WHC_PLN_VCM_ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

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1 INTRODUCTION

The Vickery Coal Mine (VCM) is located in the Gunnedah Coal Basin, approximately 25 kilometres (km) north of Gunnedah in New South Wales (NSW) (Figure 1-1). The VCM is operated by Vickery Coal Pty Limited (VCPL) (a wholly owned subsidiary of Whitehaven Coal Limited [WHC]).

Development Consent (SSD-7480) was granted to VCPL on 12 August 2020 by the NSW Independent Planning Commission as a delegate of the NSW Minister for Planning under Section 75J of the NSW *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Development Consent allows for the development of an open cut mine and associated infrastructure with a 25 year mine life, extracting run-of-mine (ROM) coal at up to 10 million tonnes per annum (Mtpa) and processing the coal, as well as coal from WHC's Tarrawonga Mine, at an on-site coal handling and processing plant (CHPP) for off-site transport by rail.

1.1 PURPOSE AND SCOPE

This Aboriginal Cultural Heritage Management Plan (ACHMP) has been prepared by WHC (with input from an experienced and qualified Aboriginal archaeologist [Dr Matthew Whincop of Extent Heritage]) as per the ACHMP requirements of Condition B70(a), Schedule 2 of SSD-7480 shown in Table 1.

The provisions of this ACHMP apply to the VCM area. For the purposes of this ACHMP, the VCM area refers to the extent of the Project Approval Boundary (as shown on Figure 3-1).

The Secretary of the NSW Department of Planning Infrastructure and Environment (DPIE) has approved the progressive submission of environmental management plans for the VCM in accordance with Condition A25(a), Schedule 2 of SSD-7480. The scope of this ACHMP is specifically related to construction and initial mining activities.

Table 1 – Specific Aboriginal Cultural Heritage Management Conditions

VCM Development Consent (SSD-7480) Schedule 3			Relevant ACHMP Section
B70.	The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:		This ACHMP
	(a)	be prepared by suitably qualified and experienced persons;	Section 1.1
	(b)	be prepared in consultation with BCD and Registered Aboriginal Parties;	Sections 1.2
	(c)	be submitted to the Planning Secretary for approval to carrying out construction under this consent;	Sections 1.2
	(d)	describe the measures to be implemented on the site to:	-
		(i) comply with the heritage-related operating conditions of this consent;	Section 1.2
		(ii) 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 5
		(iii) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including proposed archaeological investigations and salvage measures within the approved disturbance area in accordance with the commitments made in the document listed in condition A2(c);	Section 4.8, 4.11 and 4.14

VCM Development Consent (SSD-7480) Schedule 3			Relevant ACHMP Section
	(iv)	protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;	Section 4.11.3
	(v)	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;	Sections 4.12 and 4.13
	(vi)	maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and	Section 4.18
	(vii)	facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and	Section 4.1
(e)		include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.	Section 4.14
B71.		The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	Section 2

This ACHMP has been prepared in accordance with the standard requirement for management plans listed in Condition E4, Schedule 2 of SSD-7480. Table 2 presents these requirements and indicates where each is addressed within this ACHMP.

Table 2 – General Management Plan Requirements

Condition E4 Schedule 2, VCM Development Consent (SSD-7480)			Relevant AQMP Section
E4.		*Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:*	Entire Document
	(a)	*summary of relevant background or baseline data;*	Section 3
	(b)	*details of:*	-
		(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);	Section 2
		(ii) any relevant limits or performance measures and criteria; and	Section 6
		(iii) 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;	Section 6
	(c)	*any relevant commitments or recommendations identified in the document/s listed in condition A2(c);*	Section 4, 5 and 6
	(d)	*a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;*	Section 4
	(e)	*a program to monitor and report on the:*	Section 4.11
		(i) impacts and environmental performance of the development; and	
		(ii) effectiveness of the management measures set out pursuant to paragraph (d);	
	(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;*	Section 7
	(g)	*a program to investigate and implement ways to improve the environmental performance of the development over time;*	Section 8
	(h)	*a protocol for managing and reporting any:*	-
		(i) incident, non-compliance or exceedance of any impact assessment criterion or performance measure;	Section 9.1
		(ii) complaint; or	Section 9.2

Condition E4 Schedule 2, VCM Development Consent (SSD-7480)	Relevant AQMP Section
(iii) failure to comply with other statutory requirements;	Section 9.3
(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and	Section 8
(j) a protocol for periodic review of the plan.	Section 8.2

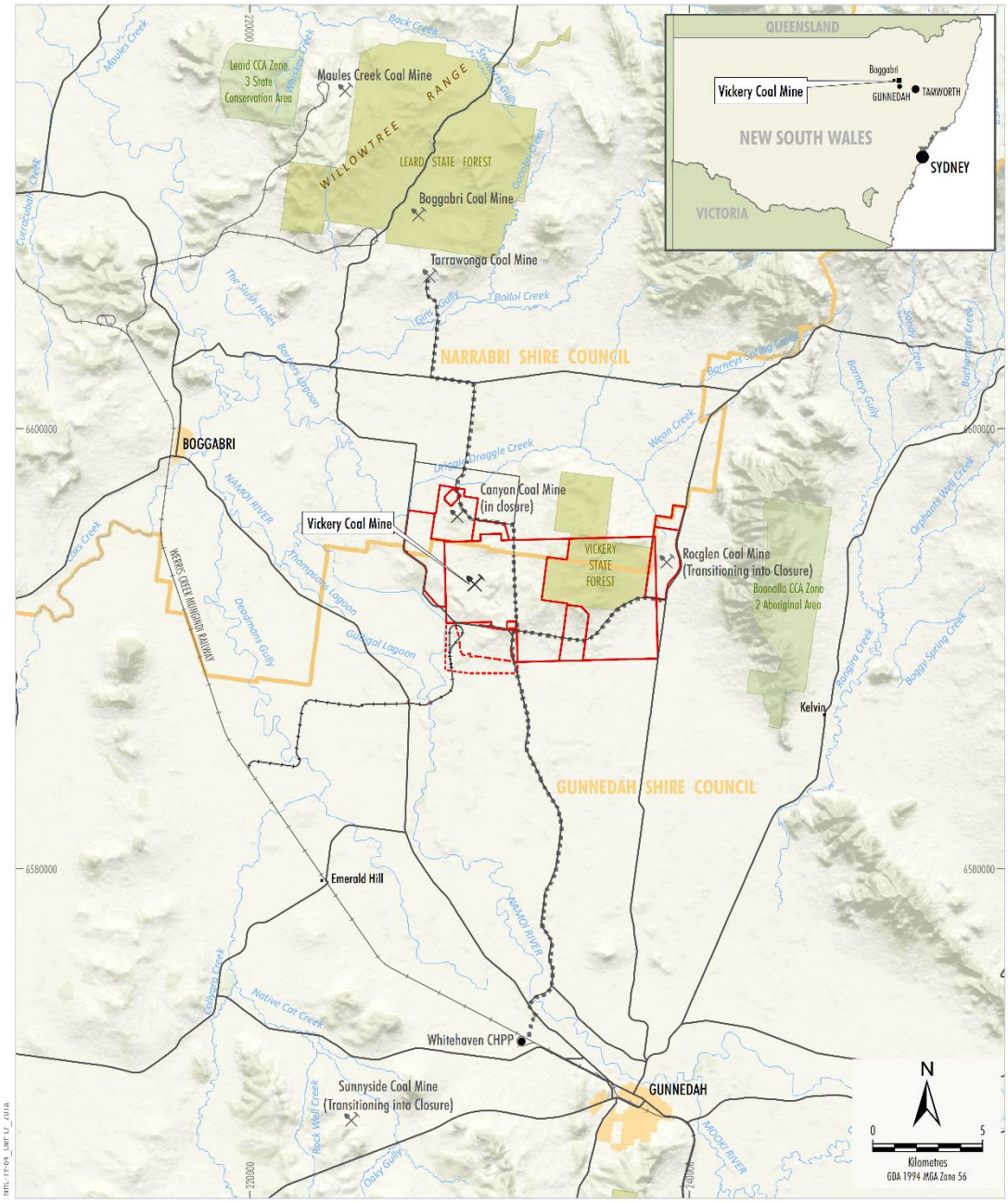


Figure 1-1 Regional Location

On 11 December 2020 the Secretary approved the progressive submission of environmental management plans for the VCM in accordance with Condition A25(a), Schedule 2 of SSD-7480. The scope of this ACHMP is specifically related to the VCM construction and initial mining activities.

The construction and initial mining stage is anticipated to take approximately 30 months based on sequencing of the major construction activities, with the bulk of significant construction earthworks to occur within a 12 - 18 month period, and will include:

- construction of the CHPP;
- construction of the rail spur and loop and train load-out facility;
- construction of the mine industrial area (MIA);
- construction of ROM and product coal stockpile pads;
- initial development of the box cut;
- construction of temporary infrastructure facilities;
- construction of temporary ROM coal stockpiles;
- construction of workshops and offices;
- construction of water supply bores and Namoi River pump station and pipelines;
- construction of dams, sediment dams, up-catchment diversions, channels and other water management infrastructure;
- construction of soil stockpile areas;
- construction of access roads and internal roads;
- closure of a portion of Braymont Road;
- construction of connection to the existing 66 kilovolt (kV) powerline and construction of substations and power supply;
- construction of ancillary infrastructure including consumable storage areas, laydown areas, explosives storage facilities;
- ongoing exploration activities; and
- other associated minor infrastructure construction, use of other plant and other activities.

The general arrangement of the VCM is shown on Figures 1-2 and 1-3. The VCM layout at the end of the construction and initial mining stage is shown on Figure 1-4.

Earthworks associated with the development of the above infrastructure would include the excavation of waste rock, gravel and coal material from within the VCM open cut footprint. The earthworks would include the initial development of the box cut, with a small volume of ROM coal extracted for stockpile pad treatment, commissioning activities and transport to the Gunnedah CHPP. Additionally, a small volume of coal from WHC's other mines may be delivered to the VCM for stockpile pad treatment and CHPP commissioning activities.

