		
	e) include a strategy for the care, control and storage of Aboriginal objects salvaged on site, both during the life of the development and in the long term. The Applicant must implement the Heritage Management Plan approved by the Planning Secretary.	Section 5.1.8		
	Schedule 5 – Environmental Management, Monitoring, Auditing and Reporting			
3	Management Plan Requirements Management Plans required under this consent must be prepared in accordance with relevant guidelines, and include: a) a summary of relevant background or baseline data; b) details of: - the relevant statutory requirements (including any relevant approval, licence or lease conditions); - any relevant limits or performance measures and criteria; and - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; c) any relevant commitments or recommendations identified in the document/s listed in condition 2(e) of Schedule 2;	This Document		
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Condition No.	Requirement	Relevant section of this document
	d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; e) a program to monitor and report on the: - impacts and environmental performance of the development; and - effectiveness of the management measures set out pursuant to condition 2(e) of Schedule 2; f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; g) a program to investigate and implement ways to improve the environmental performance of the development over time; h) a protocol for managing and reporting any: - incident, non-compliance or exceedance of any impact assessment criterion or performance criterion; - complaint; or - failure to comply with other statutory requirements; i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and j) a protocol for periodic review of the plan. <i>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans</i>	
4	The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site	This Document
5	Revision of Strategies Plans and Programs Within three months of: - the submission of an incident report under condition 6; - the submission of an Annual Review under condition 8; - the submission of an Independent Environmental Audit under condition 9; or - the approval of any modification of the conditions of this consent (unless the conditions require otherwise), the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant. If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. <i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the development.</i>	Section 8
	Appendix 3: Statement of commitments – Aboriginal Heritage	
	Activities will continue to be managed in accordance with the Colliery's Aboriginal Cultural Heritage Management plan (ACHMP).	This Document
	If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to cultural heritage in consultation with BCD.	Section 5.1.2
	All relevant Mannering staff and contractors will be made aware of their statutory obligations for Aboriginal cultural heritage under the NP&W Act as part of the existing mine induction process.	Section 5.1 and 7.5

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Condition No.	Requirement	Relevant section of this document
	<i>An Aboriginal Cultural Heritage Management Plan (ACHMP) will be developed and implemented for the identified Aboriginal heritage items within the Development Site in consultation with the relevant Aboriginal stakeholders. If additional sites are identified they will be assessed for cultural significance and be incorporated into the ACHMP.</i>	Section 1.5 and 5.1
	<i>In the unlikely event that skeletal remains are identified, the NSW Police Coroner will be contacted to determine if the material is of Aboriginal origin. If determined to be Aboriginal, contact will be made with the BCD, a suitably qualified archaeologist and representatives of the relevant Aboriginal stakeholder groups to determine an action plan for the management of the skeletal remains and formulate management recommendations if required.</i>	Section 5.1.7
	Appendix 3: Statement of commitments – European Heritage	
	<i>If monitoring indicates that mine-induced subsidence levels exceed 20 millimetres, a review will be undertaken to identify any potential impacts to non-indigenous heritage.</i>	Section 5.2
	<i>All relevant Mannering staff and contractors will be made aware of their statutory obligations for European cultural heritage under the Heritage Act 1977 as part of the existing mine induction process.</i>	Section 5.2 and 7.5
	<i>If, during the course of development works, significant non-indigenous cultural heritage material is uncovered within the Development Site, the Heritage Branch of BCD will be notified, and any required monitoring or management strategies instigated.</i>	Section 6.3

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Appendix 4: AHIMS Search

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Note: This Excel report shows the sites found in AHIMS on the 19/10/2020. If this date is not the same as the original date of the Search Results letter obtained during the Basic Search, then the search results might be different. The PDF version of this report will always coincide with the Basic Search Results letter.

