

WAMBO COAL PTY LIMITED



SOUTH BATES (WHYBROW SEAM) UNDERGROUND MINE

EXTRACTION PLAN LONGWALLS 11 TO 13

APPENDIX D HERITAGE MANAGEMENT PLAN

WAMBO COAL PTY LIMITED
SOUTH BATES (WHYBROW SEAM) UNDERGROUND MINE

HERITAGE MANAGEMENT PLAN
LONGWALLS 11 - 13



PREPARED BY
WAMBO COAL PTY LIMITED AND
RESOURCE STRATEGIES PTY LTD

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Document No.	HMP LW11-13
Title	Heritage Management Plan for South Bates (Whybrow Seam) Underground Mine Longwalls 11 to 13
General Description	Management of potential environmental consequences on heritage sites or values for mining of Longwalls 11 to 13 at South Bates (Whybrow Seam) Underground Mine.
Key Support Documents	Wambo Coal Mine Salvage and Management Programme

Revisions

Rev No	Date	Description	By	Checked
A	August 2015	Draft for Consultation	WCPL and Resource Strategies	–
B	October 2015	Final for Submission	WCPL and Resource Strategies	S. Peart
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Approvals

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1 INTRODUCTION

The Wambo Coal Mine is an open cut and underground coal mining operation located approximately 15 kilometres (km) west of Singleton, near the village of Warkworth, New South Wales (NSW) (**Figure 1**). The Wambo Coal Mine is owned and operated by Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited.

The South Bates (Whybrow Seam) Underground Mine is a component of the approved Wambo Coal Mine. The South Bates (Whybrow Seam) Underground Mine is scheduled to commence in February 2016 and involves extraction of coal by longwall mining methods from the Whybrow Seam within Coal Lease (CL) 397 and Mining Lease (ML) 1594 (**Figure 2**).

The potential environmental impacts of the existing Wambo Coal Mine (including the approved South Bates [Whybrow Seam] Underground Mine) were assessed in the *Wambo Development Project Environmental Impact Statement* (the Wambo Development Project EIS) (WCPL, 2003). Development Consent DA 305-7-2003 for the Wambo Coal Mine was granted on 4 February 2004 by the then NSW Minister for Urban Affairs and Planning under Part 4 of the NSW *Environmental Planning and Assessment Act, 1979*.

Underground mining at North Wambo Underground Mine commenced in 2005 and is scheduled to be complete by early 2016 with the completion of Longwall 8b. Underground mining operations will then move to South Bates (Whybrow Seam) Underground Mine with the commencement of Longwalls 11 to 13 (approved as part of the Development Consent DA 305-7-2003).

This Heritage Management Plan (HMP) forms a part of the Extraction Plan being developed for the approved Longwalls 11 to 13.

1.1 PURPOSE AND SCOPE

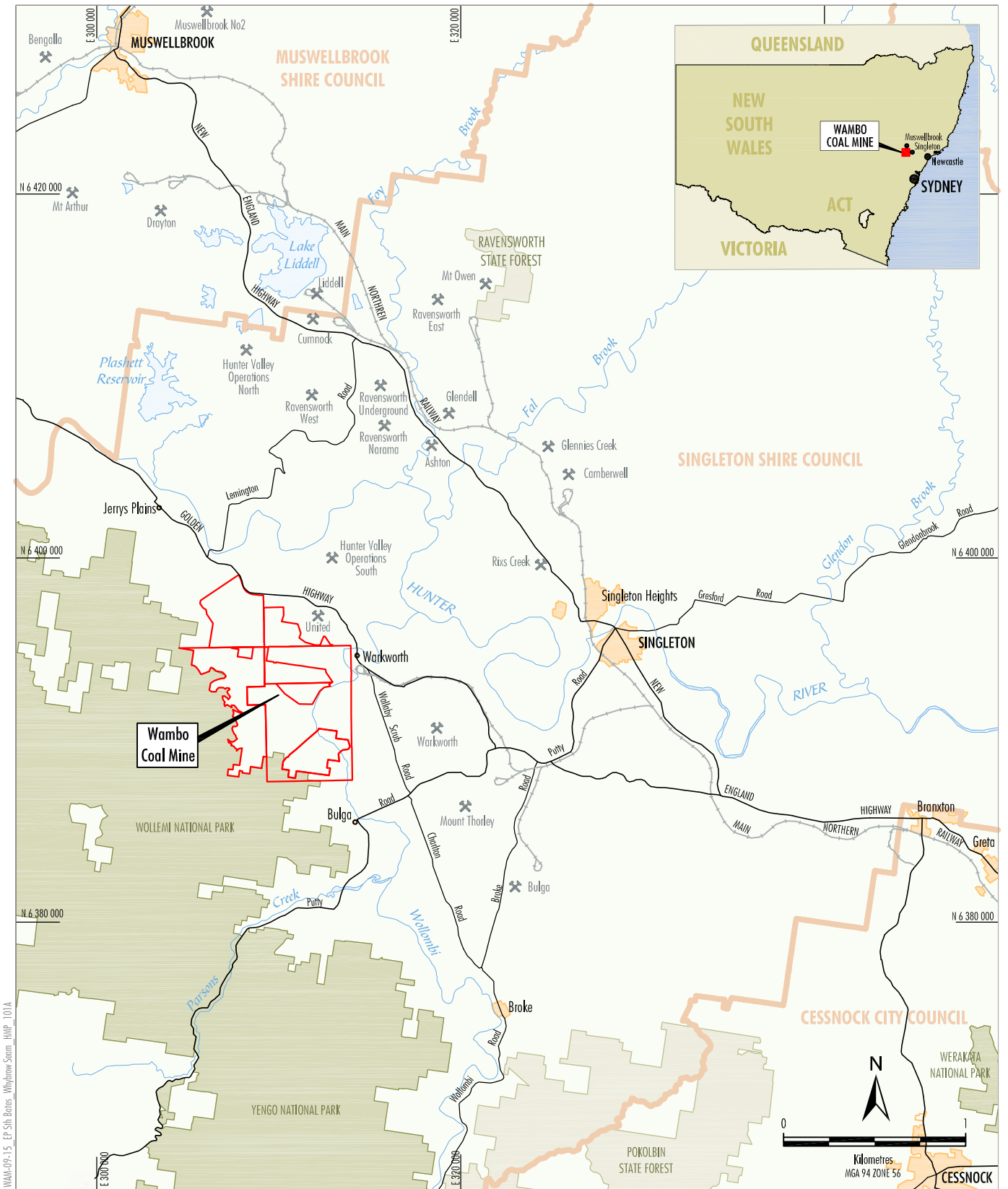
Purpose: This HMP for Longwalls 11 to 13 outlines the management of potential environmental consequences of the proposed secondary workings described in the Extraction Plan on heritage sites or values.

Scope: This HMP covers heritage sites and values within the Longwalls 11 to 13 Application Area (**Figure 2**).

This HMP has been prepared in accordance with Condition 22C(h) of Schedule 4 of the Development Consent (DA 305-7-2003) as a component of the South Bates (Whybrow Seam) Underground Mine Longwalls 11 to 13 Extraction Plan.

Management plan requirements applicable to the preparation of this HMP, and where each of these requirements is addressed within this HMP, are summarised in **Table 1**.

This HMP has been prepared by WCPL, with assistance from Resource Strategies. The appointment of the team of suitably qualified and experienced experts (which includes representatives from WCPL and Resource Strategies) has been endorsed by the Secretary of the NSW Department of Planning and Environment (DP&E).



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WAMBO COAL MINE
Regional Location

Figure 1

Table 1
Heritage Management Plan Requirements

Development Consent (DA 305-7-2003) Condition	HMP Section
<p>Condition 22C(h) of Schedule 4</p> <p>22C. The Applicant shall prepare and implement an Extraction Plan for the second workings within each seam to be mined to the satisfaction of the Secretary. Each Extraction Plan must:</p> <p>...</p> <p>(h) include a:</p> <p>...</p> <ul style="list-style-type: none"> • Heritage Management Plan, which has been prepared in consultation with OEH and relevant stakeholders for Aboriginal and non-Aboriginal heritage, to manage the potential environmental consequences of the proposed second workings on heritage sites or values; and <p>...</p>	<p>Management of potential impacts and/or environmental consequences on heritage site or values are addressed in Table 2 and Sections 4 and 5.</p>
<p>Condition 22D of Schedule 4</p> <p>22D. The Applicant shall ensure that the management plans required under condition 22C(h) above include:</p> <p>(a) an assessment of the potential environmental consequences of the Extraction Plan, incorporating any relevant information that has been obtained since this consent;</p> <p>(b) a detailed description of the measures that would be implemented to remediate predicted impacts; and</p> <p>(c) a contingency plan that expressly provides for adaptive management.</p>	<p>Addressed in Section 3.</p> <p>Addressed in Table 2 and Section 4.</p> <p>Addressed in Section 7.</p>

1.2 STRUCTURE OF THE HERITAGE MANAGEMENT PLAN

This HMP forms part of WCPL's Environmental Management System for the Wambo Coal Mine. The relationship of this HMP to the Wambo Coal Mine Environmental Management System is shown on **Figure 3**.