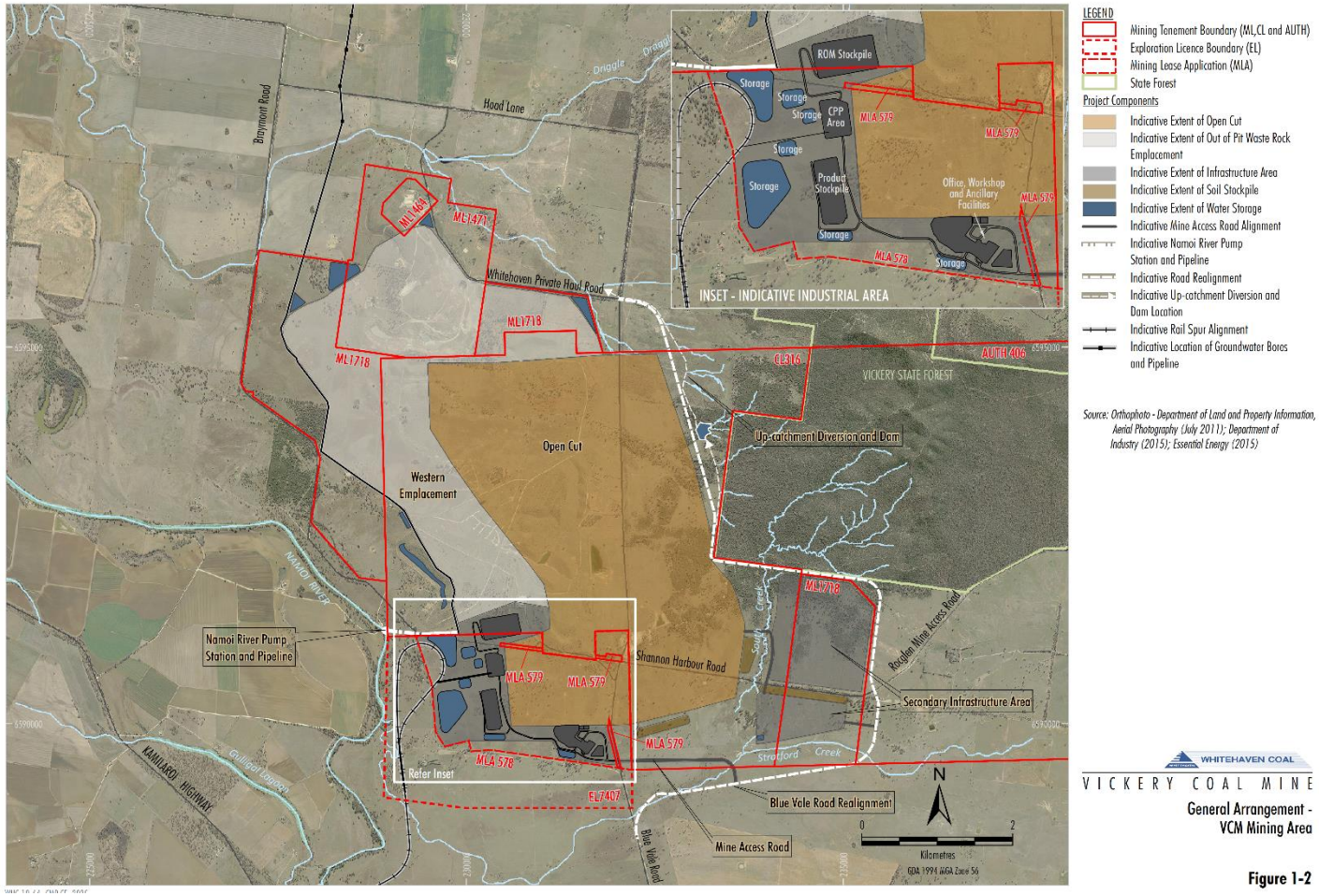


Figure 1-2 General Arrangement – VCM Mining Area

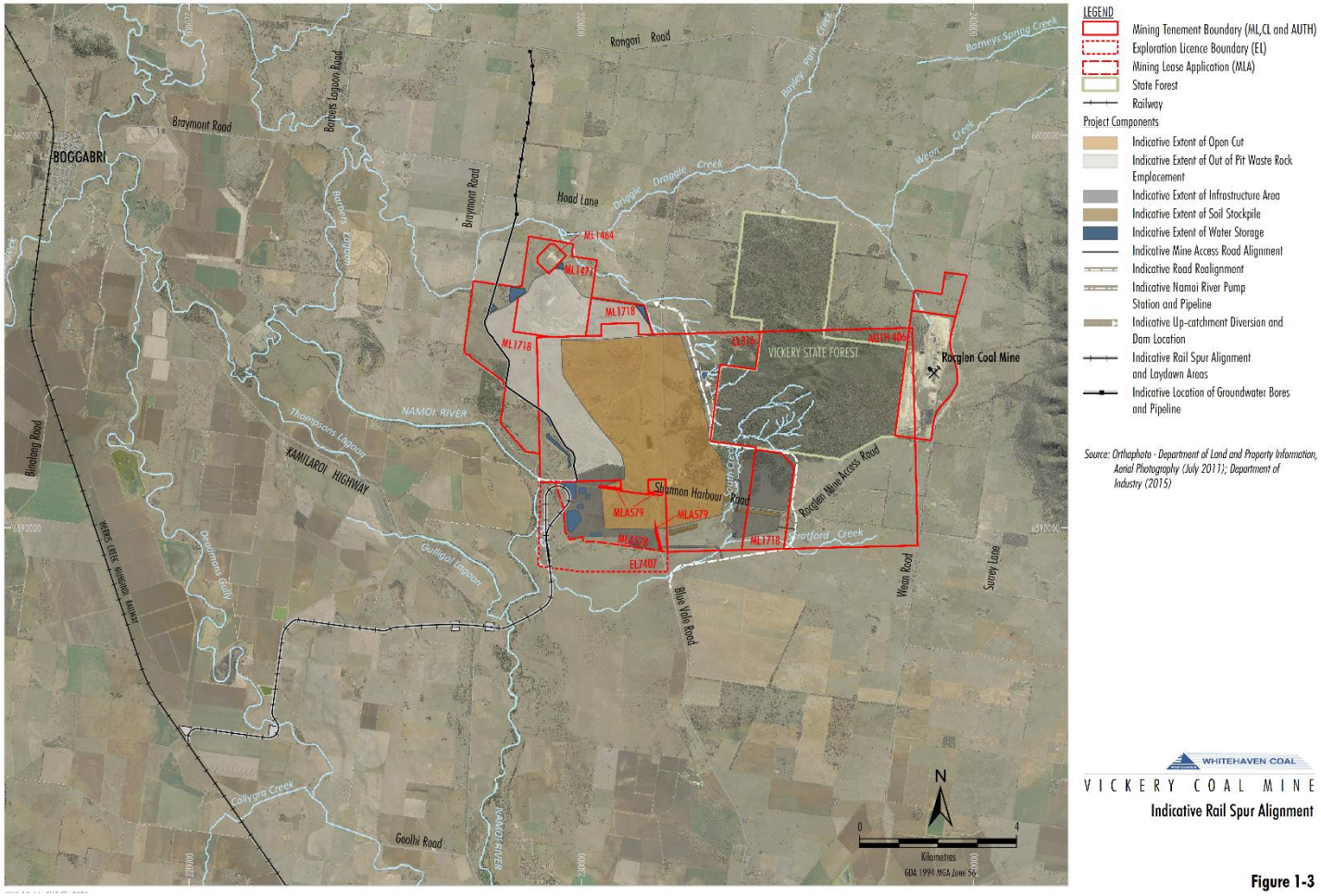


Figure 1-3 Indicative Rail Spur Alignment

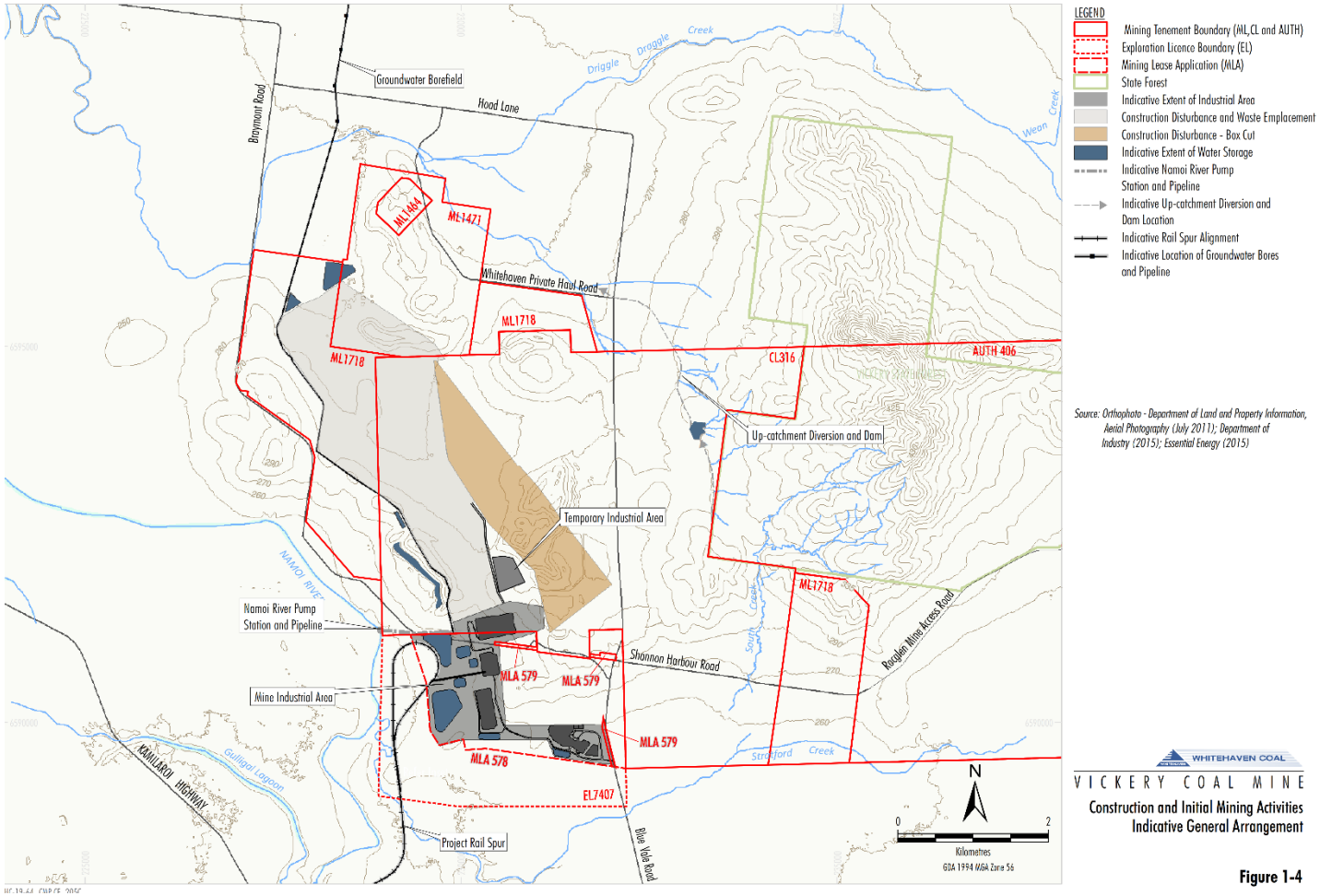


Figure 1-4 Construction and initial mining Activities General Arrangement

1.2 CONSULTATION

In accordance with Condition B70(b), Schedule 2 of SSD-7480, this ACHMP has been provided to the Heritage NSW within the Department of Premier and Cabinet and the Registered Aboriginal Parties (RAPs) for their review and comment. Comments received during the specific time period have been considered during finalisation of the ACHMP and prior to lodgement with the Secretary for approval.

1.3 STRUCTURE OF THE ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

The remainder of this ACHMP is structured as follows:

Section 2 Outlines the relevant statutory requirements and policies relevant to this ACHMP.

Section 3 Describes the Aboriginal Cultural Heritage sites and values within the VCM area.

Section 4 Describes the management and mitigation of Aboriginal Cultural Heritage at the VCM.

Section 5 Describes the heritage induction process at the VCM.

Section 6 Describes the Aboriginal Cultural Heritage management performance indicators.

Section 7 Describes the contingency plans to manage unpredicted impacts.

Section 8 Describes the program to review and report on the effectiveness of management measures and improvement of environmental performance.

Section 9 Describes the protocol for the management and reporting of incidents, complaints and non-compliances with statutory requirements.

Section 10 Lists the references cited in this ACHMP.

2 RELEVANT STATUTORY REQUIREMENTS AND POLICIES

WHC's statutory obligations relevant to the management of Aboriginal Cultural Heritage are contained in:

- the conditions of Development Consent SSD-7480;
- EP&A Act;
- NSW *National Parks and Wildlife Act, 1974* (NP&W Act);
- relevant licences and permits, including conditions attached to mining leases; and
- other relevant legislation.

Obligations relevant to this ACHMP are described below.

2.1 DEVELOPMENT CONSENT SSD-7480

The conditions of SSD-7480 relevant to the content and structure of this ACHMP are described below. A comprehensive list of all conditions in SSD-7480 relevant to Aboriginal Cultural Heritage are provided in Appendix A.

2.1.1 Aboriginal Cultural Heritage Management Plan Requirements

Condition B70, Schedule 2 of SSD-7480 requires the preparation of an ACHMP (refer to Table 1).

2.1.2 General Management Plan Requirements

This ACHMP has been prepared in accordance with the standard requirement for management plans listed in Condition E4, Schedule 2 of SSD-7480 (see Table 2).

2.1.3 Blast-related Conditions with Respect to Aboriginal Cultural Heritage

This ACHMP has been prepared in accordance with other blast-related SSD-7480 conditions relevant to Aboriginal Cultural Heritage, as outlined in Condition B27(b), Schedule 2, and presented below:

> *(b) ensure that blasting on the site does not damage heritage items, including Aboriginal grinding groove site 20-04-0009 and the Kurrumbede Homestead, except in accordance with the prediction in the document/s listed in condition A2(c), and develop specific measures to protect heritage items outside the approved disturbance areas from any blasting damage associated with the development;*

The consideration of blasting impacts on items of Aboriginal Cultural Heritage is outlined in the Blast Management Plan and is briefly described in Section 4.11.3 of this ACHMP.

2.1.4 Biodiversity-related Conditions with Respect to Aboriginal Cultural Heritage

Consideration of management of Aboriginal cultural heritage values within biodiversity areas is outlined in the Biodiversity Management Plan, consistent with Condition B63(h)(iv), Schedule 2.

2.2 NSW ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

The EP&A Act requires that consideration be given to environmental impacts as part of the land use planning process. In NSW, environmental impacts are interpreted as including impacts to cultural heritage.

The VCM, which is declared to be 'State Significant Development' under section 4.36 (previously section 89C) of the EP&A Act as it is 'development for the purposes of mining that: is coal', is exempt from the requirement to obtain various permits and licenses (e.g. Aboriginal Cultural Heritage Impact Permits) under section 4.41 of the EP&A Act. The *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (NSW Office of Environment and Heritage [OEH], 2011) details the relevant statutory requirements for Aboriginal cultural heritage impact assessments conducted under Part 4 of the EP&A Act.

Impacts to Aboriginal cultural heritage associated with the VCM are managed and mitigated under the conditions of SSD-7480. This ACHMP has statutory force in this regard because it is prepared in accordance with a condition of the Part 4 Project Approval (i.e. Condition B70, Schedule 2 of SSD-7480).

