



**ROCLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

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WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

HERITAGE MANAGEMENT PLAN



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WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

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**ROCGLEN MINE
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WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

Contents

1	INTRODUCTION	6
1.1	Consultation.....	7
2	STATUTORY REQUIREMENTS.....	11
3	ARCHAEOLOGICAL AND CULTURAL HERITAGE OF THE MINE SITE	12
3.1	Cultural Heritage Assessments.....	12
3.2	Identified Aboriginal Cultural Heritage Sites	13
4	CONSERVATION PROGRAM.....	14
4.1	Salvaged Artefacts.....	15
4.2	Site Protection	15
4.2.1	Introduction	15
4.2.2	Aboriginal Community Consultation	15
4.2.3	Aboriginal Archaeological Management	15
4.2.4	Aboriginal Archaeological Management of sites Btree 1 and Btree 2	16
4.2.5	General.....	16
4.3	Workforce Education.....	16
4.4	Management of Other Aboriginal Sites	16
4.5	Contingency Plan.....	18
4.6	Site Salvage Procedure	18
5	EUROPEAN HERITAGE	19
6	CONSULTATION, MONITORING AND REPORTING	19
6.1	Consultation Protocol.....	19
6.2	Monitoring and Reporting.....	20
7	MANAGEMENT OF INCIDENTS, COMPLAINTS AND NON-COMPLIANCES	20
7.1	Compliance and Incident Management.....	20
7.2	Complaints.....	20
8	DOCUMENT REVIEW AND CONTINUOUS IMPROVEMENT	21

Figures

Figure 1	Rocglen Coal Mine Location	9
Figure 2	Identified Aboriginal Heritage Sites	10

Tables

Table 1 - Heritage Management Responsibilities	7
Table 2 - Aboriginal Heritage Sites, Appleton ASR Survey 2007	13
Table 3 - Aboriginal Heritage Sites, RPS Survey 2010.....	14



**ROCGLLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner:	Operations Manager
Last Revision Date:	05/2018
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

Appendices

- Appendix 1 Aboriginal Heritage Sites Recorded
- Appendix 2 Section S85A Permits
- Appendix 3 Cultural Awareness Training Material



**ROCGLLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner: Operations Manager

Last Revision Date: 05/2018

Date Printed: 21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

ACRONYMS USED THROUGHOUT THIS DOCUMENT

AR	-	Annual Review (incorporates former Annual Environmental Management Report)
AHIMS	-	Aboriginal Heritage Information Management Strategy
ANTC	-	Aboriginal Native Title Consultants
BBC	-	Bullem Bullem Consultants
BBGTP	-	Bigundi Biame Gunnedarr Traditional People
ECHC	-	Ellilewis Cultural Heritage Consultations
HMP	-	Heritage Management Plan
CC	-	Cobronwonga Consultants
CCC	-	Community Consultative Committee
DP&E	-	Department of Planning and Environment
GGAC	-	Gunida Gonyah Aboriginal Corporation
GC	-	Giwiirr Consultants
GSC	-	Gunnedah Shire Council
HVC	-	Hunter Valley Consultants
LALC	-	Local Aboriginal Land Council
MC	-	Mingga Consultants
MMAC	-	Min Min Aboriginal Corporation
OEH	-	Office of Environment and Heritage
RCLALC	-	Red Chief Local Aboriginal Land Council
RCM	-	Rocglen Coal Mine
UHHC	-	Upper Hunter Heritage Consultants



ROCGLLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM

Document Owner:	Operations Manager
Last Revision Date:	05/2018
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

1 INTRODUCTION

The Rocglen Coal Mine (RCM) is located approximately 28km north of Gunnedah, and 10km west of the Canyon Coal Mine (formerly Whitehaven) (Figure 1). The mine site covers an area of approximately 460 hectares.

The mine was initially approved on the 15th April 2008 under PA 06_0198 with a minor modification (PA 06_0198 MOD 1) granted in May 2010 to address highwall stability issues. Whitehaven submitted a Project Application, and accompanying Environmental Assessment, under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in March 2010. PA 10_0015 was issued on the 27th September 2011 and allows for additional extraction of up to 5 million tonnes of coal at a maximum recovery rate of 1.5 million tonnes per annum (ie. increased projected life of the operation for coal extraction by up to four years).

A minor modification was approved in November 2014 relating to Coal Transport, a second modification was approved in August 2015 allowing changes to coal reject haulage to the site, and a third modification was approved in February 2017 to allow increased coal haulage during calendar year 2017.

The areas of disturbance comprise the northern emplacement area, western emplacement area, open cut pit limit and various water management structures and roads (Figure 2).

This Heritage Management Plan (HMP) has been prepared in accordance with PA 10_0015, as modified, to ensure that impacts on cultural heritage within the area are minimised and managed. The HMP has been prepared with the following objectives:

- To provide a precise set of procedures to enable the identification and conservation of physical and cultural heritage sites and artefacts within the mine site;
- To provide management strategies for those parts of the mine site not affected by mining or mining-related activities;
- To establish a protocol with the local Aboriginal community for involvement in management works and access to sites and salvaged artefactual materials; and
- To ensure all personnel are aware of their obligations, responsibilities and the procedures under the *National Parks and Wildlife Act 1974* (NP&W Act) and *NSW Heritage Act 1977*.

The contents of this plan have been drawn from relevant sections of a report prepared by RPS Group, included as Appendix O of the Rocglen Extension Environmental Assessment (2011).

This document applies to all activities conducted at the site and should be read in conjunction with other environmental management plans. Aboriginal cultural heritage management performance to date is available in the site's Annual Environmental Management Reports (AEMR)/Annual Review.

Responsibilities across the site related to heritage management are defined in the Table 1 below:



**ROCGLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner:	Operations Manager
Last Revision Date:	05/2018
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

Table 1 - Heritage Management Responsibilities

Type	Responsibility	Comments
Define known sites on plans and on ground	Environmental Officer and Site Surveyor	To ensure known sites are clearly marked to avoid disturbance
Site training/awareness	Generic Inductions Environmental Officer	To ensure all operators are aware of obligations
Pre-clearance approval	Environmental Officer and Site Surveyor	Areas for active clearance clearly marked and known sites identified
Soil stripping survey	Operations Manager	Engage stakeholders to undertake survey of soil resources prior to and during soil stripping activities
Salvage of artefacts	Environmental Officer	Undertake salvage in accordance with requirements, including care and control requirements
Identification of new find	Operations Manager and Environmental Officer	Cessation of activities in area of find and establishment of requirements/actions in consultation with stakeholders
Relocation of salvaged artefacts	Environmental Officer	In consultation with stakeholders, confirm arrangements as to replacement of artefacts on rehabilitated landform or retention at the Keeping Place
Routine reporting	Environmental Officer	Annual Review and CCC

1.1 Consultation

Relevant stakeholders from the Aboriginal community were identified during the Rocglen Extension Environmental Assessment using a process consistent with DECCW's 2004 *Interim Community Consultation Requirements* (ICCRs). While the new consultation guidelines titled *Aboriginal Cultural Heritage Consultation Requirements for Proponents* were released in April 2010, the then DECCW advised that consultation that commenced for projects prior to the 12th April 2010 could continue under the ICCR process. In these circumstances, Whitehaven was not required to recommence consultation under the new 2010 guidelines. There were 12 Registered Aboriginal Parties (RAPs) that registered an interest in consultation for the Extension Project following the advertisement and notification process commenced in January 2010 under Stage 1 of the ICCRs. These groups are:

- Red Chief Local Aboriginal Land Council (RCLALC);



**ROCGLLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner: Operations Manager

Last Revision Date: 05/2018

Date Printed: 21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

- Bigundi Biame Gunnedarr Traditional People (BBGTP);
- Gunida Gunyah Aboriginal Corporation (GGAC);
- Min Min Aboriginal Corporation (MMAC);
- Aboriginal Native Title Consultants (ANTC);
- Cobronwonga Consultants (CC);
- Ellilewis Cultural Heritage Consultations (ECHC);
- Giwiirr Consultants (GC);
- Hunter Valley Consultants (HVC);
- Mingga Consultants (MC);
- Upper Hunter Heritage Consultants (UHHC); and
- Bullem Bullem Consultants (BBC).

The registered stakeholders were provided copies of this management plan in 2011. No comments or requests for revision were received from the RAPs.