To avoid duplication of existing Environmental Management Plans this HMP references components of the existing Salvage and Management Programme (S&MP) (Navin Officer Heritage Consultants, 2005). The sections of the S&MP relevant to the HMP are summarised in **Table 2**. The S&MP is included as **Attachment 1**.

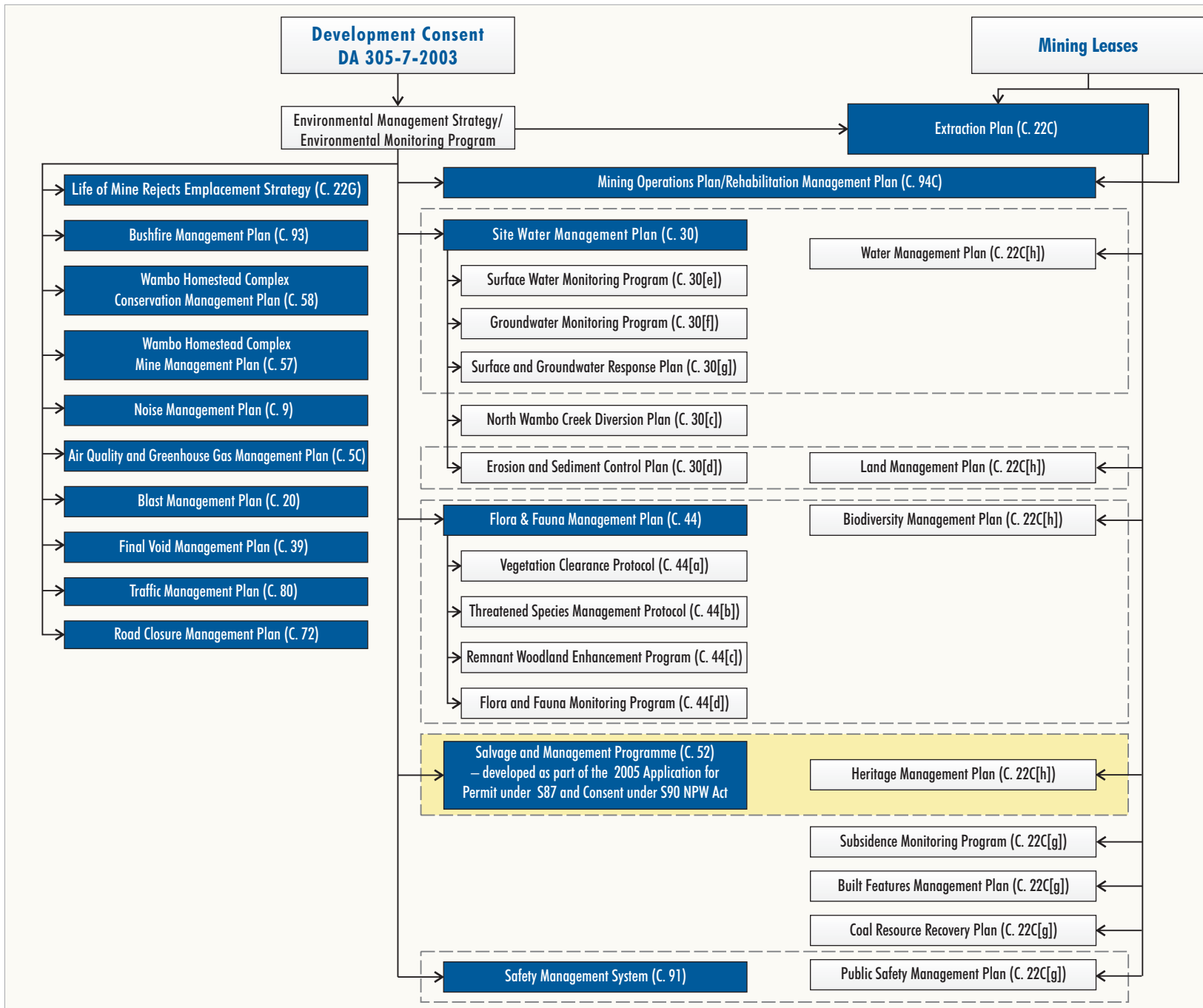


Figure 3

Table 2
Supporting Documents – Reference Summary

HMP Component	S&MP Reference	Section Description
Description of the existing environment ¹	S&MP Section 2 – Archaeological Sites	Section 2 of the S&MP includes an overview of existing archaeological sites in the area.
Management Measures	S&MP Section 3.1 – Aboriginal Participation	Section 3.1 of the S&MP details the participation of Aboriginal people in the salvage programme.
	S&MP Section 3.3 – Surface Salvage	Section 3.3 of the S&MP details the process for collection of surface artefacts.
	S&MP Section 3.4 – Subsurface Salvage	Section 3.4 of the S&MP details the process for collection of subsurface artefacts.
	S&MP Section 3.5 – Management of Recovered Aboriginal Objects	Section 3.5 of the S&MP details the process for archaeological analysis and keeping of artefactual material.

¹ Not a specific requirement of this HMP under Condition 22C(h) of Schedule 4 of the Development Consent (DA 305-7-2003).

An overview of the main text sections and attachments of this HMP is presented below:

- Section 1** Provides an introduction to the HMP, including the purpose and scope of the HMP and the context of the HMP in relation to WCPL’s Environmental Management System for the Wambo Coal Mine.
- Section 2** Describes the performance measures relevant to heritage.
- Section 3** Summarises the predicted subsidence impacts and environmental consequences resulting from the extraction of Longwalls 11 to 13.
- Section 4** Describes the management measures that will be implemented for Aboriginal sites.
- Section 5** Describes the monitoring program that will be implemented for Aboriginal sites.
- Section 6** Describes the relevance of performance indicators and measures to the extraction of Longwalls 11 to 13.
- Section 7** Provides a Contingency Plan to manage any unpredicted impacts and their consequences.
- Section 8** Describes the heritage management responsibilities of specific WCPL personnel and the Aboriginal community.
- Section 9** Lists the documents referred to in **Sections 1 to 8** of this HMP.
- Attachment 1** Provides a copy of the existing S&MP.
- Attachment 2** Provides a summary of the consultation undertaken with the Aboriginal community as component of the Aboriginal Heritage Impact Permit (AHIP) #2222 Application.
- Attachment 3** Provides the subsidence predictions for Aboriginal sites within the Longwalls 11 to 13 Application Area.
- Attachment 4** Provides a copy of AHIP #2222 and AHIP #C0001474, including copies of the Notice of Issue for both and the Notices of Variation for AHIP #2222.
- Attachment 5** Provides a copy of Care and Control Permit #3130.
- Attachment 6** Provides copies of consultation regarding the Heritage Management Plan.

1.3 CONSULTATION

The Wambo Coal Mine S&MP was prepared in consultation with the relevant stakeholders for Aboriginal heritage as part of the AHIP application under sections 87 and 90 of the *National Parks and Wildlife Act, 1974* (NPW Act). The AHIP Application and associated consultation was undertaken in accordance with the *Guidelines for Aboriginal Heritage Impact Assessment in the Exploration and Mining Industries* (NSW National Parks and Wildlife Service, 1997) (i.e. the applicable guideline at the time of consultation/application). An extract from the 2005 AHIP Application, describing the consultation undertaken with respect to the Application between 2002 and 2005, is presented in **Attachment 2**.

This HMP was provided to Aboriginal parties registered at the Wambo Coal Mine and the NSW Office of Environment and Heritage (OEH) for their review and comment on the management of Aboriginal sites in the Longwalls 11 to 13 Application Area (**Attachment 6**).

The OEH indicated it is satisfied that the management measures proposed are adequate and appropriate given the nature of the archaeological record and the range of activities to be undertaken. Lower Hunter Aboriginal Incorporated (LHAI) members noted they agreed and supported the HMP. The Wanaruah Local Aboriginal Land Council provided comments on the HMP that have been considered in the finalisation of this document. No other comments from Aboriginal parties were received.

2 PERFORMANCE MEASURES

This HMP has been developed to manage the potential environmental consequences of the proposed secondary workings described in the Extraction Plan on heritage sites or values in accordance with Condition 22C of Schedule 4 of Development Consent (DA 305-7-2003). In accordance with Condition 22 and 22A of Schedule 4 of Development Consent (DA 305-7-2003), WCPL must ensure that there is no exceedance of the subsidence impact performance measures listed in Tables 14A and 14B of Schedule 4 of Development Consent (DA 305-7-2003).

The performance measure specified in Table 14A of Schedule 4 of Development Consent (DA 305-7-2003) relevant to heritage sites and values is listed in **Table 3** below.

Table 3
Heritage Performance Measure

Feature	Subsidence Impact Performance Measure
Wambo Homestead Complex	Negligible impact on heritage values, unless approval has been granted by the Heritage Branch and/or the Minister.

Source: Table 14A of Schedule 4 of Development Consent (DA 305-7-2003).