2.3 NSW NATIONAL PARKS & WILDIFE ACT, 1974

The NP&W Act, administered by Heritage NSW, provides the primary basis for the legal protection and management of Aboriginal Cultural Heritage within NSW. The rationale behind the NP&W Act is to prevent unnecessary or unwarranted destruction of Aboriginal objects and to protect and conserve objects where such action is considered warranted (Department of Environment, Climate Change and Water [DECCW], 2010a, 2010b).

The National Parks and Wildlife Act (NPW Act) provides blanket protection for Aboriginal objects (material evidence of Indigenous occupation) and Aboriginal places (areas of cultural significance to the Aboriginal community) across New South Wales. With the exception of some artefacts in collections, the NP&W Act generally defines all Aboriginal objects to be the property of the Crown. The NP&W Act then provides various controls for the protection, management and destruction of these objects. An 'Aboriginal object' is defined as:

> *'any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains' [Section 5(1)].'*

An Aboriginal place is any place declared to be an Aboriginal place by the Minister for the Environment, under section 84 of the Act.

In practice, archaeologists generally subdivide the legal category of 'object' into different site types, which relate to the way Aboriginal Cultural Heritage evidence is found within the landscape. The archaeological definition of a 'site' may vary according to survey objectives; however, it should be noted that even single and isolated artefacts are protected as objects under the NP&W Act.

Part 6 of the NP&W Act provides specific protection for Aboriginal objects and places by making it an offence to harm them. Section 89A of the NP&W Act requires notification of the location of sites of Aboriginal objects within a reasonable time, with penalties for non-notification, including daily penalties. Section 89A of the NP&W Act is binding in all instances including Part 4 projects.

2.4 LICENSES, PERMITS AND LEASES

In addition to the requirements of SSD-7480, activities associated with the VCM will be undertaken in accordance with the following licences, permits and leases:

- Coal Lease (CL) 316, Mining Leases (ML) 1718, 1471, 1464 and MLA 578.
- The VCM Construction Mining Operations Plan.
- Environment Protection Licence (EPL) No. 21283.
- Water Access Licences (WALs) under the NSW *Water Management Act, 2000*, including WALs in the:
  - *Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources 2011;*
  - *Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003;* and
  - *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016.*
- Mining and workplace health and safety related approvals.

2.5 OTHER LEGISLATION

In addition to the statutory obligations described above, the following Commonwealth Acts (and their regulations) may also be applicable to the conduct of the VCM:

- Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act, 1984*;
- Commonwealth *Australian Heritage Council Act, 2003*;
- Commonwealth *Environment Protection and Biodiversity Conservation Act, 1999*; and
- Commonwealth *Native Title Act, 1993*.

Other guidelines and standards that were considered during the preparation of this ACHMP include, but are not limited to:

- *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010a);
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b);
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011);
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia International Council on Monuments and Sites, 2013);
- *Aboriginal Cultural Heritage: Standards and Guidelines Kit* (NSW National Parks and Wildlife Service, 1997);
- *Ask First: A Guide to Respecting Indigenous Heritage Places and Values* (Australian Heritage Commission, 2002);
- *Engage Early – Guidance for proponents on best practice Indigenous engagement for environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* (Commonwealth Department of Environment and Energy, 2016);
- *NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects* (NSW Minerals Council, 2010); and
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010c).

3 ABORIGINAL CULTURAL HERITAGE SITES AND VALUES

WHC has established and maintains an Aboriginal Cultural Heritage Sites Database (Section 4.16). The database is based on previous archaeological surveys and assessments undertaken at the VCM and surrounds, including (but not limited to):

- *Amax Proposed Coal Mining Operation at Boggabri* (Kamminga, 1978).
- *'Aboriginal Sites Study' in: Environmental Impact Statement for the proposed Vickery Coal Mine project* (Thompson, 1981).
- *Archaeological investigations at Top and Bottom Rocks, Namoi River, N.S.W* (Haglund, 1982).
- *Archaeological investigations of areas that may be affected by proposed mining for coal in the Gunnedah area, NSW* (Haglund, 1985).
- *Vickery Coal Project Aboriginal Cultural Heritage Assessment* (Landskape, 2012).
- *Vickery Extension Project Aboriginal Cultural Heritage Assessment* (Whincop Archaeology, 2018).