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

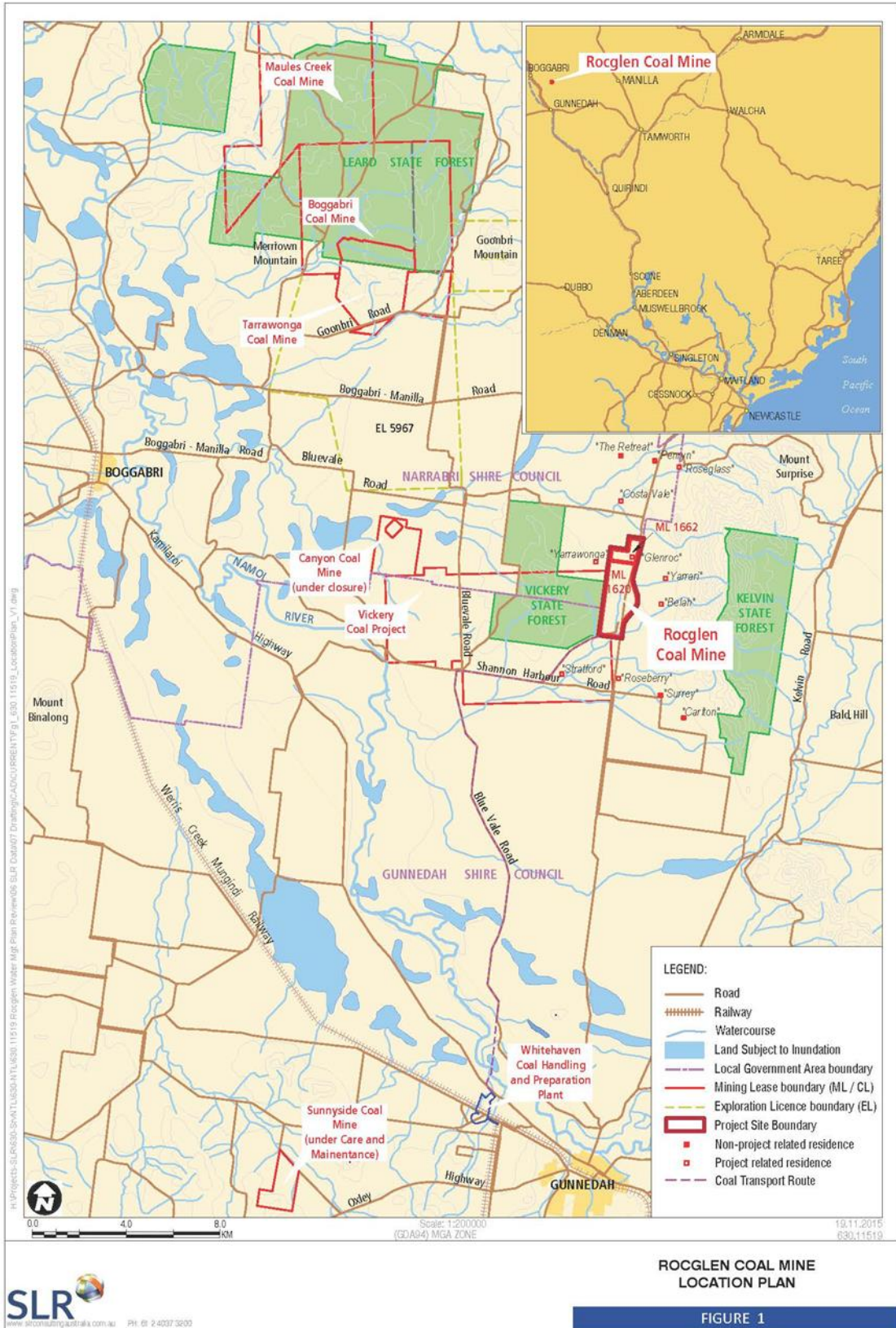
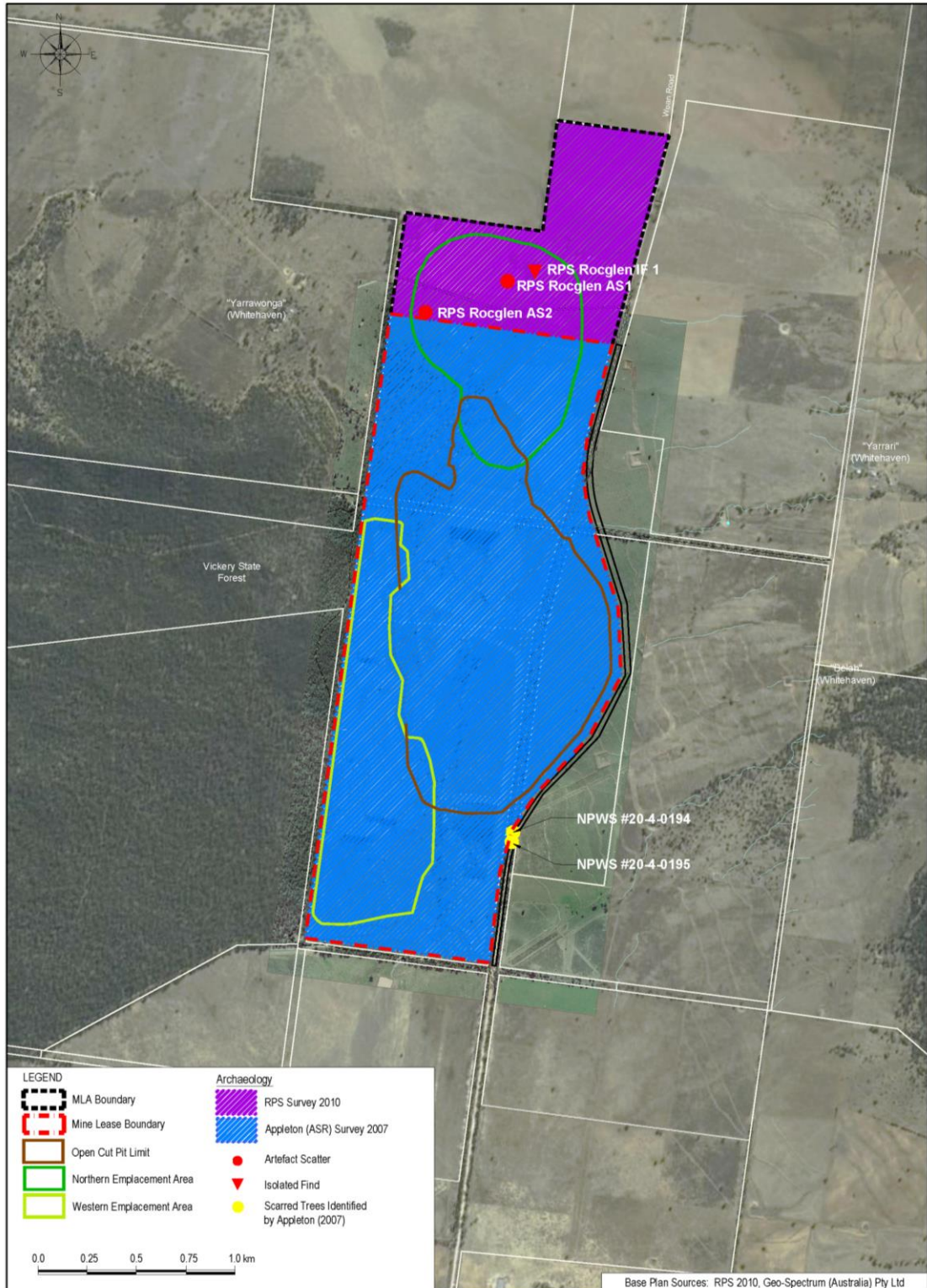


Figure 1 Rocglen Coal Mine Location

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN



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Figure 2 Identified Aboriginal Heritage Sites

	ROCGLLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

2 STATUTORY REQUIREMENTS

This HMP follows the management plan requirements specified in Schedule 5, Condition 2 and has been prepared in accordance with Schedule 3, Condition 24 of PA 10_0015, which states:

The Proponent shall prepare and implement a Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:

- (a) be prepared in consultation with OEH and the Aboriginal stakeholders;*
- (b) be submitted to the Secretary for approval by the end of December 2011; and*
- (c) describe the measures that would be implemented to:*
 - *record and salvage the Aboriginal sites within the project disturbance area, including RPS Rocglen IF1, RPS Rocglen AS1 and RPS Rocglen AS2 at locations as shown in Appendix 6 and any potential archaeological deposits;*
 - *store the Aboriginal objects salvaged, both during construction and in the long term;*
 - *protect, monitor and/or manage the Aboriginal sites on site that are outside the project disturbance area on site, including measures to protect scarred trees (NPWS # 20-4-0194 and # 20-4-0195 at locations as shown in Appendix 6);*
 - *manage the discovery of any human remains or previously unidentified Aboriginal objects;*
 - *enable Aboriginal stakeholders to get reasonable access to the site during the project;*
 - *ensure Aboriginal stakeholders are consulted about the conservation and management of Aboriginal cultural heritage on site; and*
 - *ensure workers on site receive suitable heritage inductions, and that suitable records are kept of these inductions.*

This plan has been prepared with reference to relevant legislation, approvals and guidelines and is consistent with the information and commitments provided in:

- Rocglen Extension Environmental Assessment – specifically Section 7.8 (GSS Environmental 2011); and
- Rocglen Extension Environmental Assessment Appendix E – Cultural Heritage Survey and Assessment (RPS 2010).