The Wambo Homestead Complex is located approximately 2.8 km south-east of the Longwalls 11 to 13 Application Area and will experience no measurable subsidence from the South Bates (Whybrow Seam) Underground Mine.

WCPL has responsibilities under the NPW Act to protect and manage Aboriginal heritage in NSW. These responsibilities are discussed further in **Section 3**.

3 PREDICTED SUBSIDENCE IMPACTS AND ENVIRONMENTAL CONSEQUENCES

3.1 ABORIGINAL CULTURAL HERITAGE

3.1.1 Background

A number of Aboriginal cultural heritage surveys and assessments have previously been undertaken across Wambo Coal Mine and surrounding areas. The most recent large-scale Aboriginal cultural heritage survey and assessment was conducted by White (2003) as part of the Wambo Development Project EIS.

A total of 292 sites were identified across the wider study area by White (2003), which included the Longwalls 11 to 13 Application Area. Sites identified included:

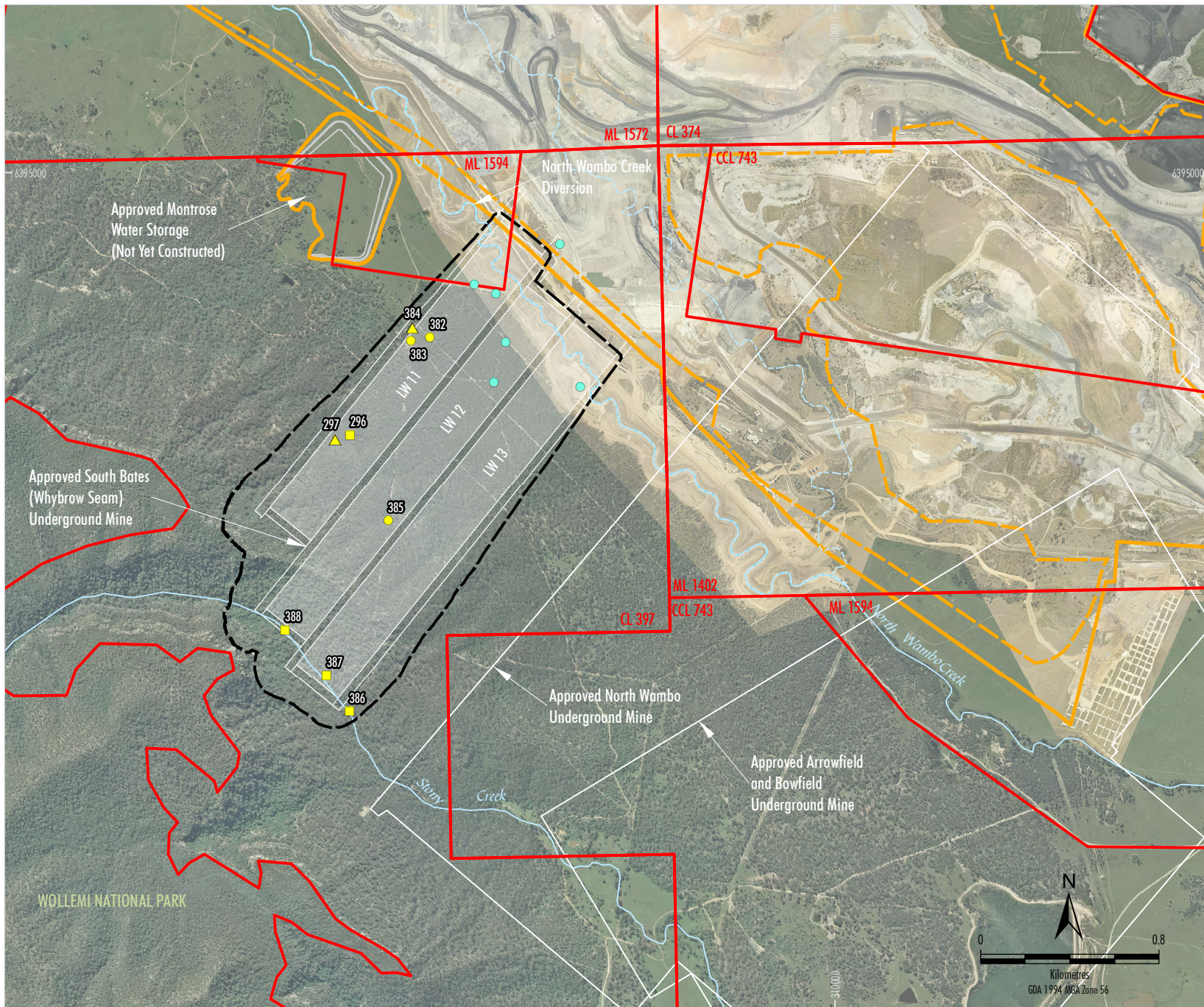
- a carved tree/ceremonial site;
- grinding groove sites;
- scarred trees;
- potential archaeological deposits; and
- isolated objects and object scatters (open sites).

An additional Aboriginal cultural heritage survey was undertaken as part of the South Bates (Wambo Seam) Underground Mine Modification Cultural Heritage Impact Assessment (CHIA) (RPS Australia East Pty Limited [RPS], 2015). The sites identified in this survey have been considered in this HMP for Longwalls 11 to 13. The registered Aboriginal parties who participated in this survey indicated that all Aboriginal sites are of cultural significance and that grinding grooves are of high cultural significance (RPS, 2015).

Aboriginal sites located by the surveys conducted to date are shown on **Figure 4** (including sites previously salvaged under Consent 2222). **Table 4** presents those sites which may be potentially impacted as a result of subsidence from Longwalls 11 to 13.

The NPW Act provides the primary basis for the legal protection and management of Aboriginal heritage in NSW. Implementation of the Aboriginal heritage provisions of the NPW Act is the responsibility of the OEH. The aim of the NPW Act is to prevent unnecessary or unwarranted destruction of Aboriginal objects and to protect and conserve objects where such action is considered warranted.

Under section 86(4) of the NPW Act it is an offence for a person to harm or desecrate an Aboriginal place. Consents regarding impacts to Aboriginal objects are authorised by the OEH under section 90 of the NPW Act and clauses 80D and 80E of the *National Parks and Wildlife Regulation, 2009*. Management of Aboriginal cultural heritage at the Wambo Coal Mine is currently conducted in accordance with AHIP #2222 and AHIP #C0001474 under section 90 of the NPW Act. These existing consents are discussed further in **Section 3.1.3**.



- LEGEND**
- Mining and Coal Lease Boundary
 - Existing/Approved Surface Development Area
 - - - Approved Open Cut Limit
 - Approved Underground Development
 - - - Extraction Plan Application Area
 - Aboriginal Heritage Sites**
 - Artefact Scatter
 - ▲ Isolated Find
 - Grinding Groove
 - Salvaged Under Consent 2222

Source: Department of Lands (July 2009); WCPL (2015); WCPL Orthophoto (Apr-Oct 2013) and RPS (2015)

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W A M B O C O A L M I N E

Aboriginal Heritage Sites

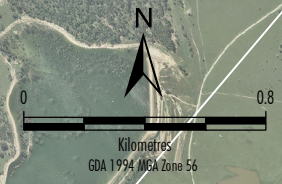


Figure 4

Table 4
Aboriginal Sites within the Longwalls 11 to 13 Application Area Subject to Potential Impacts

Site ¹	Site Type	Local Archaeological Significance ²	Regional Archaeological Significance ²	Description of Location
296	Grinding Groove	Moderate	Low	Above Longwall 11
297	Isolated Find	Low	Low	Above Longwall 11
382	Artefact Scatter	Low	Low	Above Longwall 11
383	Artefact Scatter	Low	Low	Above Longwall 11
384	Isolated Find	Low	Low	Above the tailgate of Longwall 11
385	Artefact Scatter	Low	Low	Above Longwall 12
386	Grinding Groove	Moderate	Low	70 metres (m) south-east of the commencing end of Longwall 13
387	Grinding Grooves	Moderate	Low	Above and adjacent to the commencing end of Longwall 13
388	Grinding Grooves	Moderate	Low	20 m south-west of the commencing end of Longwall 12

After: RPS (2015), Mine Subsidence Engineering Consultants (MSEC) (2015).

¹ Refer to **Figure 4**.

² Archaeological significance of sites 382 to 388 was determined by RPS (2015). Archaeological significance of sites 296 and 297 was determined during due diligence works at the Wambo Coal Mine conducted by RPS in 2009.

3.1.2 Assessment of Potential Subsidence Impacts and Environmental Consequences

The potential impacts of the South Bates (Whybrow Seam) Underground Mine on Aboriginal heritage were assessed in the Wambo Development Project EIS (WCPL, 2003). White (2003) determined there was a risk of more than 10 percent (%) that damage to sites would occur in the area overlying the South Bates (Whybrow Seam) Underground Mine.

MSEC (2015) undertook a specific assessment of the potential impacts of the extraction of Longwalls 11 to 13 on Aboriginal sites. Subsidence predictions for the identified Aboriginal sites due to the extraction of Longwalls 11 to 13 have been determined by MSEC (2015) and are presented in **Attachment 3**.