3.1 ABORIGINAL CULTURAL HERITAGE SITES

Previous surveys and assessments have identified 62 known Aboriginal Cultural Heritage sites at the VCM and surrounds (Figure 3-1). Known Aboriginal Cultural Heritage sites within the VCM area and surrounds are summarised in Table 3.

Table 3 – Summary of Aboriginal Cultural Heritage Sites within the VCM Area and Surrounds

Site Type	Approximate Number of Sites
Isolated Artefact	28
Artefact Scatter	33
Grinding Groove	1
Total	**62**

Source: after Landskape (2012); Whincop Archaeology (2018).

Of the 62 Aboriginal Cultural Heritage sites listed in Table 3, 26 are located within or immediately adjacent to the VCM construction and initial mining areas (i.e. the areas to which this version of the ACHMP applies) (Table 4) (Figure 3-1).

This ACHMP also covers any previously unknown Aboriginal Cultural Heritage sites that relate to the VCM area.

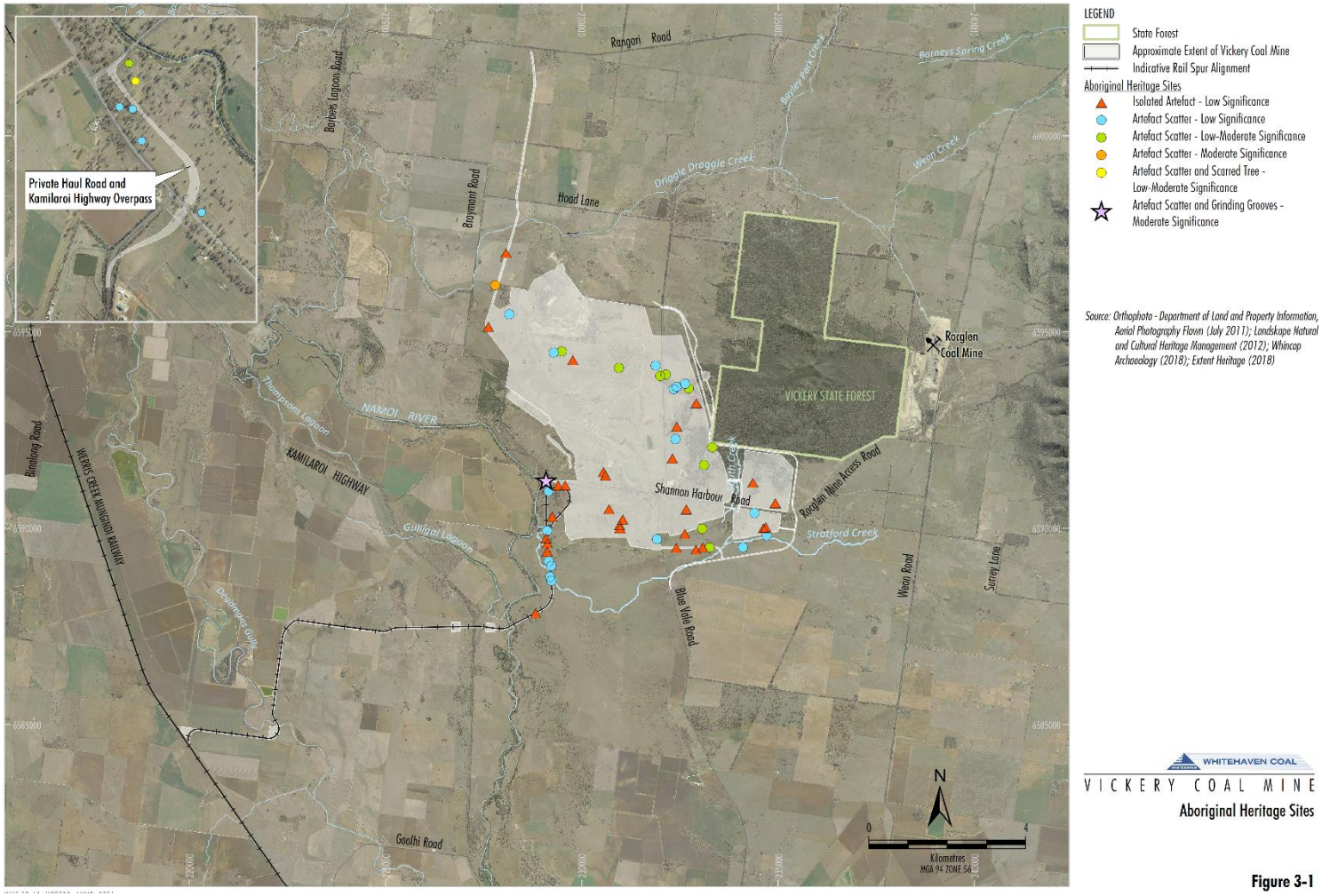


Figure 3-1 Aboriginal Cultural Heritage Sites

3.2 ABORIGINAL CULTURAL HERITAGE VALUES

Previous archaeological surveys and assessments undertaken at the VCM and surrounds identified a close connection between Aboriginal cultural values and archaeological evidence.

All identified Aboriginal archaeological sites within the VCM area have been identified by RAPs as being culturally significant. These archaeological sites provide a tangible link between past and present populations and RAPs have identified the need for them to be cared for appropriately (Landskape, 2012; Whincop Archaeology, 2018).

The Namoi River and its adjacent plains are also considered to be of cultural significance to the Aboriginal community. Several of the RAPs involved in assessments have advised that the riverine environs have special significance to the Aboriginal community. Local Aboriginal people previously visited, and still occasionally visit, the Namoi River for social events including meetings, fishing, mussel collecting and family outings (Landskape, 2012; Whincop Archaeology, 2018).

4 MANAGEMENT OF ABORIGINAL CULTURAL HERITAGE

4.1 REGISTERED ABORIGINAL PARTIES

The RAPs for the VCM have been identified through previous consultation undertaken for the *Vickery Coal Project Aboriginal Cultural Heritage Assessment* (Landskape, 2012) and the *Vickery Extension Project Aboriginal and Cultural Heritage Assessment* (Whincop Archaeology, 2018).

4.1.1 Ongoing Consultation with Registered Aboriginal Parties

The *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010a) presents three key principles for effective Aboriginal consultation:

- Aboriginal people should have the right to maintain culture, language, knowledge and identity;
- Aboriginal people should have the right to directly participate in matters that may affect their heritage; and
- Aboriginal people are the primary determinants of the cultural significance of their heritage.

WHC's ongoing consultation and engagement of RAPs throughout the life of the VCM will be driven by these principles.

WHC is committed to maintaining ongoing consultation with RAPs throughout the life of the VCM, however it is the responsibility of RAPs to ensure that up-to-date contact details (full name, postal address, telephone number, and where possible, email address) are provided to WHC. These details will be updated on the register of RAPs, which will be maintained by WHC over the life of the VCM.

Ongoing consultation with RAPs will occur via at least annual meetings throughout the life of the VCM. Meetings will be open to all RAPs and will provide a forum for RAPs to raise any issues they may have regarding the VCM, and for WHC to provide updates. A communication protocol will be developed at the initial meeting to ensure that all parties have a clear understanding of their roles and responsibilities in relation to this ACHMP.

Meetings with RAPs will be convened at least annually by WHC, or at an alternative frequency agreed upon in consultation with RAPs. Issues and matters that may be discussed in the meetings include:

- VCM progress;
- update on an artefact Care Agreement and/or Keeping Place;
- proposed fieldwork;
- implementation of Aboriginal Cultural Awareness Training;
- review of the ACHMP; and

- key results of any fieldwork (including the outcomes of salvage activities and post-salvage analysis and any additional training opportunities).

RAPs will be notified of upcoming meetings with a minimum of 10 business days' notice. Additional meetings with RAPs (i.e. in addition to the scheduled meetings) may be held on an as required/requested basis, when agreed by WHC. Meeting notes (minutes) of all RAP meetings will be kept and made available to all RAPs at subsequent meetings, or upon request.

4.1.2 Registered Aboriginal Party and Heritage Contractor Engagement Policy

WHC is committed to maintaining ongoing consultation and, where relevant, engagement of representatives of the Local Aboriginal Land Council for the implementation of management and mitigation measures within this ACHMP. Where commitments within this ACHMP include the engagement of representatives of the Local Aboriginal Land Council and Heritage Contractors, engagement will be undertaken in accordance with the below procedure, which maintains:

- that access to the VCM will be via approved Site or Visitor induction only (there will be no unauthorised access during the construction and initial mining phase);
- that up to four representatives of the Local Aboriginal Land Council be engaged, when appropriate, for on-site heritage management and mitigation works;
- that all engaged representatives of the Local Aboriginal Land Council and Heritage Contractors comply with WHC's safety policies and procedures whilst on site, including all task-specific personal protective equipment requirements and necessary competencies, including;
  - valid public liability insurance;
  - valid workers' compensation insurance (or equivalent to the satisfaction of WHC);
  - hard hat;
  - safety glasses;
  - long sleeved shirt and pants;
  - safety boots;
  - high visibility vest or shirt; and
  - gloves;
- that all proposed heritage work will be assessed and documented prior to commencement of the task in order to identify potential hazards and any controls to be implemented;
- that all engaged representatives of the Local Aboriginal Land Council and Heritage Contractors comply with all management measures within this ACHMP;
- that all engaged representatives of the Local Aboriginal Land Council and Heritage Contractors be Fit for Work in line with WHC contractor management requirements, which includes fatigue management and being free from the influence of alcohol and drugs (all

WHC staff and contractors may be subject to random drug and alcohol tests - any person that returns a non-negative test will only be permitted to undertake further work at the VCM strictly at the discretion of WHC Management);

- that all engaged representatives of the Local Aboriginal Land Council and Heritage Contractors, while engaged for heritage work, maintain appropriate behaviour in accordance with the guiding principle of mutual respect for all people; and
- zero tolerance for non-compliance of this WHC RAP and Heritage Contractor Engagement Policy.