All registered and unregistered Aboriginal archaeological sites in NSW are protected by the State *NP&W Act* and the *EP&A Act*. All historical sites in NSW are protected by the NSW *Heritage Act 1977 (Heritage Act)* and the *EP&A Act*. These Acts prohibit the wilful destruction or disturbance of any cultural heritage site, place or object, whether on private or public land. These places are considered to have significance according to the guidelines of the *Australian ICOMOS Charter for the Conservation of Places of Cultural Significance* (the Burra Charter).

	ROCGLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

OEH (Heritage Branch) is the NSW State Government agency that administer these Acts.

As the Rocglen Extension Project was approved under *Part 3A* of the *EPA Act (1979)* a Section 90 Permit is not required under the *NPW Act* providing activities are undertaken in accordance with the Part 3A Approval. Approvals under *Part 4* and *Section 139* of the *Heritage Act* are not required on the basis of the provision of *Section 75U* of the *EP&A Act*.

Statutory requirements under the *NPW Act* for a Care and Control Permit under Section 85a and notification of sites under *Section 91* are still required and will be undertaken accordingly.

If a relic of state or local heritage significance is found, the Heritage Council will be notified under *Section 146* of the *Heritage Act*.

3 ARCHAEOLOGICAL AND CULTURAL HERITAGE OF THE MINE SITE

3.1 Cultural Heritage Assessments

In August 2007 Whitehaven engaged Archaeological Surveys and Reports Pty Ltd (ASR) to conduct an assessment of the potential impact of the original Rocglen Coal Mine development proposal (then known as Belmont Coal Project) on Aboriginal heritage to meet the then Secretary's requirements for the project. The Survey covered the Belmont project area of approximately 366 ha, which effectively also covers much of the current Project Site. The archaeological survey yielded seven sites, however, only three sites including two artefact scatters and an isolated find would be impacted upon by the project. Other sites that would be avoided or did not fall in the potential impact zones comprised of four scarred trees, as discussed in Section 3.2.

No additional Aboriginal heritage items have been identified during pre-clearance inspections since the commencement of the mine.

In 2010, a cultural heritage assessment was undertaken by RPS for the purposes of the Rocglen Extension Environmental Assessment. The specific objectives of the assessment undertaken by RPS were to:

- Incorporate an environmental and archaeological regional context assessment
- Detail a literature review of previous archaeological and historical studies relevant to the project site
- Consult the local Aboriginal community to identify any concerns they may have;
- Conduct a desktop assessment to delineate areas of known and predicted cultural heritage within the modification area;
- Undertake a stratified archaeological survey of known and predicted cultural heritage identified in the desktop assessment with representatives of the local Aboriginal community;
- Record any cultural heritage sites within the work areas and assess their significance;
- Identify the nature and extent of potential impacts of the development on cultural heritage; and



**ROCGLLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner:	Operations Manager
Last Revision Date:	10/2016
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

- Devise options in consultation with the community to avoid or mitigate potential impacts of the development on cultural heritage places and items.

3.2 Identified Aboriginal Cultural Heritage Sites

According to the OEH AHIMS site database, 33 Aboriginal archaeological sites have previously been recorded within a 10km radius encompassing the project site and immediate surrounds. The cultural heritage assessment for the original Belmont Coal Project, conducted by ASR (2007), identified seven sites in total. The three sites (B1, B2, B3) were located within the limit of open cut mining. Sites Btree 1 and Btree 2 lie within the projects site boundary, and sites ST1 and ST2 lie within the “Stratford” property south of the access road to the mine, as detailed in Table 2.

Table 2 - Aboriginal Heritage Sites, Appleton ASR Survey 2007

AHIMS Site Number	Name	Type	Status	GDA94 mE (Zone 56)	GDA94 mN (Zone 56)
20-4-0193	B1	Isolated artefact	Salvaged	238810	6594070
20-4-0192	B2	Artefact Scatter	Salvaged	238850	6594010
20-4-0191	B3	Extended artefact Scatter	Salvaged	238650	6593300
20-4-0194	Btree 1	Scarred tree	Left in situ	238980	6592830
20-4-0195	Btree 2	Scarred tree	Left in situ	238980	6592870
20-4-0190	Stratford ST1	Scarred tree	Left in situ	237700	6590900
20-4-0189	Stratford ST2	Scarred tree	Left in situ	237590	6589890

The three sites identified within ML 1620 as B1, B2 and B3 have been salvaged under the 2008 Part 3A approval (PA 06_0198). As the Project was determined under Part 3A of the Environmental Planning and Assessment Act, 1979, a Section 87 (to move, disturb or excavate Aboriginal objects) or Section 90 (to damage or destroy Aboriginal objects) of the National Parks and Wildlife Act 1974 (NP&W Act) was not required for the above identified artefacts. Rocglen, however, in consultation with the relevant local Aboriginal groups; undertook a salvage of the artefacts in accordance with the protocols specified in the *Rocglen Aboriginal and Cultural Heritage Management Plan (2008)*.

Btree 1 and Btree 2 are two scarred trees both located on the eastern side of the Wean Road easement as depicted on Figure 2 (NPWS # 20-4-0194 and # 20-4-0195). They lie just within the eastern border project boundary. Construction of soil stockpiles and the Wean Road diversion within this vicinity have been engineered so that no disturbance to the scarred trees will occur. On recommendation of representatives of the Red Chief LALC, these scarred trees

will not be disturbed in any way and the sites have been recorded on the Aboriginal Sites Register (AHIMS).

ST1 and ST2 are two scarred trees both located on the “Stratford” property. They lie approximately 1.5km to the south of the Project’s site boundary, approximately 1.25km south-east of the transport route, and approximately 1km west of Wean Road. They both lie within ribbons of remnant vegetation. Representatives of Red Chief LALC recommended that these scarred trees should not be disturbed in any way and the sites have been recorded on the Aboriginal Sites Register (AHIMS) (NPWS # 20-4-0189 and # 20-4-0190).

The cultural heritage assessment undertaken by RPS (2010) for the Rocglen Extension Environmental Assessment identified three artefact sites during the survey. These comprised of one isolated find and two artefact scatters (Table 3). The team also assessed the scarred trees identified as Btree 1 and Btree 2 by ASR 2007.

Table 3 - Aboriginal Heritage Sites, RPS Survey 2010

AHIMS Site Number	Name	Type	Status	GDA94 mE (Zone 56)	GDA94 mN (Zone 56)
-	RPS Rocglen IF1	Isolated artefact	Unable to locate	239147	6595752
-	RPS Rocglen AS1	Artefact Scatter	Salvaged	239004	6595700
-	RPS Rocglen AS2	Artefact Scatter	Salvaged	238589	6595542

The three sites identified were located within the limit of the expanded northern emplacement area (Figure 2).

Details and descriptions of the RPS sites are provided in Appendix 1.

4 CONSERVATION PROGRAM

RCM recognises the importance of Aboriginal relics and sites to the Aboriginal community, and will undertake all activities in a manner which conserves the cultural heritage values of the mine site. Central to the satisfaction of this commitment will be the continuation of the existing open and honest relationship between RCM management and these local Aboriginal groups, regular consultation with these groups and an involvement with community members. The conservation program has been prepared principally based upon the recommendations of the Rocglen Extension Environmental Assessment (GSS Environmental 2011) and in consultation with registered stakeholders.

	ROCGLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

4.1 Salvaged Artefacts

It is noted that three of the seven identified sites by ASR 2007 were salvaged in accordance with the protocols set out in *Rocglen Aboriginal and Cultural Heritage Management Plan (2008)* (now superseded).

RCM obtained a s85a Permit of the NP&W Act to salvage all cultural material from these sites prior to disturbance within the area of the sites (2). All salvaged items have been relocated to the Cumbo Gunerah Keeping Place, in accordance with the recommendations of the archaeologist and RAPs.

Salvage of RPS Rocglen AS1 and RPS Rocglen AS2 was undertaken on the 17th May 2012 as they were located within the footprint of the expanded northern emplacement area. The salvage was subject to an application to transfer Aboriginal objects for safekeeping under Section 85a of the NPW Act. On the 22nd August 2012, the Office of Environment and Heritage and the Red Chief LALC signed Care Agreement 1131849 authorising the transfer of the objects to the care of the Red Chief LALC. The transfer took place on the 18th March 2013 between representatives of Red Chief LALC and the RCM. Salvage of RPS Rocglen IF1, also located with the expanded northern emplacement area, was attempted at the same time as RPS AS1 and RPS AS2, but it was unable to be re-identified at the time of the salvage due to poor ground visibility. OEH was advised at the time of the inability to re-identify IF1.