Stone artefacts (i.e. isolated finds and artefacts scatters) are not particularly sensitive to subsidence movements. Potential impacts to these site types are limited to direct disturbance from surface activities and impacts to soil (i.e. localised soil cracking resulting in an artefact(s) falling into the subsoil).

Rock-based sites (i.e. grinding grooves) are more susceptible to impacts from subsidence effects. Potential impacts to grinding groove sites are direct disturbance and cracking. The likelihood of cracking varies based on each site's location with respect to Longwalls 11 to 13.

Table 5 provides a summary of the location and expected subsidence movements of each site and how this affects its likelihood of cracking.

Table 5
Location and Predicted Subsidence Movements of Grinding Groove Sites

Site ¹	Description of Location	Predicted Subsidence Movements	Likelihood of Impact ²	Plate Reference
296	Above Longwall 11	Predicted to experience relatively large curvatures as located directly above secondary extraction. However, due to the grinding groove being located next to an unrestrained edge of a small boulder, it is unlikely to experience cracking.	Unlikely	1
386	70 m from secondary extraction	Due to distance from secondary extraction, predicted to experience relatively minor curvatures.	Very unlikely	2
387	Above Longwall 13	Predicted to experience relatively large curvatures as located directly above secondary extraction.	Possible (i.e. > 25%)	3
388	20 m from secondary extraction	Due to distance from secondary extraction, predicted to experience relatively minor curvatures.	Unlikely	4

¹ Refer to **Figure 4**.

² Source: MSEC (2015).

Plates 1 to 4 provide photos of each of the grinding groove sites within the Longwalls 11 to 13 Application Area.



Plate 1 – Wambo Site 296



Plate 3 – Wambo Site 387



Plate 2 – Wambo Site 386



Plate 4 – Wambo Site 388

A number of management measures to mitigate potential impacts to Aboriginal sites resulting from the extraction of Longwalls 11 to 13 have been developed and are described in **Section 4**.

A monitoring program will be implemented to monitor the potential subsidence impacts of Longwalls 11 to 13 on Aboriginal sites and is described in **Section 5**.

Should a site require salvage or should monitoring detect a potential impact to a site, an Aboriginal Site Impact Recording Form will be prepared and lodged with OEHS in accordance with section 89A of the NPW Act for registration on the Aboriginal Heritage Information Management System (AHIMS) database.

Any variations to the proposed management of Aboriginal heritage, as specified in the approved S&MP (**Attachment 1**), will only be made following consultation with the Aboriginal community.

Should any additional Aboriginal sites (not yet recorded) be identified during the mining of Longwalls 11 to 13, they will be managed in a manner consistent with the existing site types. If a new site type (i.e. a site type not previously recorded at the Wambo Coal Mine or a site type not considered in the development of the approved S&MP [**Attachment 1**]) is recorded within the Longwalls 11 to 13 Application Area, appropriate management will be developed by an appropriately qualified archaeologist in consultation with the Aboriginal community.

3.1.3 Existing Section 87/90 Consents – AHIP #2222 and AHIP #C0001474

AHIP #2222 (**Attachment 4**) was issued to WCPL on 20 June 2005 under sections 87 and 90 of the NPW Act. The AHIP allowed for the disturbance and/or salvage of all known and unknown Aboriginal objects within the 'Application Area'. AHIP #2222 covers the vast majority of the Longwalls 11 to 13 Application Area. WCPL sought approval for an additional AHIP to include the extent of the area affected by Longwalls 11 to 13, which was issued to WCPL on 19 November 2015 (AHIP #C0001474) (**Attachment 4**). The extent of both AHIP #2222 and AHIP #C0001474 are shown on **Figure 2**.

The AHIP Application and associated consultation was undertaken in accordance with the *Guidelines for Aboriginal Heritage Impact Assessment in the Exploration and Mining Industries* (NSW National Parks and Wildlife Service, 1997) (i.e. the applicable guideline at the time of consultation/application). An extract from the 2005 AHIP Application, describing the consultation undertaken with respect to the Application between 2002 and 2005, is presented in **Attachment 2**.

In accordance with recommendations within the S&MP (**Attachment 1**), WCPL obtained a Care and Control Permit (#3130) for the temporary storage of salvaged artefacts until they can be replaced on the post mining rehabilitated landscape. A copy of Care and Control Permit #3130 is provided in **Attachment 5**.

The April 2015 variation application for AHIP #2222 extended the timeframe of AHIP #2222 to be in line with the approved life of the Wambo Coal Mine. The AHIP is now valid until 1 March 2025. The associated Care and Control Permit #3130 (**Attachment 5**) was also extended until 1 March 2025 at this time.

3.2 NON-ABORIGINAL HERITAGE

There are no listed heritage items in the Longwalls 11 to 13 Application Area under: the Australian Heritage Database (which incorporates the National Heritage List, the Register of the National Estate and the Commonwealth Heritage List); the NSW Heritage Inventory; or the *Singleton Local Environmental Plan 2013*.

No non-Aboriginal heritage items have been identified in the Longwalls 11 to 13 Application Area by other studies at the Wambo Coal Mine (EJE Town Planning, 2003; RPS, 2015).

4 MANAGEMENT OF ABORIGINAL SITES

A number of potential management measures are available to mitigate potential impacts to Aboriginal sites resulting from the extraction of Longwalls 11 to 13. The key management measures are summarised in **Table 6**.

Table 6
Key Management Measures for Aboriginal Sites

Site ¹	Site Type	Likelihood of Impact ²	Description of Management Measure	Responsibility
296	Grinding Groove	Unlikely	<ul style="list-style-type: none"> Archival recording prior to the commencement of extraction of Longwall 11. Based on advice from SCT Operations (2015), the site will be left <i>in situ</i>. 	Environment and Community Manager
386	Grinding Groove	Very unlikely	<ul style="list-style-type: none"> Archival recording prior to the commencement of extraction of Longwall 11. Based on the recommendations of RPS (2015), the site will be left <i>in situ</i>. 	Environment and Community Manager
387	Grinding Grooves	Possible (i.e. > 25%)	<ul style="list-style-type: none"> Archival recording prior to the commencement of extraction of Longwall 11. Based on advice from SCT Operations (2015), the site will be left <i>in situ</i>. 	Environment and Community Manager
388	Grinding Grooves	Unlikely	<ul style="list-style-type: none"> Archival recording prior to the commencement of extraction of Longwall 11. Based on the recommendations of RPS (2015), the site will be left <i>in situ</i>. 	Environment and Community Manager
297, 382, 383, 384, 385	Artefact Scatters and Isolated Finds	Unlikely	<ul style="list-style-type: none"> Based on the recommendations of RPS (2015), the site will be left <i>in situ</i>. If monitoring identifies cracking or erosion in proximity to an artefact scatter or isolated find, WCPL would engage a suitably qualified archaeologist to salvage and transfer the artefact(s) to the temporary keeping place in accordance with AHIP #2222 and Care and Control Permit #3130, in consultation with representatives of Aboriginal parties registered at the Wambo Coal Mine. 	Environment and Community Manager
All	-	-	<ul style="list-style-type: none"> WCPL will maintain a database of site locations and locate any surface activities to avoid impacts to Aboriginal sites where practicable. If a site is to be impacted by surface activities, that site will be salvaged in accordance with the approved S&MP (Attachment 1). 	Environment and Community Manager

¹ Refer to **Figure 4**.

² Source: MSEC (2015).

As a component of the South Bates (Wambo Seam) Underground Mine Modification CHIA, RPS (2015) recommended consideration of engineering solutions to mitigate impacts to two grinding groove sites (Sites 296 and 387) prior to the proposed extraction of Longwalls 14 to 16. Although the recommendation is not directly relevant to the approved Longwalls 11 to 13, WCPL engaged SCT Operations to undertake a site inspection and provide advice on possible engineering solutions for these two sites to inform this HMP.

SCT Operations (2015) concluded that Site 296 is free from the risk of stress induced cracking as the groove is hosted on a boulder. Therefore, it is proposed to leave Site 296 *in situ* during mining with regular monitoring as outlined in **Table 6**.

Based on access limitations and the presence of existing intersecting joint sets and undercutting of the host sandstone bed at Site 387 (SCT Operations, 2015), it is proposed to leave Site 387 *in situ* during mining with regular monitoring as outlined in **Table 6**.

5 MONITORING OF ABORIGINAL SITES

A monitoring program will be implemented to monitor the subsidence impacts of Longwalls 11 to 13 on Aboriginal sites. Key components of the monitoring program are outlined in **Table 7**.