Scheduled fieldwork will not be delayed due to a RAP or a RAP representative's inability to comply with WHC's Workplace Health and Safety and insurance requirements. Subject to suitable notification requirements being met by WHC as described above, the heritage management works required by this ACHMP may commence to avoid unnecessary delays to construction and initial mining operations at the VCM.

The WHC Workplace Health and Safety and insurance requirements are subject to periodical review and update by WHC outside the requirements for this ACHMP to be revised. All contractors, including participating archaeologists and RAPs, will be notified of any relevant changes relevant to fieldwork requirements.

4.2 SUMMARY OF MANAGEMENT MEASURES FOR ABORIGINAL CULTURAL HERITAGE SITES

The management measures detailed in the following sections have incorporated general Aboriginal community feedback recorded during the consultation process with the RAPs who participated in previous Aboriginal cultural heritage investigations, as well as the requirements of the Development Consent.

Management measures are directly related to the archaeological significance of each Aboriginal Cultural Heritage site. Aboriginal Cultural Heritage sites will be avoided where practicable. If not able to be avoided, sites will be subject to mitigation measures including (but not limited to) site recording and collection (Section 4.4).

There are 62 known Aboriginal Cultural Heritage sites located within the vicinity of the VCM, 5555 are located within the VCM disturbance footprint. In addition, the 'Wilga' grinding groove site (Aboriginal Cultural Heritage Information Management System [AHIMS] 20-4-0009) has potential to be subject to indirect blasting impacts. The applicable management response for these Aboriginal sites is presented in Table 4.

Table 4 – Summary of Management Measures for Aboriginal Cultural Heritage Sites

AHIMS Site Number	Site Name	Type	Proposed Impact	Management/Mitigation Response
20-4-0366	VCP-IF-010	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0387	VCP-OS-008	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0356	VCP-OS-011	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0673	VEP AS 14	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0683	VEP AS 20	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0684	VEP AS 21	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0680	VEP AS 23	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0681	VEP AS 24	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0694	VEP AS 27	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0693	VEP AS 29	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0696	VEP AS 38	Artefact Scatter	Direct	Collect Aboriginal object.
20-4-0659	VEP IA 01	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0610	VEP IA 24	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0603	VEP IA 36	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0608	VEP IA 37	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0643	VEP IA 39	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0634	VEP IA 41	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0633	VEP IA 42	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0632	VEP IA 43	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0629	VEP IA 49	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0646	VEP IA 52	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0639	VEP IA 53	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0619	VEP IA 54	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0620	VEP IA 55	Isolated Artefact	Direct	Collect Aboriginal object.
20-4-0372	VCP-IF-055	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0373	VCP-IF-060	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0013	Whitehaven Driggle Draggle Creek	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0009	Wilga	Grinding Groove	Indirect	Leave insitu and void harm. Monitor potential blasting impacts.
20-4-0354	VCP-OS-001	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0355	VCP-OS-009	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0357	VCP-OS-014	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0358	VCP-OS-021	Artefact Scatter	None	Leave insitu and avoid harm.
20-4-0359	VCP-OS-036	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0360	VCP-OS-046	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0361	VCP-OS-049	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0362	VCP-OS-051	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0363	VCP-OS-055	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0376	VCP-OS-056	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0377	VCP-OS-057	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0378	VCP-OS-058	Artefact Scatter	Direct	Collect Aboriginal object

AHIMS Site Number	Site Name	Type	Proposed Impact	Management/Mitigation Response
20-4-0065	BBS; Red Chief LALC; Whitehaven Rd 1	Artefact Scatter	Direct	Collect Aboriginal object
16-4-0002	VM-OS-1	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0014	Greenwood Creek	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0379	VCP-OS-067	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0380	VCP-OS-069	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0367	VCP-IF-014	Isolated Artefact	None	Leave insitu and avoid harm.
20-4-0368	VCP-IF-017	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0369	VCP-IF-018	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0370	VCP-IF-034	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0371	VCP-IF-040	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0365	VCP-IF-043	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0374	VCP-IF-070	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0364	VCP-IF-090	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0375	VCP-IF-095	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0386	VCP-IF-109	Isolated Artefact	Direct	Collect Aboriginal object
20-4-0353	VCP-OS-007	Isolated Artefact	None	Leave insitu and avoid harm
20-4-0381	NR-OS-001	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0385	NR-OS-002	Artefact Scatter	None	Leave insitu and avoid harm
20-4-0384	NR-OS-003	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0382	NR-OS-004	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0383	NR-OS-006	Artefact Scatter	Direct	Collect Aboriginal object
20-4-0037	Naomi River/ CWR	Artefact Scatter / Scarred Tree	None	Leave insitu and avoid harm

Source: after Landskape (2012); Whincop Archaeology (2018).

4.3 ADDITIONAL SURVEY REQUIREMENTS

Portions of the rail corridor were not able to be accessed during Aboriginal cultural heritage surveys undertaken for the VEP EIS. These unsurveyed areas will be subject to systematic survey by a suitably qualified archaeologist and attending RAPs prior to surface disturbance works. The survey methodology for these areas would be consistent with the survey approach adopted for the VEP EIS (Whincop Archaeology, 2018).

In the event that any previously unidentified Aboriginal Cultural Heritage sites are recorded in the unsurveyed portions of the rail corridor, the procedure in Section 4.11.1 would be implemented.

4.4 RECORDING AND SURFACE COLLECTION

A comprehensive archaeological salvage program will be undertaken at the VCM to mitigate impacts to known sites. This program is designed to meet conditions within SSD-7480 (Tables 1 and 2). All archaeological salvage work will be undertaken by, or under the supervision of a suitably qualified archaeologist and attending RAPs. The below salvage program for impacted sites relates only to artefact sites. No other site types (e.g. scarred trees or grinding grooves) are proposed to be impacted by the VCM and therefore require salvage. If, however, additional site types are identified in proposed impact areas, this ACHMP will be revised to include site-specific salvage procedures, as required.

4.4.1 Procedure for Site Recording

Where not already undertaken, sites scheduled for collection will be subject to recording according to archaeological best practice, as outlined in the OEH policy *Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales* (DECCW, 2010b) and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011).

Recording will be undertaken:

- by an appropriately qualified archaeologist experienced in detailed recording of the relevant site type; and
- in consultation with attending RAPs.

Upon conclusion of the detailed recording:

- All data collected will be submitted to Heritage NSW for inclusion in the relevant AHIMS site record.
- A reassessment of the site's significance will be undertaken if warranted (based on recommendations from a suitably qualified archaeologist).
- The WHC Aboriginal Cultural Heritage Sites database and Table 4 will be updated as required.

4.4.2 Surface Collection Methodology

Surface collection will be undertaken by a combined team of archaeologist(s) and RAPs within the terms of WHC's *Registered Aboriginal Party and Heritage Contractor Engagement Policy* (Section 4.1.2). The objective of the surface collection component of the salvage program is to systematically record and recover a sample of visible surface artefacts within open artefact sites. Surface collection will involve:

- the flagging of all visible artefacts within each site;
- the recording of individual artefact locations using a Differential GPS (and other techniques where appropriate);
- compilation of a site photographic archive; and

- individual bagging of identified artefacts with a Unique Reference Number (URN).

All collected surface artefacts will be assigned a Unique Reference Number (URN) for accessioning and data analysis purposes. Analysis of surface artefacts will be conducted off site if required based on advice from a suitably qualified archaeologist and in consultation with RAPs (Section 4.7).

The above process may be augmented as needed in the field by the suitably qualified archaeologist.

Should a previously recorded site not be able to be reidentified after a reasonable search effort (to be determined by the qualified archaeologist in consultation with the attending RAPs) then the site may be considered to have been salvaged for the purposes of this ACHMP (i.e. no further work required). The VCM Aboriginal Cultural Heritage Site Database will be updated to note that an unsuccessful attempt was made to salvage the site.

4.4.3 Archaeological Salvage Signoff

The Land Disturbance Permit (LDP) (Section 4.5) is required to be completed and issued to the person responsible for conducting land clearances prior to the works commencing. The attending archaeologist will notify WHC where archaeological salvage has been completed. Archaeological approval will be provided to WHC on a progressive and timely basis as sites are salvaged.

4.5 LAND DISTURBANCE PERMITS

WHC's ongoing risk management approach to minimising impacts on heritage sites during operations will involve implementing the internal LDP. The LDP will apply to all land disturbance activities at the VCM during the construction and initial mining period, including tree clearing. The objective of the LDP is to assess and manage environmental impacts, including known or previously unidentified Aboriginal Cultural Heritage sites. The LDP will include completion of a standardised checklist form that determines the necessary pre-disturbance responsibilities of VCM staff and contractors. The LDP will be approved and signed off by relevant VCM personnel prior to works proceeding. The use of the LDP is covered in the heritage induction process for VCM staff and contractors, as described in Section 5.

The LDP will include provision for archaeologists to check trees for scars of potential Aboriginal origin. The identification of trees as 'scarred trees' may include the involvement of an arborist or forestry specialist with relevant experience. The determination of the origin of the tree's scarring will also involve an archaeologist or anthropologist with relevant experience. Should a tree with a potential scar be identified as Aboriginal origin, the procedure in Section 4.12 would be implemented.

All surface disturbance areas will be subject to due diligence inspections by a qualified archaeologist and attending RAPs prior to ground disturbance (Section 4.11.1). Should a new Aboriginal cultural heritage site be identified, the procedure outlined in Section 4.12 would be implemented.

4.6 SUB-SURFACE TESTING

Sub-surface testing at the VCM is not required as the potential for significant sub-surface deposits within the VCM construction and initial mining areas is assessed to be low based on the soil profiles within the extent of the site (Landskape, 2012).

4.7 ARTEFACT ANALYSIS

Aboriginal objects recovered during salvage activities may be subject to further analysis and may be taken off-site if required (based on advice from a suitable qualified archaeologist and in consultation with the RAPs).

Artefact analysis may include (based on advice from a suitably qualified archaeologist), detailed recording, radiocarbon dating (for features where dating is considered suitable) and/or residue and use-wear analysis. Prior to any artefact analysis being undertaken, the suitably qualified archaeologist will develop a research design program including appropriate research questions and the proposed analysis methodology.