4.2 Site Protection

4.2.1 Introduction

The following management actions will be implemented on the basis of those suggested from Cultural Heritage Survey and Assessment (RPS 2010b) and the comments received by RPS from MMAC, GGAC and BBTP. All efforts will be made by Whitehaven to minimise disturbance within the site.

4.2.2 Aboriginal Community Consultation

Liaison established with the registered Aboriginal stakeholders and other interested parties during the assessment will be maintained until all issues in relation to the management of Aboriginal cultural heritage have been resolved.

4.2.3 Aboriginal Archaeological Management

RCM has made all practical and reasonable efforts to identify and salvage those artefacts that were identified during the Archaeological surveys for the project. It is noted by RPS that Rocglen IF1 could not be identified during the salvage effort in 2012 due to poor ground visibility.

Since the salvage effort was undertaken, the northern emplacement has extended within the approved disturbance area. In the event that additional artefactual material is identified during

	ROCGLLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

subsequent project development, and the artefactual material cannot be avoided, a surface salvage will be undertaken in accordance with the protocols as described in Section 4.6.

4.2.4 Aboriginal Archaeological Management of sites Btree 1 and Btree 2

Protective measures designed to prevent damage to the scarred trees (NPWS #20-4-0194 and NPWS #20-4-0195) will be enacted upon as per recommendations in Appleton (2007) and this plan. These include:

- Restricting the mine extension in this area and committing to ensuring that no disturbance to the scarred trees or immediate surrounds will occur as a result of the Project.
- Registration of the trees on the Aboriginal Sites Register (AHIMS).
- Not disturbing the trees in any way and undertaking appropriate fencing and signage in consultation with the Aboriginal Community and OEH.

4.2.5 General

- Surface disturbance will not be undertaken within 25m of the east-west drainage line in the northern area of the site. As a result, measures proposed in the EA will not be required.
- In general during the course of the Project, if it is suspected Aboriginal cultural heritage material has been encountered, work will cease immediately in that locale. OEH, along with the RCLALC, BBGTP, GGAC and MMAC, will be notified. Works will only recommence when an appropriate and approved management strategy has been agreed to by all of the relevant stakeholders;
- In the event that skeletal remains are uncovered during operations, work will stop in the vicinity immediately and the NSW Police contacted. If skeletal remains are deemed to be of Aboriginal origin, a representative of the local Aboriginal Community and OEH will be consulted.

4.3 Workforce Education

Prior to any person undertaking work on the mine site, they will undergo cultural awareness training as provided in the general mine site induction. All persons inducted at site are maintained on a site based register. Only those persons with accreditation from induction are permitted on site. Any person undertaking soil stripping activities will undertake such works in consultation with the Environmental Officer and representative members of the Aboriginal community undertaking site monitoring during pre-strip works.

4.4 Management of Other Aboriginal Sites

The surface area within the mine site, which has been significantly altered by clearing and agricultural activity over the last 100 years, was examined by representatives of the Red

	ROCGLLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

Chief LALC and Bigundi Biame Gunnedarr Traditional People during the Belmont EA process, with seven sites identified. A further three sites were identified during the Extension EA (Table 3). It is considered that there is only a very low potential for the remaining area within the mine site to contain any other archaeological material and, even if present, they likely only constitute very small isolated artefacts.

Notwithstanding the recognised low potential for other archaeological material to be present within the areas to be disturbed by mining and mining-related activities, RCM will continue to invite representatives from the local Aboriginal community to monitor all ground disturbances work throughout the life of the mine.

Due to safety and logistical constraints, RCM cannot invite representatives of all of the twelve groups who were involved in the assessment process (Section 1.1) to attend all ground disturbance monitoring. As per current practise, RCM will continue to invite representatives from the Gunida Gunyah Aboriginal Corporation (GGAC) and Min Min Aboriginal Corporation (MMAC) to attend all ground disturbance monitoring. Opportunities for the involvement of other Aboriginal groups in site inspections, inspection of salvaged artefactual material and review of salvage reporting are described below and in Section 6.1.

In the event of the discovery of a new potential site or artefact, the following procedure will be followed.

1. Work will cease in the area of discovery.
2. If the area of discovery is in deposited material, then work will also cease in the area where the material originated from.
3. The person discovering the artefact will notify their supervisor who will ensure that work has ceased and the area(s) is(are) cordoned off with tape.
4. The supervisor will notify the Operations Manager or senior RCM person on site.
5. The Operations Manager/Environmental Department will:
 - (a) request a qualified archaeologist to attend the site and advise on its archaeological significance;
 - (b) request the site monitors representing the local Aboriginal community, if not already present, to attend and advise on its cultural significance in consultation with the qualified archaeologist; and
 - (c) if the find is determined to be a site, notify OEHL with the advice from the archaeologist and the representative members of the local Aboriginal Community for determination of further procedures.
6. If the find is confirmed as a site, the archaeologist will complete a Sites Register Card and forward to OEHL for inclusion on the Aboriginal Heritage Information Management System (AHIMS) database.
7. If the find is confirmed as a site, RCM will offer to facilitate inspection of the new site by other registered Aboriginal groups (Section 1.1) prior to salvage.
8. Subject to the recommendations of the archaeologist and the representative members of the local Aboriginal Community, the appropriate permit to transfer (under Section 85A of the NPW Act) will be applied for prior to further work being undertaken in the vicinity

	ROCGLLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

of the site. Any such action to disturb or transfer Aboriginal items will also require the development of excavation and/or salvage plans in consultation with OEH.

9. The Operations Manager will implement any other procedures or recommendations issued by the OEH.

Should any bone(s) be uncovered by mining staff or subcontractors working on the mine site, work should cease immediately in the area of the find, a suitably qualified person should be contacted to clearly identify the bone(s). If the bone(s) cannot be identified as animal bones, the police and Aboriginal stakeholder representatives will be advised of the discovery. Work will not recommence until both the police and the representatives of the Aboriginal community have given their permission to do so.

Failure to report a discovery and those responsible for the damage or destruction occasioned by unauthorised removal or alteration to a site or to archaeological material may be prosecuted under the NPW Act.

At the completion of rehabilitation of the mine site, RCM will liaise with the RAPs and the OEH in relation to the option of returning salvaged artefactual material to the rehabilitated landform. The return of artefacts to a location as close as possible to its original location would only be undertaken if it is the wish of the Aboriginal stakeholders and has appropriate approvals in place with the OEH.

4.5 Contingency Plan

In the event that inadvertent damage occurs to any Aboriginal site or place within the mine site, the activities causing the damage will cease immediately and procedures identified in Section 4.4 followed. The Operations Manager will then implement any procedures or recommendations issued by OEH. Subject to the recommendations of the archaeologist and the representative members of the local Aboriginal Community, this may include the development of excavation and/or salvage plans for the Aboriginal items and/or the transfer of any artefacts under s85A of the NPW Act.

4.6 Site Salvage Procedure

In the event that identified sites cannot be avoided the following site salvage procedure will be followed:

1. Peg the location of the site to be salvaged;
2. Commission an archaeologist and invite representatives from the local Aboriginal community to salvage the artefacts by hand collection or excavation;
3. Commission an archaeologist to undertake a full analysis of the salvaged material, which will require the archaeologist to take the salvaged material to a location with the facilities and equipment to undertake the full analysis;
4. Return the analysed salvage material to the authorised Aboriginal organisation within 21 days of the salvage;

	ROCGLLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

5. Place the salvaged material in the care and control of the Aboriginal organisation agreed by registered stakeholders (Cumbo Gunerah Keeping Place).
6. Commission the preparation of a 'Salvage Report', which will include descriptions of the salvaged material and an interpretation of the archaeological record within the area subject to salvage; and
7. Provide copies of the Salvage Report to all Aboriginal community groups listed in Section 1.1 and the OEH within 3 months of completing the salvage.

5 EUROPEAN HERITAGE

The heritage investigation for the site confirmed no European Heritage features were identified at the site. However, in the event that a site is uncovered during operations, work in the area will cease immediately and confirmation made as to the items significance prior to works proceeding in that area.

6 CONSULTATION, MONITORING AND REPORTING

6.1 Consultation Protocol

Subject to any modifications initiated by the RAPs, the following protocol will be followed with respect to consultation:

1. Prior to any topsoil stripping campaign, the Operations Manager, or authorised delegate, will notify RAPs undertaking pre-strip monitoring or, if so directed by the manager, the nominated Sites Officer advising of the extent, location, timing and expected duration of the planned campaign and inviting a representative to monitor the topsoil stripping activities.
2. At the request of the RAPs, the Operations Manager, or authorised delegate, will avail themselves to attend community meetings at the representative Aboriginal community group offices or to arrange site visit for interested personnel or members.
3. In the event that any possible archaeological sites are identified in the absence of the RAPs, the Operations Manager, or authorised delegate, will notify the manager and/or member of staff of the representative local Aboriginal community groups following the initiation of the procedures identified in Section 4.4.
4. If requested by members of the RAPs, RCM will facilitate access to sites within ML 1620, ML 1662 and along the Haul Route.
5. If requested by members of the Aboriginal community, RCM will facilitate access to artefactual material salvaged and stored within the Cumbo Gunerah Keeping Place, subject to any access requirements of the Red Chief LALC.