Site ID	Site	Datum	Zone	Easting	Northing	Context	Site status	Primary contact	Site features	Site types	Recorders	Reports
45-7-0131	Summerland Point;	AGD	56	366820	6332970	Open site	Valid		Shell : -, Artefact : -	Midden	Helen Brayshaw	
45-7-0138	Bonny Boy Gully;	AGD	56	366820	6332970	Open site	Valid		Shell : -, Artefact : -	Midden	Helen Brayshaw	1846
45-7-0144	Windemere Ck 1;	AGD	56	363000	6334600	Open site	Valid		Shell : -, Artefact : -	Midden	Anne Lloyd	2237
45-7-0154	M7 Fishery Point	AGD	56	366050	6334500	Open site	Valid		Shell : 2, Artefact : -	Midden	Mary Dallas Consulting	2685
45-7-0157	M10 Casuarina Point Reserv	AGD	56	366300	6334990	Open site	Valid		Shell : -, Artefact : -	Midden	Mary Dallas Consulting	2685
45-7-0158	M11;Lakeview Road, Barden	AGD	56	363500	6334110	Open site	Valid		Shell : -, Artefact : -	Midden	Mary Dallas Consulting	2685
45-7-0159	M12;Bulgonia Road, Barden	AGD	56	363950	6334850	Open site	Valid		Shell : -, Artefact : -	Midden	Mary Dallas Consulting	2685
45-7-0166	M8;Dandaraga Road, Sugar	AGD	56	365300	6334500	Open site	Valid		Shell : -, Artefact : -	Midden	Mary Dallas Consulting	2685
45-7-0167	M9;Camp Brightwaters;	AGD	56	363500	6334880	Open site	Valid		Shell : -, Artefact : -	Midden	Mary Dallas Consulting	2685
45-7-0176	Gwandalan;	AGD	56	367200	6333300	Open site	Valid		Shell : -, Artefact : -	Midden	Tom Griffiths	2465,102129
45-7-0177	Camp Kanangra;	AGD	56	369500	6331500	Open site	Valid		Shell : -, Artefact : -	Midden	Mr.David Lambert,Mr.Gavin Newton	
45-7-0178	Hembula Creek - Scarred Tr	AGD	56	366800	6330400	Open site	Valid		Modified Tree (Carved or Scarred Tree)		Mr.Gavin Newton	
45-7-0179	Black Neds Point;	AGD	56	365150	6331450	Open site	Valid		Shell : -, Artefact : -	Midden	L.M Nelson	
45-7-0181	Chain Valley Bay 1	AGD	56	366150	6329600	Open site	Valid		Shell : -, Artefact : -	Midden	L.M Nelson	101093
45-7-0182	Chain Valley Bay 2;	AGD	56	366120	6330950	Open site	Valid		Shell : -, Artefact : -	Midden	L.M Nelson	
45-7-0183	Diamond Drill Pt. North;	AGD	56	368050	6333200	Open site	Valid		Artefact : -, Shell : -	Midden	L.M Nelson	102129
45-7-0184	Gwandalan;	AGD	56	368500	6331800	Open site	Valid		Shell : -, Artefact : -	Midden	L.M Nelson	
45-7-0186	Pt Wolstonecraft 1;	AGD	56	368350	6334200	Open site	Valid		Shell : -, Artefact : -	Midden	L.M Nelson	
45-7-0189	Sandy Beach 1;	AGD	56	364950	6331450	Open site	Valid		Shell : -, Artefact : -	Midden	L.M Nelson	
45-7-0201	Nord 1 (N1)	AGD	56	369600	6332600	Open site	Valid		Shell : -, Artefact : -	Midden	Iain Stuart	3022
45-7-0207	The Hole 1 (TH1)	AGD	56	361820	6329800	Open site	Valid		Artefact : -	Open Camp Site	Kerry Navin,Mr.Kelvin C	3697,101093
14-7-0149	Gwandalan	AGD	56	368000	6333300	Open site	Valid		Shell : -, Artefact : -	Midden	Tom Griffiths	102129
45-3-3435	RPS HSO MwP1	AGD	56	359424	6334225	Open site	Valid		Shell : -, Potential Archaeological Deposit (PAD)		RPS Australia East Pty Ltd - Blacktown	
45-7-0290	Gwandalan 1	AGD	56	368088	6329979	Open site	Valid		Shell : -		Doctor.Tim Owen,ERM Australia Pty Ltd- Sydne	