Consistent with the OEH policy *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b), analysis of collected and salvaged artefacts will seek to further the knowledge of past human behaviours in the VCM area.

Post-salvage analyses will not delay mining (or associated) activities, including construction, within the boundaries of any salvaged sites, once salvage activities have been completed in accordance with this ACHMP (and the salvage activities undertaken have confirmed that there are no further activities required at that particular site).

4.8 ARTEFACT MANAGEMENT

Any Aboriginal objects (to the extent that they are stone artefacts) that are collected from the VCM area will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' outlined in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b), including the following:

- Artefact attributes will be recorded for completion of the AHIMS site card, including as a minimum artefact stone material, lithic type, size and comments on other relevant attributes (e.g. presence and nature of use-wear or residues) as determined by the suitably qualified archaeologist.
- Artefacts recovered during excavation activities will, initially, be bagged in excavation units, then individually after recording (apart from lithic fragments, which may be bagged together for each excavation unit spit).
- Following surface collection, artefacts will be bagged and assigned a URN. The location of collection will be recorded in Geocentric Datum of Australia (GDA) by handheld GPS (Section 4.4.1).
- The stone artefacts will be stored in bags (or similar) with labels.

- The bags will be externally labelled using permanent marker, and an 'independent' label on robust material (e.g. tyvek) written with permanent marker must be placed inside each bag for the overall excavation unit or site.
- Any Aboriginal objects salvaged may be temporarily stored at the office of the WHC Aboriginal Cultural Heritage consultant or laboratory during artefact analysis (should it be required) and recording. A chain of custody will be used to record the location of any assemblage that leaves site for further analysis.
- Any Aboriginal objects salvaged will be stored as per the procedure described in Section 4.14.

4.9 SALVAGE REPORTING

An Aboriginal Site Impact Recording Form will be completed and submitted to Heritage NSW (via the AHIMS registrar) for each site salvaged and/or subject to development impacts within six months of the completion of salvage activities.

A report detailing the results of the archaeological salvage program undertaken (including the results of any post-salvage analyses, where relevant) is to be prepared and submitted to Heritage NSW annually following completion of salvage activities. Copies of the report and a plain English summary will be provided to RAPs following the submission of the report to Heritage NSW.

A summary of the archaeological salvage works undertaken (including the results of any post-salvage analyses, where relevant) is to be included in the Annual Review for the VCM (Section 8.1), which will be available through the WHC website.

4.10 MANAGEMENT OF SITES OUTSIDE MAJOR SURFACE DEVELOPMENT AREAS

Direct surface impacts will be limited to the VCM's approved disturbance area. Therefore, all sites outside the disturbance area will not be directly impacted. This ACHMP assumes that all sites within the disturbance area will be directly impacted.

Although the nature and general location of the components of the VCM is known, the specific design and placement of ancillary facilities (e.g. firebreaks, fences, erosion and sediment control structures, access tracks and roads and environmental management and monitoring equipment) is determined progressively over the life of VCM and may be subject to change.

WHC will endeavour to avoid Aboriginal Cultural Heritage sites when planning and designing ancillary infrastructure, however there may be circumstances where impacts cannot be avoided. In this event such evidence will be managed in a manner consistent with the management requirements described in this ACHMP.

In addition to the specific measures outlined below, general controls will also be implemented for sites outside of major surface disturbance areas, such as management of the Aboriginal Cultural Heritage Sites Database and its distribution to staff and contractors, pre-clearance surveys and induction processes.

4.10.1 Protective Fencing and Signage

All identified Aboriginal cultural heritage sites which will not be directly impacted by the VCM (including any additional non-impacted sites identified in future) would be managed *in situ* and will be fenced and appropriately signed as soon as practicable following commencement of development, and remain for the life of the VCM.

For Aboriginal cultural heritage sites which will not be directly impacted by the VCM, semi-permanent fencing will be installed when the site is located within 50 metres of construction and initial mining works, as determined in consultation with a suitably qualified archaeologist. A suitably qualified archaeologist will be engaged to determine (ground-truth) the extent of each site for fencing purposes. A representative of the Local Aboriginal Land Council and a suitably qualified archaeologist will oversee the installation of any fencing.

Cultural heritage fencing must fully enclose each site extent, and incorporate the following buffers to avoid inadvertent impacts during fence erection, and throughout the construction and operational phases of the VCM:

- Artefact Scatters and Isolated Artefacts – site extent plus 10 metre buffer.
- Scarred Trees (if any are identified within the VCM Boundary) – tree drip-line plus 5 metre buffer.
- Grinding Grooves (if any are identified within the VCM Boundary) – site extent plus 5 metre buffer.

Metal signs attached to fencing may include (for example) the following words:

ENVIRONMENTALLY SENSITIVE AREA

NO UNAUTHORISED ENTRY/DO NOT DISTURB

CONTACT WHC ENVIRONMENTAL SUPERINTENDENT

The monitoring of fenced sites is detailed in Section 4.11.2.

4.11 MONITORING OF ABORIGINAL ARCHAEOLOGICAL SITES

4.11.1 Pre-Disturbance Monitoring

The VCM has been subject to substantial archaeological survey during the EIS process as well as historically, as described in Section 3. Despite the effective coverage of the earlier surveys, there remains potential for previously unrecorded Aboriginal cultural heritage sites to exist within the VCM. For this reason, all surface disturbance areas scheduled to be impacted during construction and initial mining. Annual pit progression will be subject to inspection by an archaeologist prior to clearance, consistent with the LDP. Surface inspection outside surface disturbance areas is not required. Aboriginal cultural heritage objects identified during monitoring undertaken as a component of the LDP (Section 4.5) will be subject to the measures detailed in Section 4.12, with the exception that works will only cease if an unusual or rare site type (e.g. a high-density artefact scatter, hearth, grinding grooves) is identified.

4.11.2 Annual Monitoring Program

Inspection of fenced Aboriginal Cultural Heritage sites will be undertaken annually. Inspection of each site will involve, at a minimum, recording of the following:

- condition assessment of site;
- condition assessment of fencing;
- photographic recording of each site from noted location; and
- evidence of any nearby disturbance with the potential to impact the site.

The Annual Review will include a summary of the monitoring, and copies of the Annual Review will be made available through the WHC website following the Secretary's acceptance.

In the event that potential impacts are suspected to have occurred to the fenced sites, the measures detailed in Section 4.10 will be implemented.

4.11.3 Blast Monitoring of 'Wilga' Grinding Groove Site (AHIMS 20-4-0009)

Condition B27(b), Schedule 2 of SSD-7480 requires WHC to ensure that blasting on the site does not damage the 'Wilga' grinding groove site (AHIMS 20-4-0009). The 'Wilga' grinding groove site (AHIMS 20-4-0009) will be subject to blast monitoring throughout construction and initial mining and operation of the VCM when potential indirect blasting impacts may occur. The VCM Blast Management Plan includes nominated blasting criteria for ground vibration of 80 millimetres per second (mm/s) vibration at the 'Wilga' grinding groove site (AHIMS 20-4-0009).

Although located outside the VCM Project Approval Boundary, the 'Wilga' grinding groove site (AHIMS 20-4-0009) will be included in the annual monitoring program (Section 4.11.2). Blast monitoring will be undertaken for each blast event to confirm no impacts occur from blasting. In the event that impacts associated with blasting activities are observed, the procedure in Section 6 will be implemented.

4.12 PROCEDURE ON THE DISCOVERY OF PREVIOUSLY UNRECORDED ARCHAEOLOGICAL HERITAGE EVIDENCE

4.12.1 Aboriginal Cultural Heritage Evidence within Project Approval Boundary

In the event that a previously unrecorded Aboriginal Cultural Heritage site (new location of heritage evidence) is identified, management actions will be implemented (including surface collection) consistent with the procedures outlined in this ACHMP. In the first instance:

1. Work will stop immediately in the vicinity of the new Aboriginal cultural heritage evidence, and the new site will be reported to the WHC Environmental Superintendent (or relevant equivalent) as soon as possible.
2. WHC will identify an appropriate course of action with respect to the Aboriginal Cultural Heritage site in consultation with a suitably qualified archaeologist and RAPs as necessary. WHC will ensure the extent of the potential heritage evidence is identified by a suitably qualified archaeologist in consultation with the RAPs and protected from any further inadvertent impact until mitigation and management actions are implemented in accordance with this ACHMP.

4.12.2 Discovery of new Aboriginal objects

In the event that previously unidentified Aboriginal objects are discovered throughout the life of the VCM in locations outside of the extent of the Project Approval boundary, the following procedure (in consideration of the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* [OEH, 2011]) is to be adopted:

1. All activities must cease immediately in the vicinity of the find location to prevent any further impacts to the object(s).
2. Notification of the potential Aboriginal object must be made immediately to the VCM Environmental Department.
3. A suitably qualified archaeologist will determine the nature, extent and scientific significance of the object(s).
4. If the object is determined to be an Aboriginal cultural heritage object:
    a. the RAPs are to be notified in writing regarding the nature of the find and any proposed management actions. RAPs will be requested to provide comments within seven days;
    b. an AHIMS Aboriginal Site Impact Recording Form will be completed and submitted to Heritage NSW in compliance with section 89A of the NP&W Act - site cards will be lodged within 21 days and a copy provided to RAPs upon request;
    c. the VCM Aboriginal Cultural Heritage Sites Database is to be updated with the relevant information (Section 4.16); and

d. the ACHMP is to be reviewed, and if a revision is necessary, the updated ACHMP will be provided to RAPs for comment and the Secretary for approval.