In the event there is agreement that the approach to consultation needs to change, the changed procedures would be documented and a copy forwarded to the DP&E.

	ROCGLLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

6.2 Monitoring and Reporting

Monitoring undertaken by RAPs will be documented. In the event that an Aboriginal artefact or site is identified, and in accordance with the procedure documented in Section 4.4, a site register card will be completed and forwarded to OEHL for entry onto the AHIMS database.

In addition, the results of monitoring undertaken on the mine site will be summarised in each relevant Annual Review, with the RAPs kept informed as to developments by virtue of the ongoing consultation with those groups.

7 MANAGEMENT OF INCIDENTS, COMPLAINTS AND NON-COMPLIANCES

7.1 Compliance and Incident Management

To ensure compliance with the requirements of the NP&W Act, EP&A Act and the conditions of PA 10_0015, the following measures will be implemented:

- Include information relating to Aboriginal cultural heritage in inductions for all site personnel (refer to Section 4.3);
- Protect and monitor the Aboriginal sites on site that are outside the project disturbance area, including measures to protect scarred trees (NPWS # 20-4-0194 and #20-4-0195)
- Maintain ongoing consultation with the RAPs over the life of the mine, including appropriate representation during topsoil stripping, disturbance activities and archaeological fieldwork (eg. collection of artefacts);
- Maintain a record of known Aboriginal heritage sites (eg. status and location) including identification of these sites on plans;
- Undertake all salvage works in accordance with requirements outlined in Section 4.6;
- Undertake all consultation as outlined in Section 6.1;
- Undertake regular reviews of this Heritage Management Plan as outlined in Section 8.

Any incidents will be recorded and managed via the Whitehaven incident management process. OEHL will be notified, as required, regarding incidents relating to cultural heritage with a discussion of incidents also provided in the Annual Review.

7.2 Complaints

A complaints management protocol has been developed to ensure an appropriate and consistent level of reporting, response and follow-up is adopted by RCM. The following complaints management protocol will be followed on all complaints received relating to Aboriginal cultural heritage:

- A publicly advertised telephone complaints line will be in place to receive complaints during operating hours and record complaints at other times.



**ROCGLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner:	Operations Manager
Last Revision Date:	10/2016
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

- Each complaint received will be recorded on a Complaints Register, which will include the following details:
 - The date and time of complaint.
 - Any personal details the complainant wishes to provide, or if no such details are provided a note to that effect.
 - The nature of the incident that led to the complaint.
 - The action taken by RCM in relation to the complaint, including any follow-up contact with the complainant.
 - If no action was taken by RCM, the reason why no action was taken.
- The Environmental Officer will be responsible for ensuring that an initial response is provided within 24 hours of receipt of a complaint (except in the event of complaints recorded when the mine is not operational).
- Additional measures will be undertaken as required to address the complaint. This may include visiting the complainant, or inviting the complainant to the mine site.
- Once the identified measures are undertaken, the Environmental Officer will sign off on the relevant complaint within the Complaints Register.
- If necessary, follow-up monitoring or will take place to confirm the source of the complaint is adequately mitigated.
- A copy of the Complaints Register will be kept by RCM and made available to the Rocglen Coal Mine Community Consultative Committee (CCC) and the complainant (on request). Complaints are also listed on the Whitehaven website and a summary of complaints received every 12 months will be provided in the Annual Review.

Based on the nature of individual complaints, specific contingency measures may be implemented to the (reasonable) satisfaction of the complainant. The Environmental Officer retains responsibility to ensure that complaints received are properly recorded and addressed appropriately.

8 DOCUMENT REVIEW AND CONTINUOUS IMPROVEMENT

This document will be reviewed in accordance with the requirements of Condition 4 Schedule 5 of PA 10_0015. RCM will investigate and implement ways to improve the environmental performance of the project over time by keeping abreast of best practice in the industry for cultural heritage management and controls.



**ROCGLLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner:	Operations Manager
Last Revision Date:	10/2016
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

**Appendix 1
Aboriginal Heritage Sites Recorded**

	ROCGLLEN MINE ENVIRONMENTAL MANAGEMENT SYSTEM	Document Owner:	Operations Manager
		Last Revision Date:	10/2016
		Date Printed:	21/05/2018
WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN			

Site name: 'B1'

GPS (AMG) Ref: 238810 6594070 Kelvin 1:25,000 scale Topographic Map

Site type: An isolated artefact

Location: The artefact was partly exposed in a dust/sand erosion feature along a fence line, 10 metres from the central drainage line.

Description: A core of very fine-grained silcrete.
25 x 25 x 15 mm.
8 negative flake scars
25% cortex.

Site name: 'B2'

GPS (AMG) Ref: 238850 6594010

Map Reference: Kelvin 1: 25,000 scale Topographic Map

Site type: A scatter of micro-debitage or trimming flakes

Location: The artefacts were scattered on and around a large ant mound on the crest of a contour bank. (A single ant was observed carrying a 12 mm long flake away from where it had been replaced after examination. An example of post-depositional processes at work!).

Description: 8 small flakes of highly silicified very fine-grained silcrete.
< 20 mm maximum dimensions of any one piece
0% cortex.

Probably the remains of a knapping, or tool manufacturing site

Site name: 'B3'

GPS (AMG) Ref: 238650 6593300 Kelvin 1: 25,000 scale Topographic Map

Site type: An extended artefact scatter approximately 800m long

Location: The scatter extended along the western bank of the central drainage line. All erosion features were either on ant mounds or in scalds swarming with ants (from 3mm to 20mm long), which discouraged any measuring of artefacts or any other activity requiring a person to stand still.

Description: > 40 artefacts (3 cores, the rest flakes and flaked pieces) of highly silicified very fine-grained silcrete, and at least 3 jasper flakes and one quartzite core.

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An example of an artefact scatter as exists at Aboriginal Sites B2 and B3

Site name: 'Btree 1'

GPS (AMG) Ref: 238980 6592830 Kelvin 1: 25,000 scale Topographic Map

Site type: Scarred tree

Location: Large box gum on the eastern side of Wean Road easement.

Description: An irregularly shaped scar
 160 cm long x 40 cm wide
 Scar depth 4 cm
 Base of scar 295 cm above ground level
 Girth of tree below the scar 250 cm
 Aspect of scar: northerly

The scar occurs on a sloping trunk immediately below a major fork in the tree. Similar scars are frequently associated with galahs, which strip the bark off the trunk to deter goannas from reaching their nests. There were no cut marks or scars that might have indicated that the scar was a consequence of deliberate human activity, but the Red Chief LALC Sites Officers believed the scar had been deliberately made by Aboriginal people removing the bark, and insisted that it should be recorded as an Aboriginal site.

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN



Scarred Tree Btree 1

Site name: 'Btree 2'

- GPS (AMG) Ref: 238980 6592870 Kelvin 1: 25,000 scale Topographic Map
- Site type: Scarred tree
- Location: Large box gum on the eastern side of Wean Road easement.
- Description: A lozenge-shaped scar
 57 cm long x 15 cm wide
 Scar depth 3 cm
 Base of scar 146 cm above ground level
 Girth of tree mid-scar 84 cm.

The scar could have been deliberately made by people removing the bark to make a tool, implement or weapon, but contact from machinery during road construction or the mowing of the easement might also have caused it.

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN



Scarred Tree Btree2

Site name: 'Stratford ST1'.

GPS (AMG) Ref: 237700 6590900 Kelvin: 8936-II-N, 1: 25,000 scale Topographic Map

Site type: Scarred tree.

Location: Large box gum in a closed road.

Description: A lozenge-shaped scar.

223 cm long x 70 cm wide

Scar depth 11 cm

Base of scar 18 cm above ground level

Girth of tree below the scar 215 cm

Aspect of scar: westerly.

The tree is located 116 paced-metres north of the fenceline on the eastern approach road to "Stratford". It was unclear whether it was in the road easement of a closed north-south oriented road or was on the "Stratford" property. There were no cut marks or scars that might have indicated that the scar was the result of deliberate human activity, but the Red Chief LALC Sites Officers believed the scar had been made by Aboriginal people removing the bark, and insisted that it should be recorded as an Aboriginal site. The size and shape is typical of scars elsewhere that have been described by Aboriginal informants as being 'shield scars' (Appleton, 1998).

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN



Scarred Tree ST1, located on the “Stratford” property (scale is 1m)

Site name: ‘Stratford ST2’.