Table 7
Monitoring Program for Aboriginal Sites

Site ¹	Site Type	Monitoring Parameter	Timing/Frequency	Responsibility
296	Grinding Groove	Photographic record of condition of groove ²	Prior to commencement of Longwall 11. Within one month of completion of Longwall 11. Within one month of completion of Longwall 12.	Environment and Community Manager
386, 387, 388	Grinding Groove(s)	Photographic record of condition of groove(s) ^{2,3}	Prior to commencement of Longwall 12. Within one month of completion of Longwall 12. Within one month of completion of Longwall 13.	Environment and Community Manager
297, 382, 383, 384	Artefact Scatter/ Isolated Find	Surface cracks and/or erosion in the vicinity of the sites ⁴	Prior to commencement of Longwall 11. Monthly during extraction of Longwall 11.	Mine Surveyor
385	Artefact Scatter	Surface cracks and/or erosion in the vicinity of the sites ⁴	Prior to commencement of Longwall 12. Monthly during extraction of Longwall 12.	Mine Surveyor

¹ Refer to **Figure 4**.

² Photographic records would be undertaken by a suitably qualified person in consultation with representatives of Aboriginal parties registered at the Wambo Coal Mine.

³ Photographic records of Site 387 would include high definition image capture including 3-dimensional impact capture and 360° site spherical image capture.

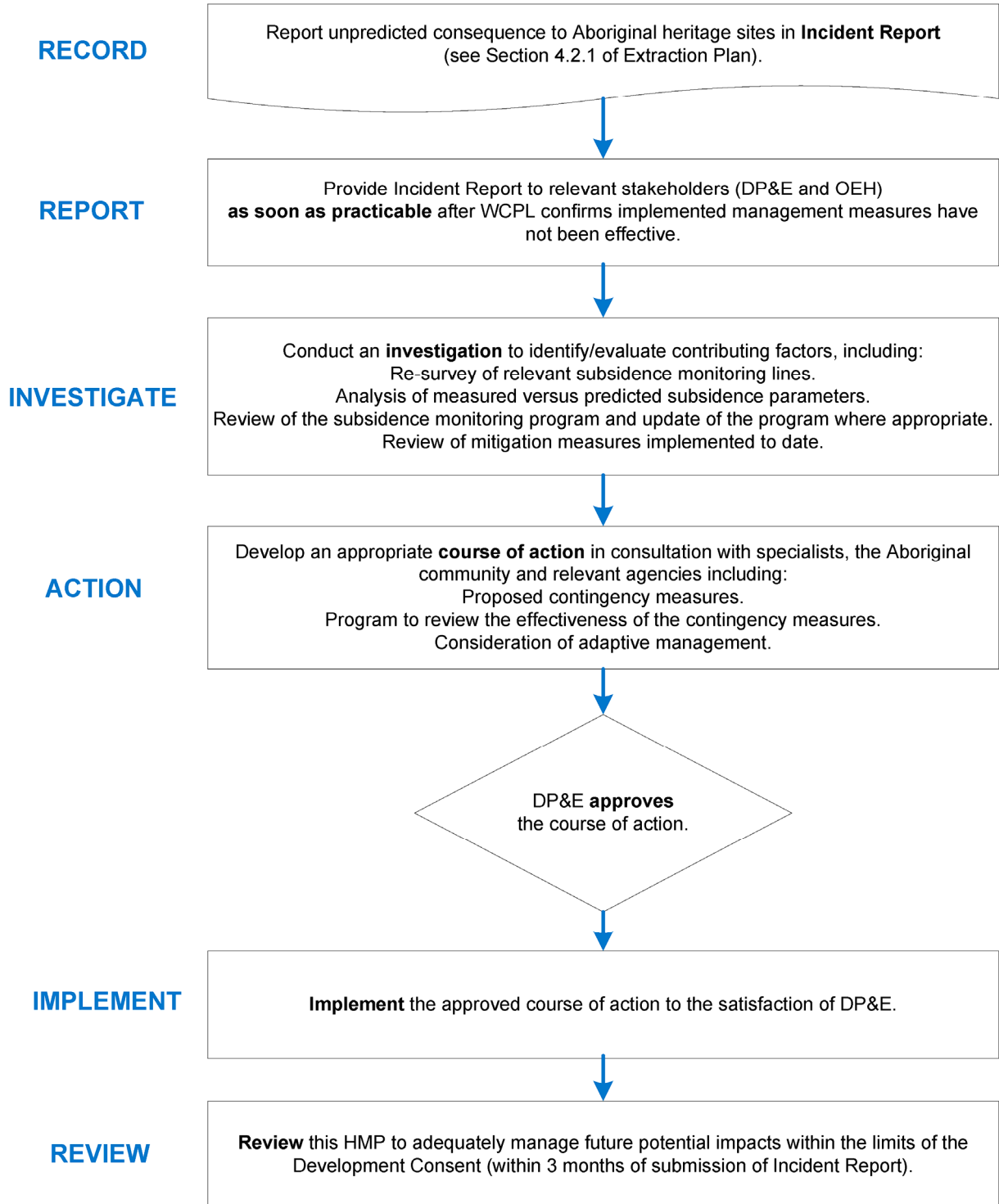
⁴ Refer to **Table 6**.

6 ASSESSMENT OF PERFORMANCE INDICATORS AND MEASURES

The Wambo Homestead Complex is located approximately 2.8 km south-east of the Longwalls 11 to 13 Application Area and will experience no measurable subsidence from the South Bates (Whybrow Seam) Underground Mine. Monitoring of consequences against performance indicators and measures relating to the Wambo Homestead Complex is not considered necessary for Longwalls 11 to 13. Monitoring and management measures for the Wambo Homestead Complex were addressed in previous Extraction Plans for the North Wambo Underground Mine.

7 CONTINGENCY PLAN

In the event that impacts to cultural heritage in general are considered to have occurred or are likely to be exceeded, WCPL will implement the following Contingency Plan:



8 ROLES AND RESPONSIBILITIES

Key responsibilities of WCPL personnel and the Aboriginal community in relation to this HMP are summarised in **Table 8**. Responsibilities may be delegated as required.

Table 8
Heritage Management Plan Responsibilities Summary

Responsibility	Task
General Manager	<ul style="list-style-type: none"> • Ensure resources are available to WCPL personnel to facilitate the completion of responsibilities under this HMP. • Ensure timely and accurate Incident Reporting under this HMP.
Director: Technical Services and Projects	<ul style="list-style-type: none"> • Ensure the Subsidence Monitoring Program and this HMP are implemented. • Ensure monitoring and Subsidence Management Status Reports required under the Subsidence Monitoring Program and this HMP are carried out within specified timeframes, are adequately checked and processed and are prepared to the required standard.
Environment and Community Manager	<ul style="list-style-type: none"> • Liaise with relevant stakeholders regarding subsidence impact management and related environmental consequences. • Ensure Incident Reports required under this HMP are prepared within specified timeframes and to the required standard. • Undertake implementation of management measures summarised in Table 2.
Mine Surveyor	<ul style="list-style-type: none"> • Undertake all subsidence monitoring to the required standard within the specified timeframes and ensure data are adequately checked, processed and recorded.
Aboriginal Community	<ul style="list-style-type: none"> • Ensure management of Aboriginal sites are undertaken in a culturally sensitive manner consistent with the approved S&MP.

9 REFERENCES

- EJE Town Planning (2003) *Non-Aboriginal Heritage Impact Statement*. Prepared for Wambo Coal Pty Limited.
- Mine Subsidence Engineering Consultants (2015) *South Bates (Whybrow Seam) Subsidence Assessment*. Report prepared for Wambo Coal Pty Limited.
- Mine Subsidence Engineering Consultants (2015b) *Addendum to South Bates (Whybrow Seam) Subsidence Assessment*.
- National Parks and Wildlife Service (1997) *Guidelines for Aboriginal Heritage Impact Assessment in the Exploration and Mining Industries*.
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ATTACHMENT 1

WAMBO COAL MINE
SALVAGE AND MANAGEMENT PROGRAMME

ATTACHMENT 3
WAMBO DEVELOPMENT PROJECT – ABORIGINAL HERITAGE
RESEARCH DESIGN AND STUDY PLAN
(INCORPORATING SALVAGE PROGRAMME)

1 BACKGROUND

Wambo Coal Pty Limited (WCPL) proposes to initiate the Wambo Development Project located at the Wambo Coal Mine, in the Hunter Valley of New South Wales (NSW). The Wambo Development Project includes the following components:

- continued development of open cut mining operations (including limited auger mining beyond open cut mining limits) within existing WCPL mining and coal leases and into new mining lease application areas;
- continued placement of waste rock and coarse rejects within mine waste rock emplacements;
- continued placement of tailings within open cut voids and capping with waste rock and coarse rejects;
- an extension to the existing Wollemi Underground Mine Box Cut (within the limits of the Project open cut mining area) to provide direct access for three underground longwall panels in the Whybrow Seam;
- longwall mining of the Wambo Seam via an existing open cut highwall;
- construction of a portal and drift access adjacent to the CHPP to facilitate longwall mining of the Arrowfield and Bowfield Seams;
- upgrade of the existing CHPP to facilitate increased coal production;
- development of a water control structure across North Wambo Creek at the north-western limit of the open cut operation and a channel to allow the passage of flows to the lower reaches of North Wambo Creek around the open cut development;
- de-gazettal and physical closure of Pinegrove Road;
- development of new access roads and internal haul roads;
- relocation of the existing explosives magazine and construction of additional hydrocarbon storage facilities; and
- relocation of the administration area and site offices.