4.13 PROCEDURE ON THE DISCOVERY OF HUMAN REMAINS

In the event that suspected human remains (skeletal material) are discovered, the following procedure is to be followed:

1. All work must cease immediately in the near vicinity of the find location.
2. Notification of the potential human remains must be made immediately to the WHC Environmental Superintendent (or authorised VCM representative).
3. The WHC Environmental Superintendent (or authorised VCM representative) is to notify the police immediately.
4. The WHC Environmental Superintendent (or authorised VCM representative) is to contact Heritage NSW environment line on 131 555 to report the find and advise that police have been notified. Heritage NSW will provide details on the current processes for dealing with archaeological skeletal remains (whether Aboriginal or historic).
5. Under instruction of the Police, an area of 50 m radius is to be cordoned off by temporary fencing around the suspected human remains site - work can continue outside this area as long as there is no risk of interference to the human remains or the assessment of human remains.
6. If the remains are determined to be of Aboriginal origin, then under the advice of Heritage NSW, RAPs will be consulted regarding appropriate treatment and/or repatriation of the individual(s).
7. Do not recommence work at the location until all legal requirements and the reasonable requirements of Heritage NSW and the RAPs have been adequately addressed.

4.14 TEMPORARY KEEPING PLACE AND STORAGE OF ABORIGINAL OBJECTS

In accordance with the recommendations of the VEP EIS, any salvaged Aboriginal objects will be moved as soon as possible to a Temporary Keeping Place.

The Temporary Keeping Place is a secure, locked facility at Whitehaven's Gunnedah Office (231 Conadilly Street, Gunnedah NSW 2380). Access to the Interim Keeping Place and the Temporary Keeping Place is managed/controlled by the WHC Aboriginal Community Relations Manager (or relevant delegate).

As described in Section 4.8, all Aboriginal stone artefacts which are salvaged from the VCM area will be managed in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b).

The Temporary Keeping Place will continue to be used to store recovered Aboriginal objects until a long-term arrangement is agreed upon. This may include (but is not limited to) the relocation of the objects on the Aboriginal Heritage Conservation Area (following its long-term security) and/or the relocation of the objects on the rehabilitated land. Application to Heritage NSW for a Care Agreement may be required.

4.15 POTENTIAL IMPACTS FROM WEED AND FERAL ANIMAL MANAGEMENT

Measures to control weeds and feral animals within the VCM Project Approval Boundary will include avoiding ground disturbance activities in the immediate vicinity of known Aboriginal Cultural Heritage sites. Weed and feral animal management measures are detailed in the VCM Biodiversity Management Plan and may include a combination of monitoring, targeted trapping of feral animal species, and various weed management activities including spraying and manual removal.

4.16 ABORIGINAL CULTURAL HERITAGE SITES DATABASE

WHC operates a comprehensive Aboriginal Cultural Heritage Sites Database for the VCM. The database will, at a minimum, contain the name (including AHIMS identifier), site type, significance, size, Grid reference coordinates (GDA) and status of all known Aboriginal cultural heritage sites at the VCM.

This information will also be saved in GIS format and will be made available to all relevant VCM employees and contractors to ensure that any proposed disturbance work considers the location of known sites; this process is managed through the application of the LDP protocol (Section 4.5). Maps showing boundaries of identified sites will be included with the LDP.

The VCM Aboriginal Cultural Heritage Sites Database will be updated when required (e.g. new sites are identified, sites are subject to salvage or sites are identified to not be of Aboriginal Cultural Heritage origin). Printed site lists are to be made available to RAPs upon request.

4.17 ABORIGINAL COMMUNITY ACCESS

RAPs may, throughout the life of the VCM, wish to access sites and/or areas at the VCM for cultural purposes (e.g., education, ceremony). WHC is committed to facilitating such access wherever possible consistent with personnel Workplace Health and Safety Requirements.

RAPs wishing to access sites should contact aa WHC representative in writing via the WHC website or via telephone, or register a verbal request at a scheduled RAP meeting. Requests for access are required a minimum of 14 days' in advance and should include at a minimum the purpose of the visit, area proposed to be visited, names of all person(s) proposed to take part and whether there is any intention to use audio-visual equipment (including, video footage, photographs or audio recordings).

Requests for access will be considered by WHC, in consultation with the Local Aboriginal Land Council. Where granted, access would be subject to relevant operational and safety considerations. Access to some areas may be restricted during periods of construction or mining, and will be subject to relevant operational and safety considerations, and cannot be guaranteed. There will be no unauthorised access to the active mining area and any access will need a designated escort.

4.18 EXEMPTIONS FOR EMERGENCY VEGETATION MANAGEMENT

Should an emergency situation arise that requires vegetation clearance (e.g. firefighting, hazardous materials spill) in the vicinity of protected Aboriginal cultural heritage sites, vegetation clearance will be undertaken with minimum possible disturbance to the topsoil.

Under section 87A of the NP&W Act, the concept of 'Harming or desecrating' Aboriginal objects or places does not apply during:

- any emergency fire-fighting act or bush fire hazard reduction work within the meaning of the NSW *Rural Fires Act, 1997* that is authorised or required to be carried out under that Act; and

- anything authorised by or under the NSW *State Emergency and Rescue Management Act, 1989* in relation to an emergency (within the meaning of that Act) and that was reasonably necessary in order to avoid an actual or imminent threat to life or property.

Activities relating to maintenance, construction and initial mining, or operational activities do not comprise emergency situations.

5 ABORIGINAL CULTURAL HERITAGE INDUCTIONS

All VCM site-specific employee and contractor inductions (including those inductions for construction and initial mining personnel) will include an Aboriginal Cultural Heritage component. This will outline current protocols and responsibilities with respect to the management of Aboriginal Cultural Heritage for the VCM as outlined within this ACHMP. It will also provide an overview of the general Aboriginal Cultural Heritage site types, relevant legal obligations in relation to Aboriginal Cultural Heritage, responsibility and duty of care of persons in relation to Aboriginal Cultural Heritage, and procedures for reporting the identification of Aboriginal Cultural Heritage sites.

The induction process also includes a description of the VCM LDP process and relevant protocols prior to any surface disturbance activities.

WHC will maintain an accurate record of all employee and contractor inductions in accordance with Condition B70(dii), Schedule 2 of SSD-7480.

6 PERFORMANCE MEASURES

The following Aboriginal Cultural Heritage related performance measures will be used to assess the performance of the VCM:

- In accordance with Condition B27(b), Schedule 2 of SSD-7480, ensure that blasting on site does not damage the 'Wilga' Aboriginal grinding groove site (AHIMS 20-4-0009).
- No unauthorised impacts on Aboriginal cultural heritage sites; i.e. without prior approval under SSD-7480.
- All Aboriginal cultural heritage sensitive areas will be subject to an Aboriginal Due Diligence (DD) assessment prior to commencement of ground disturbance works in those areas.
- All ground disturbance works will be subject to the LDP prior to commencement of the proposed activity.

WHC will report on progress against these performance measures in the Annual Review (Section 8.1). A contingency plan will be followed in the event of an unintended impact on Aboriginal Cultural Heritage (i.e. an incident or non-compliance with this ACHMP – Refer to Section 9).

7 CONTINGENCY PLAN

In the event that a performance measure described in Section 6 is considered to have been exceeded, WHC will implement the following contingency plan for the VCM:

- The Project Manager/Project Director will report the likely exceedance to the WHC Environmental Superintendent (or relevant equivalent) within 24 hours of becoming aware of the exceedance or incident.
- In the event that the incident has cause, or threatens to cause, material harm to the environment, or impacts to Aboriginal Cultural Heritage not approved under SSD-7480, the WHC Superintendent (or relevant equivalent) will report the exceedance of the performance or incident to the Secretary and Heritage NSW immediately.
- WHC will identify an appropriate course of action with respect to the identified impact(s) or incident, in consultation with relevant specialists (e.g. suitably qualified archaeologist), RAPs and relevant agencies, as necessary. For example, identification of proposed contingency measure(s) and a program to review the effectiveness of the contingency measures. Contingency measures will be developed in consideration of the specific circumstances of the exceedance or incident and the assessment of the environmental consequences.
- WHC will, on request, submit the proposed course of action to the Secretary for approval prior to implementation.
- WHC will provide a detailed report on the exceedance of the performance measures to the Secretary and Heritage NSW within seven days (or other specified or approved time period) of the date of becoming aware of the exceedance.
- WHC will report the exceedance of the performance measure and the success of the approved course of action as a component of the Annual Review (Section 8.1).
- WHC will apply adaptive management (Section 7.1).

7.1 ADAPTIVE MANAGEMENT

In accordance with Condition E3, Schedule 2 of SSD-7480, WHC will assess and manage risks to comply with the criteria and/or performance measures outlined in Schedule 2 of SSD-7480.

Where any exceedance or non-compliance of these criteria and/or performance measures occurs, as soon as practicable WHC will:

- take all reasonable and feasible measures to ensure that the non-compliance does not recur;
- consider all reasonable and feasible options for remediation where relevant) and submit a report to the Secretary describing these options and any preferred remediation measures or other course of action; and
- implement reasonable remediation measures as directed by the Secretary.

8 REVIEW AND IMPROVEMENT OF ENVIRONMENTAL PERFORMANCE

8.1 ANNUAL REVIEW

In accordance with Condition E9, Schedule 2 of SSD-7480, WHC will review the environmental performance of the VCM for the previous calendar year and report results within the Annual Review to the satisfaction of the Secretary.

In relation to Aboriginal Cultural Heritage, the Annual Review will (where relevant):

- describe the development (including rehabilitation) that was carried out in the relevant calendar year, and the development that is proposed to be carried out during the following calendar year;
- include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the:
  - relevant statutory requirements, limits or performance measures/criteria;
  - monitoring results of previous years; and
  - relevant predictions in the EIS;
- identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- identify any trends in the monitoring data over the life of the development;
- identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- describe what measures will be implemented over the next reporting year to improve the environmental performance of the development.

The Annual Review will be made publicly available on the WHC website in accordance with Condition E14(a), Schedule 2 of SSD-7480.

8.2 ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN REVISION

In accordance with Condition E5, Schedule 2 of SSD-7480, this ACHMP will be reviewed, and if necessary revised (to the satisfaction of the Secretary), within three months of the submission of:

- an Annual Review (Condition E9, Schedule 2);
- an Independent Environmental Audit (Condition E10, Schedule 2);
- an incident report (Condition E7, Schedule 2); or
- any modification to the conditions of SSD-7480 (unless the conditions require otherwise).