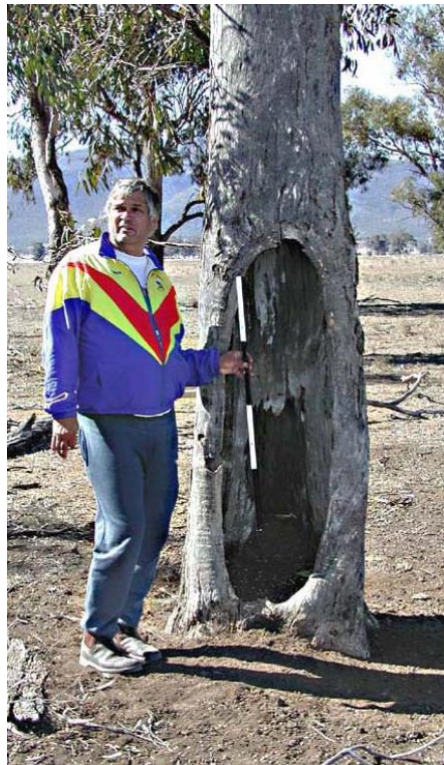
GPS (AMG) Ref: 237590 6589890 Kelvin: 8936-II-N, 1: 25,000 scale Topographic Map

Site type: Scarred tree.

Location: Large box gum in a closed road.

Description: A lozenge-shaped scar
 140 cm long x 42 cm wide
 Scar depth 6 cm
 Base of scar 14 cm above ground level
 Girth of tree mid-scar 255 cm
 Aspect of scar: westerly

The tree is located 21 paced-metres north of the fenceline immediately alongside the closed north-south oriented road. There were no cut marks or scars that might have indicated that the scar was the result of deliberate human activity, but the Red Chief LALC Sites Officers believed the scar had been made by Aboriginal people removing the bark, and insisted that it should be recorded as an Aboriginal site. The size and shape is typical of scars elsewhere that have been described by Aboriginal informants as being ‘shield scars’ (Appleton, 1998).



Scarred Tree ST2, located on the “Stratford” property (scale is 1m)

Detailed descriptions of the Aboriginal Sites located within the survey areas. Source RPS (2010) – Section 7:

7.3.3 Survey Unit 3 (SU3) – Paddock West of “Glenroc” Residence.

SU3 identified one Isolated Find Aboriginal artefact.

SU3 incorporates the paddock west of the “Glenroc” residence. Ground surface visibility in SU3 was low as the area was heavily covered with native grasses. An access track intercepts from east to west through SU3, the track did not contain bare soils like previous tracks, rather a combination of both dense pasture grasses with scatters of exposed soils. SU3 had two areas that comprised a small and large cluster of mature gum tree species, in both clusters a shrubby understorey was present along with grass, heavy leaf and bark litter (Plate 6). Cattle would regularly traverse the landscape, but damage is not too great as the open paddock areas of SU3 contain quite compacted grass with minor scatters of exposed soils. Tall white pegs were present adjacent to the northern border of SU3, which we understand were in place to designate the northern extent of the proposed expanded Northern Emplacement Area. The isolated find RPS Rocglen IF1 was located in the western section within a large cluster of eucalypt trees. The artefact is a chalcedony flake with a banded quartz vein (Plate 7).



Plate 1: RPS Rocglen IF1 identified in Survey Unit 3 (Chalcedony flake piece)

7.3.4 Survey Unit 4 (SU4) – Western Paddock

SU4 identified one Artefact Scatter of 3 Aboriginal stone artefacts.

SU4 comprises the paddock located in the far west of the Project Site extending as far west as the tree line and barbed wire fence and north to edge of the project boundary. Entry into SU4 was via the dirt access track that connects SU3 to SU4. The track had good soil exposure and was investigated for artefactual material. The survey team conducted parallel transects starting from the east and walking in a north to south direction.

An overhead powerline was also noted in SU4 travelling in an east to west direction in the southern portion of SU4. At least 10 metres north and south of the electricity corridor contains highly disturbed exposed soils, these were examined and comprised mainly damaged conglomerate material with no stone artefacts present. SU4 had a few individual mature trees in the south, a corridor of trees bordering the west and a cluster of trees in the north west corner. The remainder of SU4 was grassed paddock. Soils in the paddock showed evidence of disturbance assumed to be associated with past and present pastoral/cattle grazing activities. A dam located in the south west corner was very full with an overflow of water and was inaccessible in most areas. The trees in the north west corner of SU4 are to be retained and undisturbed.

The artefact scatter RPS Rocglen AS1 was located on the western side of the north to south fence line in an area of exposed B Horizon soils. South of AS1 the soils displayed increased moisture content, this area could possibly contain temporary water in times of heavy rain. RPS Rocglen AS1 contained flake pieces comprising mudstone, chert and grey silcrete (Plate 10).

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Plate 2: RPS Rocglen AS1 identified in Survey Unit 4 (flake pieces of chert, grey silcrete and grey mudstone)

7.3.5 Survey Unit 5 (SU5) – East to West Portion South of Relocated Jaeger Lane

SU5 identified one Artefact Scatter of 2 Aboriginal stone artefacts.

SU5 comprises the portion of land located south of the relocated Jaeger Lane reserve and covers the entire length from east to west of the Project Site. The area was accessed via a fallen tree over newly refurbished barbed wire fencing. SU5 was approximately 200 metres wide. Vegetation in SU5 differed between the east and west.

Much of the western portion of SU5 contained shallow inundation associated with water runoff from the dam located north in SU4. This made access difficult with the ground surface hidden. Vegetation was native grasses accustomed to moist areas and large clusters of native shrubs of *Sclerolaena* species. Sparse vegetation provided intermittent ground visibility allowing for good inspection of potential archaeological material.

The eastern portion of SU5 was very thick with grass, and after heavy seasonal rain the grass was very tall, thick and difficult to traverse. SU5 was traversed in parallel transects Cultural Heritage Survey and Assessment, June 2010 Page 40 of 88 by the survey team. The exposed soils on the walls of a dam located in the eastern portion were investigated.

The artefact scatter RPS Rocglen AS2 was located in the western extent of SU5 in exposed soils adjacent to an inundated area. The artefact scatter contained flaked pieces of greenstone and chert (Plate 13 & 14). Location of RPS Rocglen AS2 has potential for inundation in times of heavy rain periods

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN



Plate 3: RPS Rocglen AS2 identified in Survey Unit 5 (flake piece of serpentinite)



Plate 4: RPS Rocglen AS2 identified in Survey Unit 5 (proximal flake piece of basalt)



**ROCGLLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner:	Operations Manager
Last Revision Date:	10/2016
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

**Appendix 2
Section S85A Permits**

Our reference : DOC08/29530
Contact : Maria Cotter, 6773 7018

Mr Greg Griffiths
Chairperson
Red Chief Local Aboriginal Land Council
26 Chandos Street
Gunnedah NSW 2380

8 August 2008

Dear Mr Griffiths,

Re: Application for Care and Control of Aboriginal objects salvaged from Rocglen Coal Mine.

I refer to your application to the Department of Environment and Climate Change (DECC) for a Care Agreement for Aboriginal objects under section 85A of the *National Parks and Wildlife Act 1974 (NPW Act)* received by the Department of Environment and Climate Change on the 30 June 2008. Your application was forwarded to DECC by Whitehaven Coal Mining Pty Ltd who operate the Rocglen Coal Project and relates to the Care of Aboriginal Objects to be salvaged from three Registered Aboriginal sites within the Rocglen Coal Project Area.

DECC has considered your application and the written support for it provided by the Gunida Gunyah Aboriginal Corporation, Min Min Aboriginal corporation and Biguni Biamme Traditional people and has determined to issue Care and Control Permit #2993 to allow for the salvage of Aboriginal objects from sites B1 Wean Road [AHIMS Site # 20-4-0193]; B2-Wean Road [AHIMS Site # 20-4-0192] and B3 Wean Road [AHIMS site #20-4-0191]. This Care and Control Permit is subject to conditions and you should read these carefully to ensure compliance.

Please note that DECC has considered the wish of some of the Local Aboriginal community to have the salvaged Aboriginal objects returned to their original location once the mine has been closed and has determined not to formally address this request within the Permit #2993. This is due to the long projected life of the Rocglen Project and the expectation that a Care and Control Agreement is to ensure the long term - in perpetuity - protection of salvaged Aboriginal objects. Note however that Permit Condition 4 of Schedule 2 does allow for the future transfer of Aboriginal objects from the Cumbo Gunerah Aboriginal Keeping Place to a place agreed by all relevant parties.

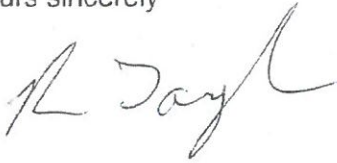
The Department of Environment and Conservation NSW is now known as
the Department of Environment and Climate Change NSW

PO Box 494, Armidale NSW 2350
85 Faulkner Street, Armidale NSW
Tel: (02) 6773 7000 Fax: (02) 6772 2336
ABN 30 841 387 271
www.environment.nsw.gov.au

Department of **Environment and Conservation** NSW

If you have any questions or wish to discuss this matter further please Contact Maria Cotter,
archaeologist on 6773 7018

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Taylor', written in a cursive style.