45-7-0316	RPS Wyee Point 2	GDA	56	362237	6331450	Open site	Valid		Shell : -		RPS Australia East Pty Ltd - Hamilton,Ms.Larair	
45-7-0293	RPS MP3	GDA	56	365058	6335017	Open site	Valid		Modified Tree (Carved or Scarred) : -		RPS Australia East Pty Ltd - Hamilton,Ms.Larair	
45-7-0190	Wyee Point	AGD	56	362398	6331810	Open site	Valid		Shell : -, Artefact : -	Midden	L.M Nelson,RPS Australia East Pty Ltd - Hamilt	
45-7-0291	RPS HSO M1	GDA	56	361555	6331952	Open site	Valid	Koompahtoo LALC	Shell : -		RPS Australia East Pty Ltd - Hamilton,Ms.Larair	
45-7-0357	Noamunga CR Midden	GDA	56	368583	6333118	Open site	Valid		Shell : -		Ms.Sharon Hodgetts	
45-3-4287	Wyee 7	GDA	56	358559	6327310	Open site	Valid		Artefact : -		Insite Heritage Pty Ltd,Ms.Elizabeth Wyatt	
45-3-4337	Mannering Creek AS1	GDA	56	358875	6328046	Open site	Valid		Artefact : -		Umwelt (Australia) Pty Limited - Individual users	
45-7-0226	K 4 Koompahtoo	AGD	56	360390	6334990	Open site	Valid		Artefact : -	Isolated Find	William Smith	99218
45-3-3165	K 1 Koompahtoo	AGD	56	359490	6332490	Open site	Valid		Artefact : -	Open Camp Site	William Smith	99218
45-7-0225	K 3 Koompahtoo	AGD	56	360650	6334900	Open site	Valid		Artefact : -	Isolated Find	William Smith	99218
45-7-0079	Crangan Bay;Stranger Gully;	AGD	56	368450	6330750	Open site	Valid		Shell : -, Artefact : -	Midden	ASRSYS	
45-7-0001	Morisset Hospital	AGD	56	361550	6332450	Open site	Valid		Shell : -, Artefact : -	Midden	L.M Nelson,A.J Barrett	1263
45-7-0003	Vales Point;Lake Macquarie;	AGD	56	363738	6331615	Open site	Valid		Shell : -, Artefact : -	Midden	Wyong Shire Council	
45-3-1553	Wyee Bay;Ruttleys Road;	AGD	56	362540	6330400	Open site	Valid		Shell : -, Artefact : -	Midden	Val Attenbrow,Glen Morris	
45-7-0262	SJOG 7	GDA	56	364036	6333848	Open site	Valid		Grinding Groove : 6		Mrs.Angela Besant	
45-7-0263	SJOG 6	GDA	56	364026	6333875	Open site	Valid		Shell : -		Mrs.Angela Besant	
45-7-0239	MP 1	AGD	56	362100	6334400	Open site	Valid	T Russell	Potential Archaeological Deposit (PAD) : -		Mrs.Angela Besant	
45-7-0253	Gwandalan 2	GDA	56	367386	6331169	Open site	Valid		Shell : -		Doctor.Tim Owen	
45-7-0254	gwanddalan 1	GDA	56	368088	6329979	Open site	Valid		Shell : -		Doctor.Tim Owen	
45-3-3166	K 2 Koompahtoo	AGD	56	359840	6332530	Open site	Valid		Artefact : -	Isolated Find	William Smith	99218
45-7-0255	Trinity Point GG2 (Catherine	GDA	56	363618	6333664	Open site	Valid		Grinding Groove : -		Mrs.Angela Besant	
45-7-0256	Trinity Point Scarred Tree 2 (	GDA	56	363749	6333815	Open site	Not a Site		Modified Tree (Carved or Scarred) : -		Mrs.Angela Besant,Insite Heritage Pty Ltd,Urba	
45-7-0257	Trinity Point Ochre (Catherin	GDA	56	363958	6333791	Open site	Valid		Ochre Quarry : -		Mrs.Angela Besant	
45-7-0258	Trinity Point IF1 (Catherine	GDA	56	363730	6333744	Open site	Valid		Artefact : -		Mrs.Angela Besant	
45-7-0338	RPS GWANDALAN IF1	GDA	56	368263	6331126	Open site	Valid		Artefact : 1		RPS East Australia Pty Ltd - Echuca Victoria	