The Wambo Development Project Development Application (DA) 305-7-2003-i was consented by the NSW Minister for Planning and Infrastructure on 4 February 2004. DA 305-7-2003-i was supported by the Wambo Development Project Environmental Impact Statement (Resource Strategies, 2003).

A modification to DA 305-7-2003-i was lodged with the Department of Infrastructure, Planning and Natural Resources (DIPNR) in January 2005. The modification application, once approved, would permit a re-orientation of the Wambo Seam Underground Mine longwalls (and the associated subsidence zone) and a reduction in its footprint outside of the open cut workings (ie. more of the Wambo Seam Underground Mine is beneath the open cut mine and waste rock emplacements). All lands affected by the proposed modification to the Wambo Seam Underground Mine are owned by WCPL and are within the development application area of DA 305-7-2003-i. This modification is currently being determined by the Minister for Infrastructure and Planning.

This Research Design and Study Plan (incorporating a Salvage Programme) are based on:

- the findings and recommendations of the archaeological surveys and assessments conducted for the Wambo Development Project since 2002;
- the requirements of the Wambo Development Project development consent;
- the outcomes from consultation programmes conducted in association with the above mentioned surveys and assessments; and
- the outcomes of the consultation conducted in association with the application for the Section 87 permit and Section 90 consent for the Wambo Development Project.

This research design provides for the collection, salvage, curation and/or relocation of artefacts (Aboriginal Objects) from within the Section 87/90 application area (the 'Application Area') (including sites registered on the DEC Aboriginal Heritage Information Management System database) as well as the addition of information to the archaeological database for the Warkworth/Mount Thorley area. The research design and salvage programme includes the following general works:

- collection of surface artefacts;
- recovery of archaeological material from salvage excavations;
- basic recording of recovered artefactual material;
- analysis of selected salvaged artefactual material from subsurface excavations;
- an excavation program designed to test for the presence of deep archaeological deposits;
- storage of selected artefacts in a Keeping Place; and
- returning collected artefacts to the landscape following completion of rehabilitation works.

2 ARCHAEOLOGICAL SITES IN THE APPLICATION AREA

2.1 PREVIOUS ARCHAEOLOGICAL ASSESSMENTS

In 2002, White conducted an Aboriginal heritage assessment for the Wambo Development Project (WCPL, 2003). Since 1980, a number of other Aboriginal heritage assessments have been undertaken within, or in the immediate surrounds of the Application Area. These assessments were used by White and cited in her report, including:

- Brayshaw (1981);
- Brayshaw et al. (1996);

- Corkill (1990);
- Dyll (1980, 1981);
- Effenberger (1992);
- ERM Mitchell McCotter (1999) (information on NPWS site forms);
- Kuskie (1998, 2000);
- Rich (1991a, 1991b);
- Silcox (1998); and
- Sutton (2002).

White's assessment forms the basis for this research design and study plan.

2.2 PREVIOUSLY RECORDED SITES

There are approximately 276 recorded sites within Application Area. These are listed in Table 1 below.

Table 1
Previously Recorded Sites within the Application Area

Site	Description
98-102, 104, 106-114, 117, 118, 120-125, 151, 152, 229, 232, NW 13*, NW 16*, NW 17*	Open sites located south of North Wambo Creek.
268	100 objects were recorded on an exposure within the Waterfall Creek catchment adjacent to a 2 nd order stream.
258 & 259	Open sites located on a broad upper slope on the north face of the watershed between Waterfall Creek & Splitters Hollow. The 2 sites are separated by ground with poor visibility, so may be one continuous site.
239	Open site located on the east face of a crest sloping down towards North Wambo Creek. 150 objects were recorded on a track over a distance of 130 m.
62	Open site located on edge of minor creek 1 km west of Wollombi Brook and between Wambo and North Wambo Creeks. Piece of glass with a worked edge.
45-48, 52-61, 63-68, 91-97, 103, 105, 115, 116, 126-136, 138, 146-150, Wambo 1; Warkworth Colliery*	Open sites located between North Wambo Creek and Stony Creek
69-73, 81-88	Open sites located along ridgeline north of Stony Creek
89	Open site located on the ridge top watershed between Stony and North Wambo Creeks.
78-80	Open sites located south of Stony Creek.
74-77, SC 3*	Open sites located adjacent to the bank of Stony Creek.
175-181, 184-189	Open sites located north-west of Redbank Creek.
227, 247-250, 260-264, 269, 271, 285-287	Open sites located south of Golden Highway and south-east of Waterfall Creek.
10-12	Open sites located on the eastern side of Wollombi Brook.
23	Open site located adjacent to the Project rail spur west of Wollombi Brook.
90, 137, 139, 140-145	Open site located north of Stony Creek.
153-159	Open sites located adjacent of the north-eastern side North Wambo Creek.
28-29, 119, 160-174, NW 4*	Open sites located north of North Wambo Creek.

Table 1 (Continued)
Previously Recorded Sites within the Application Area

Site	Description
190-201, 208-226, 228, 233-238, 242-246, 251-257, 265-267, 270, 272-284, 288, 289	Open sites located south to south-east of Waterfall Creek.
PAD A	Potential artefact deposit located in cleared land on a crest greater than 200 m from water.
PAD B	Potential artefact deposit located in cleared land on a mid-slope less than 200 m from water.
PAD C	Potential artefact deposit located in cleared land on a slope approximately 80 m from water.
PAD D	Potential artefact deposit located in cleared land on a crest approximately 80 m from water.
PAD I	Potential artefact deposit located in cleared land on a slope approximately 0 to 50 m from water.
PAD E, PAD H, PAD S	Potential artefact deposit located in cleared land on a crest approximately 60 to 100 m from water.
PAD M, PAD R	Potential artefact deposit located in cultivated land on a crest approximately 60 to 100 m from water.
PAD N	Potential artefact deposit located in cleared land on a crest greater than approximately 200 m from water.
PAD Q	Potential artefact deposit located in cleared land on a lower slope greater than approximately 200 m from water.

* Nomenclature in accordance with the DEC AHIMS database, current as at 29 March 2005.

It should be noted that some of the sites listed in Table 1 would not be directly impacted by the Wambo Development Project (refer to WCPL, 2003), however these sites are within lands owned by WCPL and/or the Remnant Woodland Enhancement Programme Areas. In accordance with WCPL (2003) and DA 305-7-2003-i, these lands will be subject to land management measures such as fencing for stock exclusion/control, tree planting and drainage works. Although these works can be designed to avoid known sites, the potential for sub-surface sites can never be entirely discounted. Therefore the Application Area includes these lands and sites within.

3 SALVAGE PROGRAMME

The scope of the salvage methodology is considered to provide an appropriate level of investigation and sampling relative to the research context of the development and the degree of proposed impact.

3.1 ABORIGINAL PARTICIPATION

The salvage programme will be implemented by Dr Kelvin Officer, Matthew Barber, Kerry Navin, Lindsay Smith, Vanessa Myles and Nicola Dal Santo (herein referred to as "archaeologist"). Representatives from the local Aboriginal stakeholder community groups will be invited to observe and, where appropriate, participate in the salvage works (e.g. recording, collection, storage and replacement of artefacts).

3.3 SURFACE SALVAGE

Collection of surface artefacts will be conducted at known sites within the surface development footprint and at sites as determined by monitoring within the underground mining operations area. Surface collections will occur:

- on a progressive basis prior to commencement of ground surface works within each area of the surface development footprint;
- on a progressive basis prior to undertaking land management measures within remnant woodland Enhancement Programme Areas; and
- following the identification of impacts to artefacts in the underground mining operations area as described in WCPL (2003).

A basic level of recording will be conducted on recovered surface material (including location, technological traits and stone type). A small number of artefacts may be selected for more detailed description and analysis (such as use wear and residue analysis and microscopic inspection) where appropriate. This analysis will be conducted by a suitably qualified lithic specialist.

3.4 SUBSURFACE SALVAGE

Eleven previously recorded sites and two Potential Archaeological Deposits (PADs) within the Application Area were identified by White (2003) for subsurface salvage activities, namely, sites 154, 168, 239, 247, 248, 258, 259, 263, 268, 286, 287, PAD N and PAD R (Table 1 and Figure 1).

The subsurface salvage programme may involve several methodologies including:

- pit excavations conducted by backhoe or excavator;
- grader scrape excavations; and
- excavations conducted by hand.

Excavation methodologies to be implemented at the subsurface salvage sites are outlined below. The methodology to be employed at each salvage location will be at the archaeologists discretion in consultation with attending representatives of the Aboriginal stakeholder community groups based on the geomorphology and the potential horizontal and vertical distribution of artefacts within that location. All methodologies outlined below may be subject to change depending on factors encountered in the field.

3.4.1 Methodology for Excavation Using a Backhoe or Excavator

Backhoe pit excavations will be the initial methodology employed at a selection of the subsurface salvage sites in lowland areas adjacent to North Wambo Creek. Subsurface salvage sites located adjacent to North Wambo Creek at which backhoe pits may be employed include sites 154, 168, 239, PAD N and PAD R (Figure 1). Excavation by hand (see below) may also be conducted depending on the results of the backhoe pit excavations.