Dr Robert Taylor
Manager, Environment and Conservation Programs
North West Branch

Enclosure: Care and Control Permit #2993

CC: Danny Young, Environmental Manager Whitehaven Coal Mining Pty Ltd

Aboriginal Heritage Permit for Care and Control of Aboriginal Objects

National Parks and Wildlife Act 1974 (NPW Act)

Department of Environment & Climate Change NSW



PERMIT #2993

PERMIT FOR CARE AND CONTROL OF ABORIGINAL OBJECTS

Permit issued to: Red Chief Local Aboriginal Land Council (LALC)

Address: 26 Chandos Street Gunnedah NSW 2380

On 16 June 2008 Red Chief LALC applied to the Director-General of the Department of Environment and Climate Change (DECC) for transfer to it of Aboriginal objects under Section 85A of the *National Parks and Wildlife Act* ("the Act").

Pursuant to Section 85A of the Act I, Dr Robert Taylor, Manager, Environment and Conservation Programs EPRG, North West Branch of DECC, agree to transfer to Red Chief LALC ("the Permit Holder"), possession, custody and control of the Aboriginal objects listed in Schedule 1 on the terms and conditions set out in Schedule 2.

Schedule 1 – Aboriginal objects subject to this Permit

All Aboriginal objects recovered during salvage activities conducted by Mr John Appleton of *Archaeological Surveys and Reports Pty Ltd* as per the protocols for salvage outlined in the *Aboriginal and Cultural Heritage Management Plan for the Rocglen Coal Mine* including Aboriginal object(s) forming registered sites:

- AHIMS #20-4-0193 B1 Wean Road
- AHIMS #20-4-0192 B2 Wean Road
- AHIMS #20-4-0193 B3 Wean Road

Schedule 2 - TERMS AND CONDITIONS OF THIS PERMIT

This permit is issued subject to **Specific Terms and Conditions** (see below) pertaining to every Permit for Care and Control and detailed in the attached pages.

Dated at Dubbo this 11th day of August 2008

Robert Taylor
Manager
Environment and Conservation Programs
EPRG, North West Branch
Department of Environment and Climate Change (DECC)
(by delegation)

Aboriginal Heritage Permit for Care and Control of Aboriginal Objects

National Parks and Wildlife Act 1974 (NPW Act)

Department of Environment & Climate Change NSW



Care and Control Permit #2953 - Specific Terms and Conditions

1. The Director-General transfers the responsibility for safekeeping of the Aboriginal objects covered by this Permit to the Permit Holder.
2. The Aboriginal objects are to be stored securely by the Red Chief LALC in a locked display cabinet at the Cumbo Gunerah Museum/Keeping Place 26 Chandos Street Gunnedah, NSW.
3. If the Aboriginal objects are loaned out for educational/display purposes, the responsibility for their safe keeping still rests with the Permit holder.
4. The Aboriginal objects may not be moved to a new location without the written approval of the Director-General of the Department of Environment and Climate Change (NSW) (DECC).

Note: If it is proposed to transfer care and control of the Aboriginal objects covered by this Permit, the intended recipient must forward DECC an application for a care and control permit.

5. Access to the Aboriginal objects is to be provided to bona fide researchers and organisations. This will include *Archaeological Surveys and Reports* for the purposes of completing the reporting requirements for salvage outlined in the *Aboriginal and Cultural Heritage Management Plan for the Rocglen Coal Mine* under which the objects that are the subject of this Care and Control agreement were salvaged.
6. Access under condition 5 must be approved by the Red Chief LALC and the DECC.

Care Agreement

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

Your reference: Rocglen Care Agreement
Our reference: FIL12/260
Document number: 1131849
Contact: Paul Houston 02 6883 5361

RED CHIEF LALC,
ABN 11 825 966 870,
26A Chandos Street,
GUNNEDAH NSW 2380

CARE AGREEMENT 1131849

Dear Sir/ Madam

I refer to your application for the transfer of Aboriginal objects for safe keeping under section 85A(1)(c) of the *National Parks and Wildlife Act 1974* (NPW Act), received by the Office of Environment and Heritage in the Department of Premier and Cabinet (NSW) (OEH) on 27 April 2012 and 21 May 2012 and 13 July 2012 respectively.

OEH has considered the application and supporting information provided and has decided to transfer the Aboriginal objects to RED CHIEF LALC pursuant to s85A(1)(c) of the NPW Act, under a Care Agreement which includes a number of conditions. The Care Agreement is attached.

In order to execute the agreement and for it to be valid you need to:

- 1/ Sign the agreement in front of a witness in the space provided at the back of the form under "Care Agreement Executed as a Deed",
- 2/ Have your witness sign the agreement in the space provided
- 3/ Return the signed and witnessed agreement back to OEH.

If you have any questions, or wish to discuss this matter further please contact Paul Houston on 02 6883 5361.

Mr Peter Christie

Regional Co-ordinator

North West - Dubbo

(by Delegation)

Date: 22-Aug-2012

RECEIVED
14 JAN 2013

BY:.....

Care Agreement

Transfer of Aboriginal objects for safekeeping pursuant to section 85A1(c) National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

Care Agreement for the transfer and safekeeping of Aboriginal objects number: 1131849

Section 85A1(c) National Parks and Wildlife Act 1974

Office of Environment and Heritage

Office of Environment and Heritage (NSW), Department of Premier and Cabinet
Conversation and Regulation Division (CARD)

North- West Branch

PO Box 2111

DUBBO NSW 2830

Telephone number: (02) 6883 5300

Fax number: (02) 6884 8675

SCHEDULE A

Reference Schedule

Item 1	Name of Agreement Holder: Address: Facsimile: Phone number:	Red Chief Local Aboriginal Land Council (LALC) 26 Chandos Street GUNNEDAH NSW 2380 (02) 6742 3815 (02) 6742 3602
Item 2	AHIP number	10_0015 (3A Application Number)
Item 3	Commencement date	Date agreement is signed both parties
Item 4	Term of care agreement	Perpetuity
Item 5	New storage location of Aboriginal objects	Red Chief LALC Keeping Place 26 Chandos Street Gunnedah NSW 2380

Care Agreement

Transfer of Aboriginal objects for safekeeping pursuant to section 85A1(c) National Parks and Wildlife Act 1974



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Details

Parties

Director-General of the Department of Premier and Cabinet

And

The party identified as Red Chief LALC to this Care Agreement (**Agreement holder**)

Background

- A.** On 27-Apr-2012 an application was made to the Director General of the Department of Premier and Cabinet for the transfer and safekeeping of Aboriginal objects pursuant to s.85A1(c) of the *National Parks and Wildlife Act 1974*.
- B.** Red Chief Local Aboriginal Land Council has applied for a Care agreement for the Aboriginal objects salvaged during this stage of the project. Rocglen Coal Extension Project. This project was declared Part 3a on the 27/09/11 (Application Number 10-0015)

Conservation in situ is not possible due to the fact that the location of the objects are in the development footprint.

Objects have been salvaged on the 17th May 2012 and are presently being temporarily stored at the Rocglen Mine Office and will be transfer to Red Chief LALC keeping place once the Care Agreement has been finalised.

The majority of the registered stakeholders have agreed to the storages of the objects at Red Chief LALC Keeping Place located at 26 Chandos Street, Gunnedah NSW. The other stakeholders were unable to be contacted or did not respond to the correspondence that was sent out.

A Catalogue of objects will be maintained. The objects will be stored in a locked display cabinet

A new Care agreement was received on the 13th July 2012 because the original Care Agreement indicated that 3 sites will be salvaged but 1 of these sites (20-4-0278 an Isolated find) could not be relocated in the field.

- C.** Objects that have been salvaged during the Rocglen Coal Extension Project. A detailed description of the Aboriginal objects is provided under Schedule B

Note: A Dictionary at the end of the Care Agreement defines terms used in this document. Further information about this Care Agreement is also set out after the Dictionary

Care Agreement

Transfer of Aboriginal objects for safekeeping pursuant to section 85A1(c) National Parks and Wildlife Act 1974



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OPERATIVE PROVISIONS

1. COMMENCEMENT AND DURATION OF THE CARE AGREEMENT

1.1 The Care Agreement commences on the commencement date set out at Item 3 of Schedule A.

1.2 The term of this Care Agreement is stated at Item 4 of Schedule A.

2. LOCATION OF OBJECTS TO WHICH THIS CARE AGREEMENT APPLIES

2.1 The location/s of Aboriginal Objects to which this Care Agreement applies is/are set out in Item 5 of Schedule A.

3. TRANSFER OF ABORIGINAL OBJECTS

3.1 Pursuant to s85A(1)(c) of the Act, the Aboriginal objects specified in Schedule B are transferred to the Agreement holder in accordance with the conditions of this Care Agreement.