Report generated by AHIMS Web Service on 19/10/2020 for Morgan Wilcox for the following area at Datum :GDA, Zone : 56, Eastings : 359462 - 369462, Northings : 6328206 - 6334206 with a Buffer of 1000 meters. Additional Info : Update to heritage management plan. Number of Aboriginal sites and Aboriginal objects found is 86

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<u>Site ID</u>	<u>Site</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site status</u>	<u>Primary contact</u>	<u>Site features</u>	<u>Site types</u>	<u>Recorders</u>	<u>Reports</u>
45-7-0320	RPS Mannering 1	GDA	56	363449	6331411	Open site	Valid	T Russell	Shell : 1		Ms.Laraine Nelson	
45-7-0321	RPS Mannering 2	GDA	56	363401	6331331	Open site	Valid		Modified Tree (Carved or Scarred) : 1		Ms.Laraine Nelson	
45-7-0339	CV 001	GDA	56	364943	6329478	Open site	Valid		Artefact : 1		Mrs.Rebecca Newell,EI 104283	
45-7-0374	Gwan IF1	GDA	56	368302	6331050	Open site	Valid		Artefact : -		Mrs.Angela Besant,Insite Heritage Pty Ltd	
45-7-0379	Nords Wharf PAD	GDA	56	369883	6331871	Open site	Destroyed		Artefact : -, Potential Archaeological Deposit (P		MCH - McCardle Cultural Heritage Pty Ltd,MCH	
45-7-0378	Dungutti Elders office	GDA	56	362791	6335021	Open site	Valid		Artefact : -		Miss.Jessica Wegener,Mount Grenfell Aborigin	
45-7-0384	32 marine parade	GDA	56	369777	6333058	Open site	Valid		Shell : -		Mr.david ahoy,lower hunter aboriginal incorpora	
45-3-0334	Tiembula Creek Midden;Tien	AGD	56	366730	6330420	Open site	Valid		Shell : -, Artefact : -	Midden	Mary Dallas Consulting	1076
45-7-0227	St Johns 1	AGD	56	363680	6333520	Open site	Valid		Artefact : -		Mrs.Angela Besant	100896
45-7-0228	St Johns 2	AGD	56	363720	6333820	Open site	Valid		Artefact : -		Mrs.Angela Besant	100896,101024
45-7-0230	K3 KOOMPAHTOO	AGD	56	360650	6334900	Open site	Valid		Artefact : -		Stephen Griffen	
45-7-0080	Mannering Park;	AGD	56	364780	6328890	Open site	Valid		Modified Tree (Carved or Scarred Tree		ASRSYS	101093
45-7-0244	St Johns 3	AGD	56	363560	6333600	Open site	Valid		Artefact : 1		Mrs.Angela Besant	100896,102504
45-7-0268	CV-04-09	GDA	56	368381	6331136	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0269	CV-06-09	GDA	56	368061	6328867	Open site	Valid		Artefact : 1		Mr.Geordie Oakes	
45-7-0270	CV-07-09	GDA	56	367043	6331305	Open site	Valid		Artefact : 1		Mr.Geordie Oakes	
45-7-0271	CV-08-09	GDA	56	366587	6330975	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0272	CV-09-09	GDA	56	366650	6330868	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0273	CV-10-09	GDA	56	366875	6330868	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0274	CV-12-09	GDA	56	367290	6330372	Open site	Valid		Artefact : 1		Mr.Geordie Oakes	
45-7-0275	CV-14-09	GDA	56	367468	6330191	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0276	CV-15-09	GDA	56	366304	6329303	Open site	Valid		Modified Tree (Carved or Scarred) : 1		Mr.Geordie Oakes	
45-7-0277	CV-16-09	GDA	56	366335	6329635	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0278	CV-17-09	GDA	56	366273	6329369	Open site	Valid		Modified Tree (Carved or Scarred) : 1		Mr.Geordie Oakes	
45-7-0279	CV-18-10	GDA	56	367003	6333279	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0280	CV-19-10	GDA	56	366988	6333151	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0281	CV-20-10	GDA	56	365588	6331434	Open site	Valid		Shell : 1		Mr.Geordie Oakes	
45-7-0282	CV-21-10	GDA	56	366221	6331192	Open site	Valid		Shell : -		Mr.Geordie Oakes	
45-7-0340	Nords Wharf 1	GDA	56	369821	6331865	Closed site	Destroyed	Doctor.User Test	Artefact : 1		MCH - McCardle Cultural Heritage Pty Ltd,Ms.P	
45-7-0341	Nords Wharf 2	GDA	56	369858	6331788	Open site	Destroyed		Artefact : 1		MCH - McCardle Cultural Heritage Pty Ltd,Ms.P	
45-7-0342	Nords Wharf 3	GDA	56	369788	6331822	Open site	Valid		Artefact : 1		Mr.Aaron Fogel	
45-7-0349	NWR NORDS WHARF ROAD	GDA	56	369760	6331962	Open site	Valid		Artefact : -		Miss.Philippa Sokol	
45-7-0363	Woods Point Repatriation site	GDA	56	362530	6333367	Open site	Valid		Burial : 1, Modified Tree (Carved or Scarred) : 1		Ms.Mary Temple (nee Ghosn)	
45-7-0405	HN-LM-T01	GDA	56	367338	6327869	Open site	Valid		Aboriginal Ceremony and Dreaming : -		Mrs.Tessa Boer-Mah,Heritage Now - Belmont	
45-7-0406	HN-LM-T02	GDA	56	367343	6327823	Open site	Valid		Aboriginal Ceremony and Dreaming : -		Mrs.Tessa Boer-Mah,Heritage Now - Belmont	
45-7-0412	DC1;	GDA	56	365049	6330081	Open site	Valid		Shell : -		Mrs.Angela Besant,Insite Heritage Pty Ltd	
45-7-0413	DC2;	GDA	56	365006	6330070	Open site	Valid		Shell : -		Mrs.Angela Besant,Insite Heritage Pty Ltd	