The reviews would be undertaken to ensure the ACHMP is updated on a regular basis and to incorporate potential measures to improve the environmental performance of the VCM.

The revision status of this ACHMP is indicated on the final page of each copy. The approved ACHMP will be made publicly available on the WHC website, in accordance with Condition E14, Schedule 2 of SSD-7480.

8.3 INDEPENDENT ENVIRONMENTAL AUDIT

In accordance with Condition E10, Schedule 2 of the SSD-7480, an Independent Environmental Audit (IEA) of the VCM will be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary.

The IEA will assess the environmental performance of the VCM and review the adequacy of this ACHMP. If necessary, appropriate measures or actions to improve the environmental performance of the VCM with regards to management of Aboriginal Cultural Heritage will be recommended.

Within 1 year from the commencement of construction and every 3 years thereafter, WHC shall commission an IEA of the VCM. The IEA and WHC's response to recommendations in the IEA, will be made publicly available on WHC's website as per Condition E14, Schedule 2 of SSD-7480.

9 REPORTING PROCEDURES

In accordance with Condition E4(h), Schedule 2 of SSD-7480, WHC has developed a protocol for managing and reporting the following:

- incidents;
- complaints;
- non-compliances with statutory requirements; and
- exceedances of the impact assessment criteria and/or performance criteria.

These protocols are described in the VCM's Environmental Management Strategy (EMS).

In accordance with Condition E14, Schedule 2 of SSD-7480, WHC will provide regular reporting on the environmental performance of the VCM on the WHC website.

9.1 INCIDENT AND NON-COMPLIANCE REPORTING

An incident is defined as an occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance. A non-compliance is define as an occurrence, set of circumstances or development that is a breach of the condition of SSD-7480.

In the event that review of Aboriginal Cultural Heritage management indicates an incident has occurred, the incident will be reported in accordance with Condition E7, Schedule 2 of SSD-7480 and relevant conditions of EPL 21283 and MLAMLA 578. WHC will immediately notify the Department and any other relevant agencies.

The notification will be provided to the Secretary in writing and will identify the VCM (including the development application number and name) and set out the location and nature of the incident.

Within seven days of the date of the incident, WHC will provide the Secretary and any other relevant agencies with a report on the incident. The report will include details required within the approval, including:

- describe the date, time and nature of the exceedance/incident;
- identify the cause (or likely cause) of the exceedance/incident;
- describe what action has been taken to date; and
- describe reasonable and feasible options to address the incident and identify the preferred option to address the incident (Section 9.1).

9.2 COMPLAINTS

WHC will maintain a Community Complaints Line and online contact via the WHC website (www.whitehavencoal.com.au) for the sole purpose of receiving community complaints, or enquiries. The Community Complaints Line number will be available on the website. The Community Complaints Line will be staffed 24 hours a day, seven days a week during construction and operations. WHC will respond to callers on the next business day.

Detailed records of each complaint are kept in WHC's record management systems.

In accordance with Condition E14(ix), Schedule 2 of SSD-7480, a complaints register will be made available on the WHC website during the construction and operational stages of the VCM. The complaints register will include:

- the date and time of the complaint;
- the method by which engagement was made;
- any personal details provided (e.g. name, address, contact number) or, if no such details were provided, a note to that effect;
- the nature of the complaint; and
- any actions (if required) taken by WHC in relation to the complaint.

Investigations into complaints will generally commence within 24 hours of receipt, or as soon as practical. The cause of the complaint will be analysed and actions to attempt to address the complaint taken as soon as reasonably possible. In complex cases where resolution will take more than 48 hours, WHC will commit to updating the community member.

9.3 NON-COMPLIANCE WITH STATUTORY REQUIREMENTS

A protocol for managing and reporting non-compliances with statutory requirements has been developed as a component of the VCM's EMS and is described below.

Compliance with all approvals, plans and procedures is the responsibility of all personnel (staff and contractors) employed on or in association with WHC and the VCM.

A VCM representative will undertake required inspections during the construction and initial mining phase and initiate directions to address any actions identified, if required, and areas of actual or potential non-compliance.

As described in Section 9.1, WHC will report incidents in accordance with Condition E7, Schedule 2 of SSD-7480.

WHC will notify the Secretary and any other relevant agencies immediately after the authorised person becomes aware of the incident which causes or threatens to cause material harm to the environment. Within seven days (or other specified or approved time period) of the date of becoming aware of the incident, WHC will provide the Secretary and any other relevant agencies with a report on the incident and any subsequent information that may be requested.

A review of compliance with all conditions in SSD-7480 and all other applicable approvals and licences will be included within each Annual Review (Section 8.1).

Additionally, in accordance with Condition E10, Schedule 2 of SSD-7480, an IEA (Section 8.3) would be conducted by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Secretary to assess whether WHC is complying with the requirements SSD-7480, and any other relevant approval and tenement conditions.

10 REFERENCES

Australian Heritage Commission (2002) Ask First: A Guide to Respecting Indigenous Heritage Places and Values.

Australia International Council on Monuments and Sites (2013) The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance. Burwood, Victoria: Australia ICOMOS. Retrieved from http://australia.icomos.org/wp-content/uploads/BURRA_CHARTER.pdf

Commonwealth Department of Environment and Energy (2016) Engage Early - Guidance for proponents on best practice Indigenous engagement for environmental assessments under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

Haglund, L. (1982) Archaeological investigations at Top and Bottom Rocks, Namoi River, N.S.W.

Haglund, L. (1985) Archaeological investigations of areas that may be affected by proposed mining for coal in the Gunnedah area, NSW. Unpublished report to the Vickery Joint Venture.

Kamminga, J. (1978) Amax Proposed Coal Mining Operation at Boggabri.

Landskape (2012) Vickery Coal Project Environmental Impact Statement: Appendix I Aboriginal Cultural Heritage Assessment. Report prepared for Whitehaven Coal Ltd.

New South Wales Department of Environment, Climate Change and Water (2010a) Aboriginal cultural heritage consultation requirements for proponents.

New South Wales Department of Environment, Climate Change and Water (2010b) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.

New South Wales Department of Environment, Climate Change and Water (2010c) Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.

New South Wales Minerals Council (2010) NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects.

New South Wales National Parks and Wildlife Service (1997) Aboriginal Cultural Heritage: Standards and Guidelines Kit. Sydney.

New South Wales Office of Environment and Heritage (2011) Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales.

Thompson, P. 1981. 'Aboriginal Sites Study' in: Environmental Impact Statement for the Proposed Vickery Coal Mine project

Whincop Archaeology (2018) Aboriginal Cultural Heritage Assessment for the Vickery Extension Project in the Gunnedah and Narrabri Shires, New South Wales.

Appendix A Aboriginal Cultural Heritage Related Conditions Development Consent SSD-7480

VCM DEVELOPMENT CONSENT (SSD-7480)	ACHMP SECTION
NOISE	**-**
Blast Operating Conditions	**-**
B27. The Applicant must:	-
…	
(b) ensure that blasting on the site does not damage heritage items[a], including Aboriginal grinding groove site 20-04-0009 and the Kurrumbede Homestead, except in accordance with the predictions in the document/s listed in condition A2(c), and develop specific measures to protect heritage items outside the approved disturbance areas from any blasting damage associated with the development;	Section 4.11.3
HERITAGEHERITAGE	-
Protection of Aboriginal Cultural Heritage	-
B68. The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c). ***Note:*** *Identified heritage items are shown in the figure in Appendix 5.*	Section 4
B69. The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Cultural Heritage Information Management System (AHIMS) Register.	Sections 4.4.1, 4.8 and 4.17
Aboriginal Cultural Heritage Management Plan	-
B70. The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:	This ACHMP
(a) be prepared by suitably qualified and experienced persons;	Section 1.1
(b) be prepared in consultation with BCD and Registered Aboriginal Parties;	Sections 1.2
(c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent;	Sections 1.2
(d) describe the measures to be implemented on the site to:	-
(i) comply with the heritage-related operating conditions of this consent;	Section 1.2
(ii) 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 5
(iii) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including proposed archaeological investigations and salvage measures within the approved disturbance area in accordance with the commitments made in the document/s listed in condition A2(c);	Section 4.8,4.11 and 4.14
(iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;	Section 4.11.3
(v) 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;	Sections 4.12 and 4.13
(vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and	Section 4.18
(vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and	Section 4.1

VCM DEVELOPMENT CONSENT (SSD-7480)	ACHMP SECTION
(e) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.	Section 4.14
B71. The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	Section 2
Management Plan Requirements	-
E4. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:	Entire Document
(a) summary of relevant background or baseline data;	Section 3
(b) details of:	-
(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);	Section 2
(ii) any relevant limits or performance measures and criteria; and	Section 6
(iii) 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;	Section 6
(c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);	Section 4, 5 and 6
(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;	Section 4
(e) a program to monitor and report on the:	Section 4.11
(i) impacts and environmental performance of the development; and	
(ii) effectiveness of the management measures set out pursuant to paragraph (d);	
(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;	Section 7
(g) a program to investigate and implement ways to improve the environmental performance of the development over time;	Section 8
(h) a protocol for managing and reporting any:	-
(i) incident, non-compliance or exceedance of any impact assessment criterion or performance measure;	Section 9.1
(ii) complaint; or	Section 9.2
(iii) failure to comply with other statutory requirements;	Section 9.3
(i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and	Section 8
(j) a protocol for periodic review of the plan.	Section 8.2
Note: *The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.*	

Appendix B Consultation Log

Date	Consultee	Comment
29/10/20	RAPs	No change to document.
29/10/20	BCD	BCD commented that all Aboriginal cultural heritage matters transferred from the Biodiversity, Conservation and Science Directorate to Heritage NSW in the Department of Premier and Cabinet on 1 July 2020.
29/10/20	Heritage NSW	No comment.

Document History

Edition	Rev.	Comments	Date
1	0	Initial draft following consultation as first submitted	18/12/20