4. RESPONSIBILITIES OF AGREEMENT HOLDER FOR SAFEKEEPING

4.1 Upon transfer of the Aboriginal objects specified in Schedule B to the Agreement holder, the safekeeping of those Aboriginal objects is the responsibility of the Agreement holder.

4.2 The Agreement Holder is to abide by the terms of this Care Agreement.

4.3 The Agreement holder must ensure that all persons involved in the safekeeping of the Aboriginal objects specified in Schedule B (whether employees, contractors, sub-contractors, agents or other persons granted access) are made aware of and comply with the conditions of this Care Agreement.

4.4 If the Aboriginal objects specified in Schedule B are loaned out for educational/display purposes, the responsibility for their safekeeping still rests with the Agreement holder.

5. CONDITIONS OF SAFEKEEPING

5.1 Upon transfer to the Agreement holder, the Aboriginal objects specified in Schedule B are to be stored securely at the storage location identified at Item 5.3.1

5.2 A copy of Schedule B, which list the object, must be kept with the collection.

5.3 The Aboriginal objects must be stored in:

5.3.1 a locked glass display cabinet ;

5.4 The Objects stored in the display cabinet must be labelled using permanent marker, and an 'independent' label on robust material (e.g. tyvek) written with permanent marker must be placed, next to the object on display. The label must identify its:

5.4.1 contents

5.4.2 origin

5.4.3 storage location (any other information that will ensure that a bag and its contents can be returned to its correct storage location if it is left outside the storage box for any reason)

5.4.4 Site Name and AHIMS ID number e.g. RPS Rocglen AS1 20-4-0276

5.4.5 A Catalogue of objects will be maintained detailing the above information under 5.4

5.5 Upon request, the Agreement holder must provide reasonable access to the Aboriginal objects specified in Schedule B, to any persons in accordance with Aboriginal lore and custom.

Care Agreement

Transfer of Aboriginal objects for safekeeping pursuant to section 85A1(c) National Parks and Wildlife Act 1974



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5.6 Upon request from OEH, the Agreement holder must provide reasonable access to Aboriginal objects specified in Schedule B to any OEH authorised officer.

6 NOTIFICATION AND REPORTING CONDITIONS

6.1 Written notice

6.1.1 The Agreement holder must notify the OEH office in writing within 7 days of taking custody of the Aboriginal objects specified in Schedule B.

6.1.2 Any requirement to provide written notice to the OEH office in this Care Agreement may be complied with by faxing the notice to the OEH office's fax number or by sending by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this Care Agreement.

6.2 The Agreement holder must seek approval from the OEH office by applying in writing to the OEH office, if they intend to move the Aboriginal objects specified in Schedule B to another location. The Aboriginal objects, subject to the application, must not be moved to the new location, until OEH has issued a written approval to the Agreement holder.

6.3 The Agreement holder must provide a copy of this Care Agreement to each Registered Aboriginal Party or others consulted, within 14 days from the date of this Care Agreement, to inform these parties of the Care Agreement.

7 GENERAL PROVISIONS

7.1 Variation of Care Agreement

7.1.1 The Agreement holder may apply to the OEH office in writing for a variation of any conditions of a Care Agreement.

7.2 Transfer of Care Agreement to another person

7.2.1 Only the Chief Executive of OEH can transfer Aboriginal objects under s85A1(c) NPW Act.

7.2.2 If the Agreement holder wants the safekeeping under the Care Agreement to be the responsibility of another person, the Agreement holder must notify OEH in writing. The proposed new Care Agreement holder must then submit an application for a Care Agreement to the OEH office. This clause also applies in circumstances where a company is sold or wound up.

Care Agreement

Transfer of Aboriginal objects for safekeeping pursuant to section 85A1(c) National Parks and Wildlife Act 1974



Office of
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7.3 Termination of Care Agreement

- 7.3.1 The Care Agreement may be terminated at any time at the discretion of the Chief Executive of OEH, including where the Agreement Holder does not honour the terms of this Care Agreement.
- 7.3.2 Upon termination of the Care Agreement, the Agreement holder must arrange with OEH for the return of the Aboriginal objects within 4 weeks.
- 7.3.3 In the event the Agreement holder can no longer ensure safekeeping of the objects in accordance with the terms of the Care Agreement, whether by reason of death or other unexpected circumstances, the Aboriginal objects must be returned to the Chief Executive of OEH.

8 DICTIONARY

8.1 In this Care Agreement, unless the contrary is indicated, the terms below have the following meanings:

Aboriginal object(s)	has the same meaning as in the Act
Act	means the National Parks and Wildlife Act 1974 (NSW)
Care Agreement	Means this document and includes all Schedules
Agreement holder	means the person listed at Item 1 in Schedule A
AHIMS	means the Aboriginal Heritage Information Management System maintained by OEH
AHIP	means an Aboriginal Heritage Impact Permit issued by OEH under Part 6 of the National Parks and Wildlife Act 1974 (NSW)
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Authorised officer	means an employee of the OEH who is appointed as authorised officer under s.156B of the Act
OEH	means Office of Environment and Heritage (NSW)
OEH office	means the office listed on the cover page of this Care Agreement
Chief Executive	means the Chief Executive of the Office of Environment and Heritage (NSW)
Registered Aboriginal Parties	means the following parties: Aboriginal Native Title Consultants 16A Mahogany Drive Muswellbrook NSW 2333 Att: Margaret and John Mathews Bigundi Biame Gunnedar Traditional People PO Box 2380 Gunnedah NSW 2380 Att: Wayne Griffiths

Care Agreement

Transfer of Aboriginal objects for safekeeping pursuant to section 85A1(c) National Parks and Wildlife Act 1974



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Bullem Bullem Consultants
67 High Street
Gunnedah NSW 2380
Att: Lloyd Mathews

Cobrowonga Consultants
16A Mahogany Drive
Muswellbrook NSW 2333
Att: Justin Mathews

Elli Lewis Cultural Heritage Consultants
20 Acacia Circuit
Singleton NSW
Att: Patricia Jean Hands

Gunida Guyyah Aboriginal Corporation
PO Box 439,
Gunnedah NSW 2380
Att: CEO

Giwirr Consultants
8 Fitzgerald Ave
Muswellbrook NSW 2333
Att: Rodney Mathews

Hunter Valley Consultants
11 Coolabah Close
Muswellbrook NSW 2333
Att: Christine Archbold

Min Min Aboriginal Corporation
PO Box 877
Gunnedah NSW 2380
Att: Gwen Griffin

Care Agreement

Transfer of Aboriginal objects for safekeeping pursuant to section 85A1(c) National Parks and Wildlife Act 1974



Office of
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Red Chief LALC
Po Box 745
Gunnedah NSW 2380
Att: Chairperson

Upper Hunter Heritage Consultants
14 Edinglassie Drive
Muswellbrook NSW 2333
Att: Darrell Mathews

Salvage

the recovery of Aboriginal objects in accordance with the conditions of any AHIP referred to in the Care Agreement.

Care Agreement

Transfer of Aboriginal objects for safekeeping pursuant to section 85A1(c) National Parks and Wildlife Act 1974



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Care Agreement Executed as a Deed

EXECUTED for and on behalf of The Director General of
the Department of Premier and Cabinet

By

Peter Christie

Position

Coordinator, North West

Signature

[Handwritten Signature]

Witness (signature)

[Handwritten Signature]

Name of Witness (print)

Paul Houston

EXECUTED for and on behalf of the Agreement holder

By

Toni Comber

Position

Chief Executive Office

Signature

T. Comber

Witness (signature)

[Handwritten Signature]

Name of Witness (print)

Patsy Blundell



**ROCGLLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner:	Operations Manager
Last Revision Date:	10/2016
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

**Appendix 3
Cultural Awareness Training Material**



**ROCGLLEN MINE
ENVIRONMENTAL
MANAGEMENT SYSTEM**

Document Owner:	Operations Manager
Last Revision Date:	10/2016
Date Printed:	21/05/2018

WHC_PLN_ROC_HERITAGE MANAGEMENT PLAN

Aboriginal Cultural Heritage

- The Aboriginal Cultural Heritage Management Plan outlines the process for protecting known artefacts and future finds.
- Representatives from local Aboriginal groups must assess an area prior to disturbance and be present during soil stripping activities. This is arranged by the Environmental Officer.
- If you discover something that may be an Aboriginal artefact or site you must stop work, cordon off the area and report the find to your Supervisor.
- Any area of cultural significance must be appropriately protected (ie. signage/ fencing) to ensure it is not damaged or destroyed. Fencing and reflective tags are in place across the site identifying known Aboriginal sites.
- If artefacts or sites need to be relocated, Whitehaven must receive approval from the government and Aboriginal groups prior to salvage.

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