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Appendix 5: Criteria for Listing on the State Heritage Register

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DOCUMENT UNCONTROLLED WHEN PRINTED				



Heritage Act 1977

CRITERIA FOR LISTING ON THE STATE HERITAGE REGISTER

The State Heritage Register is established under Part 3A of the Heritage Act (as amended in 1998) for listing of items of environmental heritage¹ which are of state heritage significance².

To be assessed for listing on the State Heritage Register an item will, in the opinion of the Heritage Council of NSW, meet more than one of the following criteria³ or if an item satisfies only one of the criteria, the item is of such particular significance that it should be listed.

- a) an item is important in the course, or pattern, of NSW's cultural or natural history;
- b) an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history;
- c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW;
- d) an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons;
- e) an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history;
- f) an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history;
- g) an item is important in demonstrating the principal characteristics of a class of NSW's
 - cultural or natural places; or
 - cultural or natural environments.

An item is not to be excluded from the Register on the ground that items with similar characteristics have already been listed on the Register.

¹ **environmental heritage** means those places, buildings, works, relics, moveable objects, and precincts, of state or local heritage significance (section 4, *Heritage Act, 1977*).

² **state heritage significance**, in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific cultural, social, archaeological, architectural, natural or aesthetic value of the item (section 4A(1), *Heritage Act, 1977*).

³ Guidelines for the application of these criteria may be published by the NSW Heritage Division.