The number of backhoe pits conducted at each salvage location will be determined according to the following objectives:

- achieving an appropriate sample of the site area and microtopographic variation across that area; and
- recovering a representative or sufficient sample of the archaeological material at each site.

The following excavation methodology will be followed for the mechanical excavation of pits. This methodology may be subject to change depending on factors encountered in the field.

1. Basic locational information will be recorded for each pit.
2. Pits will be excavated by backhoe using either a straight-edged or toothed bucket, depending on the hardness of the material being excavated and plant availability. The preferred bucket type has a straight edge and is between 800 and 1000 mm wide. A toothed bucket will be used if hard ground is encountered. Spit depths will have an intended interval range of between 10 and 40 cm, depending on sediment conditions. Pits will have a potential final length of around 1.5 m to 4 m, depending on the final depth achieved. Pit excavation will include broad-scale vertical control only. Pit excavation will involve the following steps:
 - (a) excavation of spit 1 along an interval averaging 1.5-2.0 m in length.
 - (b) excavation of spit 2 (and all subsequent spits), beginning approximately 200-300 mm from the far end of the previous spit. This will be done in order to create a 'clean' end-wall and prevent contamination from sediments from upper levels.
 - (c) following spit 2 (and after all subsequent spits), the near end of the pit will be extended by up to 300 mm in order to remove any fallen sediment from upper levels and to provide a 'clean' end point for the backhoe bucket.
 - (d) Excavation will cease according to an on-site appreciation of testing requirements.

An appropriate sample of the excavated material will be sieved, either with or without the aid of pressurised water from a water truck. Generally the sample will consist of 8 x 10 litre buckets removed directly from the bucket. A larger sample may be taken if considered warranted. Smaller samples may occur where there is insufficient material to provide an 80 litre unit for sieving. Material will be sieved through 3 mm mesh, with use of a top 5 mm mesh where appropriate.

All identified or suspected cultural material recovered from sieving will be retained, bagged and labelled. In addition, a reference collection of natural gravels may be collected to aid in lithic interpretation, where appropriate.

3. Following cessation of excavation, the soil profile and characteristics will be described and checked with the separately documented incremental spit descriptions. pH measurements may be taken where necessary.
4. All pits will backfilled with the remaining excavated and sieved spoil.

3.4.2 Methodology for Excavation using a Mechanical Grader

Grader scrapes will be conducted at a selection of the subsurface salvage sites within the application area (at the discretion of the archaeologist). The scrapes which will be located and aligned in such a way as to sample the micro-topography across the test/salvage areas. This methodology may be used as a principal means of recovering artefacts, and/or as a technique for revealing areas where backhoe or by-hand excavation should be conducted.

The following methodology will be used:

- Basic locational information will be recorded for each 'scrape' or transect.
- Each scrape or transect will have a variable maximum length, potentially ranging from 30 to over 100 m long.
- More than one scrape (or 'spit') may be excavated along the same transect depending on the results achieved on the initial scrape.
- It is anticipated that each scrape/spit will have a minimum depth of between 10 and 30 cm. The grader blade will be up to 4-5 m in length. The actual machinery and specification employed will depend on the availability of machinery and plant.
- Depending on the depth of the soil profile and the underlying clay substrate, more than one excavation (or spit) may be conducted along any particular scrape/transect.
- Basic location, alignment and depth information will be recorded for each spit conducted.
- Artefacts will be collected from the surface of each scrape/spit, and the horizontal location recorded according to an appropriate measured interval (such as a 1-50 m interval along the scrape. Where a significant grouping of artefacts is detected, (such as a knapping floor), these items will be collected and mapped separately.
- Artefacts will be detected using visual scrutiny by surveyors walking the scrape. Sprayed water (from a water truck) and manual or mechanical rakes may be used to improve visibility along the scrape surface.
- Where considered appropriate, an appropriate sample of the spoil from select areas along the scrapes may be sieved using a wet or dry technique and through a minimum mesh size of 3 or 4 mm.

3.4.3 Methodology for Excavation by Hand

Excavations by hand may be conducted at select subsurface salvage sites within the application area (at the discretion of the archaeologist) utilising the following methodology. This methodology may be subject to change depending on factors encountered in the field.

1. Mark out and record pit locations. The arrangement of excavation areas will vary according to the characteristics of the site. Possible arrangements include: multiple square pits arranged within a grid pattern; rectangular trenches positioned to test/salvage along continuous and potentially intersecting transect(s); and broad area excavation where rectangular areas of 4 m² or more are conducted.
2. Excavate hand-dug pit. Pits or trenches will be excavated by shovel and trowel using standard by-hand archaeological methodologies including vertical and horizontal recording of spit levels and sedimentary, cultural and stratigraphic features.

- Indicative spit intervals will be 10 cm, but may be larger or smaller depending on pit specific conditions and stratigraphic units.
 - Excavation will cease according to an on-site appreciation of the vertical extent of the archaeological deposit.
3. Where cultural features are identified, such as heat treatment pits or hearths, detailed plans will be drawn and samples of dateable material will be obtained.
 4. All excavated archaeological deposit will be sieved either dry or with the aid of pressurised water from a water truck. The use of a dry sieving technique will be determined according to an appreciation of on-site characteristics. All material will be sieved through 3 mm mesh, with use of a top larger mesh where appropriate. All identified or suspected cultural material recovered from sieving will be retained, bagged and labelled.
 5. All pits will be backfilled with the remaining excavated and sieved spoil (depending upon construction requirements).

3.4.4 Excavation Program Designed to Test for the Presence of Deep Archaeological Deposits

A program of exploratory excavations will be conducted at a selection of aggrading landform contexts (such as valley floor alluvium, and alluvial fans on the basal slopes) in the open cut area, with the aim of determining if palaeosols (fossil soil layers) with archaeological potential are present.

A backhoe or excavator would be used to excavate pits or trenches at selected locations (up to 20 at the discretion of the archaeologist). These would be exploratory in nature and would have a principal aim of revealing a section through the sedimentary profile so that any potentially occurring palaeosols may be revealed.

In the event that a palaeosol with archaeological potential was revealed in one of these initial excavations, then a subsequent backhoe pit would be conducted in an adjacent location. This pit would be conducted according to the methodology outlined above.

The extent, scope and methodology of any follow-on salvage excavations would be determined according to the nature and significance of any archaeological material recovered.

3.4.5 Recovery of Material for Dating or Other Forms of Analysis

For all excavation methodologies, samples may be recovered for the purposes of dating or for palaeoenvironmental analysis. Samples may be taken of carbon bearing material for radiocarbon dating. Similarly, if suitable sediments are encountered, samples may be taken for the analysis of pollen, phytoliths and microfauna.

3.5 Management of Recovered Aboriginal Objects

Artefactual material recovered from the Salvage Programme will be subject to an appropriate level of archaeological analysis, and then placed within a Keeping Place at the Wambo Coal Mine.

Should skeletal material be found within the Application Area during the subsurface salvage programme, the NSW Police Force, DEC and the relevant local Aboriginal stakeholder community groups will be notified immediately and an appropriate course of action determined.

The Keeping Place will be located at the Wambo Coal Mine administration complex. The Keeping Place would be in the form of a locked container, and will be accessible to the representatives of each of the local Aboriginal stakeholder groups upon appointment agreed to by WCPL. Artefacts will be stored in the Keeping Place until the completion of rehabilitation works, at which time they will be returned to the landscape.

The collection of Aboriginal objects to be stored at the Keeping Place will be the subject of a Care and Control Permit issued by the DEC.

4 EDUCATION OF ON-SITE PERSONNEL REGARDING HERITAGE MANAGEMENT

As part of the site induction, personnel will be made aware of the following:

- the cultural heritage impact mitigation programme;
- simple criteria for artefact and human bone recognition;
- the heritage management strategies being conducted;
- actions to follow if human skeletal material is encountered; and
- personnel to contact for more information.

5 REFERENCES

Brayshaw, H. 1981 *Archaeological survey of Hunter Valley No.2 Authorisation Area and out-of-pit overburden emplacement area*. Report prepared for James B. Croft and Associates Pty Ltd.

Brayshaw, H. Haglund, L. and Rich, E. 1996 *Lemington mine Hunter valley Southern Extension EIS: archaeological survey for Aboriginal sites*. Report prepared for Lemington Mine through Sinclair Knight Merz.

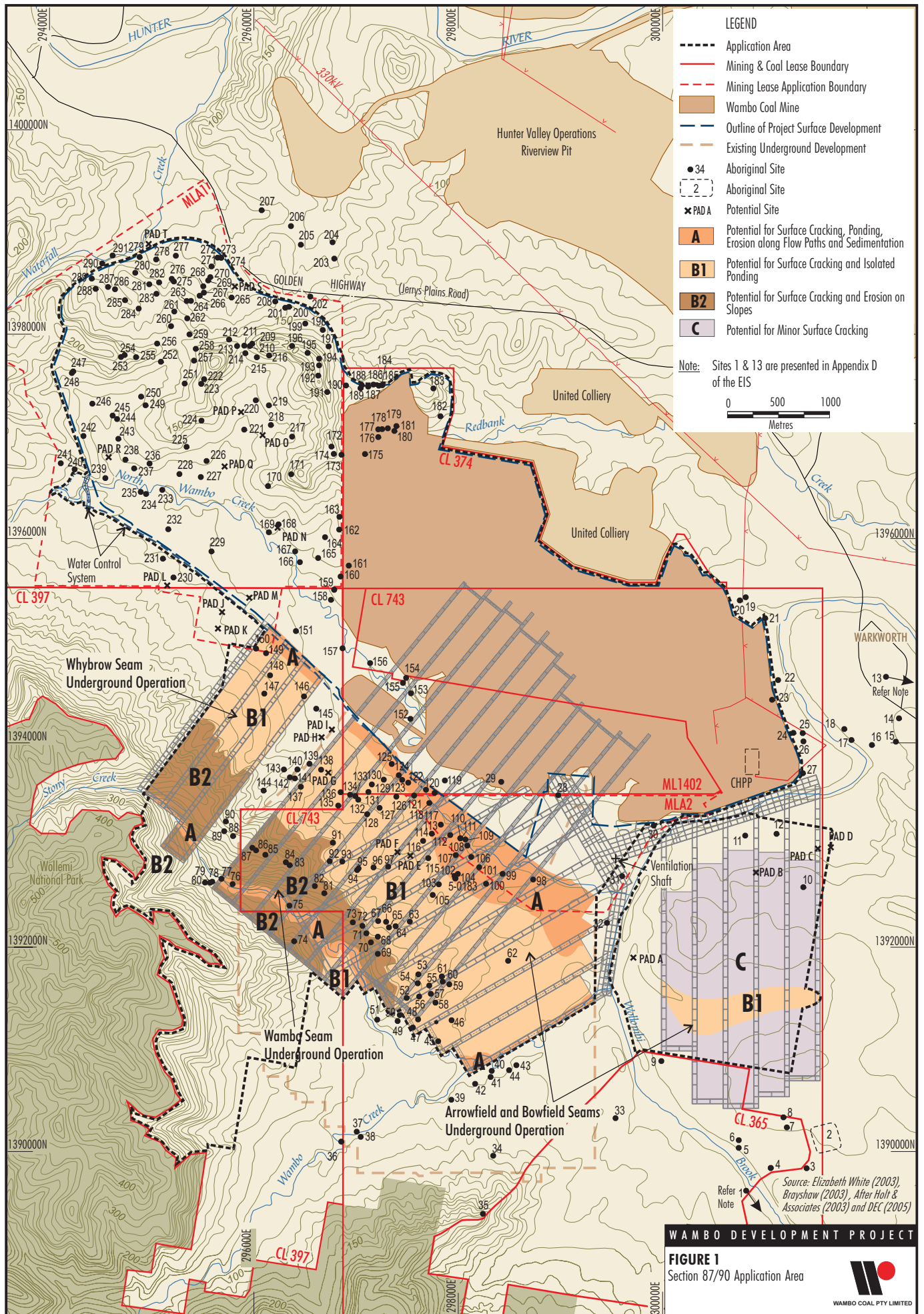
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Corkill, T. 1990 *Preliminary survey for archaeological sites at South Wambo, near Warkworth, NSW*. Report prepared for Envirosiences Pty Ltd and Wambo Mining Corporation.

Dyall, L. K. 1980 *Report on Aboriginal relics on Wambo Coal Lease, Warkworth*. Report prepared for Wambo Mining Corporation Pty Ltd.

- Dyall, L. K. 1981 *Report on Aboriginal relics on United Collieries Authorisation Area, Warkworth, Hunter Valley NSW*. Report prepared for Dames and Moore.
- Effenberger J. (Envirosciences Pty Ltd) 1993a *Archaeological Survey and Assessment: Redbank Power Project, Warkworth*. Unpublished report to National Power Company
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- Rich, E. 1991a *Proposed open cut and underground mining at Wambo, near Warkworth in the Hunter Valley, NSW: archaeological survey for Aboriginal sites*. Prepared for Envirosciences Pty Ltd and Wambo Mining Corporation Pty Ltd.
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- Sutton, M-J. 2002 *Archaeological assessment United Collieries Extension EIS, Hunter Valley, NSW*. Prepared by HLA Envirosciences for United Collieries Pty Ltd.
- WCPL (2003) *Wambo Development Project Environmental Impact Statement*.
- White E. (2003) *Aboriginal Heritage Assessment*. Appendix D of Wambo Development Project Environment Impact Statement (2003).
- Wonnarua Tribal Council Inc (1997) *Aboriginal Archaeological Survey Report on the proposed Redbank Rail Loop*. Appendix 1 of An Archaeological Assessment of the Proposed Jerrys Plains Coal Terminal and Rail Line, between Warkworth and Mount Thorley, Hunter Valley, NSW (1998).

FIGURE 1
ARCHAEOLOGICAL SITES



ATTACHMENT 2
2005 AHIP APPLICATION – CONSULTATION SUMMARY

19. Wonnarua Tribal Council Inc (1997) *Aboriginal Archaeological Survey Report on the Proposed Redbank Rail Loop*. Appendix 1 of An Archaeological Assessment of the Proposed Jerrys Plains Coal Terminal and Rail Line, between Warkworth and Mount Thorley, Hunter Valley, NSW (1998).

IMPORTANT: NPWS Site Numbers and exact Australian Map Grid References or NPWS Aboriginal Site Recording forms for any sites without NPWS Site numbers must be supplied in Attachment "S" or the application will not be processed.

Attach extra information on additional sheets as necessary.

What is the condition of the site(s)? ie. Aboriginal objects(s) and Aboriginal places(s)

Please refer to Tables 3 and 6.

Land use in the Application Area is characterised by a combination of coal mining operations and agricultural land uses. The general landscape of the Application area is characterised by cleared, predominantly grazing land scattered with vegetated hills. The dominant land use is grazing.

Which Aboriginal groups were involved in the heritage assessment and discussions on the proposed development/activity. Attach additional page(s) if necessary.

(It is NPWS policy that wherever possible, consultation with the local Aboriginal community be carried out by the developer/researcher)

Name of Aboriginal group(s): Refer to Table 4.
Address(es): Refer to Table 4.
Telephone: Refer to Table 4.
Fax: Refer to Table 4.
Person(s) Contacted: Refer to Table 4.

Table 4 presents the contact details for those persons who received correspondence and/or indicated that they wished to be consulted with and/or attended the meetings for this Application.

**Table 4
Contact Details**

Name of Group	Address	Telephone	Fax	Person Contacted
Upper Hunter Wonnarua Council	Post Office Box 184 SINGLETON NSW 2330	(02) 6571 4888	(02) 6571 4889	Victor Perry Laurie Perry Rhoda Perry Tracey Skene Georgina Berry Glen Miller
Wanaruah Local Aboriginal Land Council	PO Box 127 MUSWELLBROOK NSW 2333	(02) 6543 1288	(02) 6542 5377	Noel Downs Trevor Griffiths Beverly Van Vleit Barry French Janelle Risby Errol Smith Kylie Griffiths Larry Van Vleit Rodney Matthews
Combined Council Aboriginal Corporation	31 Mitchell Street MUSWELLBROOK NSW 2333	(02) 6541 1397	(02) 6541 1392	Margaret Matthews John Matthews
Hunter Valley Cultural Consultants	31 Mitchell Street MUSWELLBROOK NSW 2333	0411 897 099	(02) 6541 1392	Christene Matthews Trevor Archbold
Yarrowalk Enterprises	Lands Council Building 17 – 19 Maitland St MUSWELLBROOK NSW 2333	0422 175 839	(02) 6541 0445	Scott Franks

**Table 4 (Continued)
Contact Details**

Name of Group	Address	Telephone	Fax	Person Contacted
Ungooroo Aboriginal Corporation	PO Box 3095 SINGLETON NSW 2330	(02) 6571 5111	(02) 6571 5777	Graham Ward Allen Paget Rhonda Ward Shaun Paget David Paget Dahleen Hall Rebecca Faulder Chris Dallen
Lower Wonnarua Tribal Consultancy	156 The Inlet Road BULGA NSW 2330	(02) 6574 5311	(02) 6574 5322	Barry Anderson Lee Panek Marie Waugh
Wattaka Wonnarua CCS	4 Kennedy Street SINGLETON NSW 2330	(02) 6571 1713	(02) 6571 2609	Des Hickey
Wonnarua Nation Aboriginal Corporation	PO Box 3066 Singleton Delivery Centre SINGLETON NSW 2330	0417 212 896 (02) 6572 1077	(02) 6571 4364	Robert Lester
Upper Hunter Heritage Consultants	33 Adams St MUSWELLBROOK NSW 2333	(02) 6542 5650 0422 910 898	(02) 6541 1392	Darrel Matthews Melissa Newman
Wonnarua Custodians	35 Acacia St SINGLETON NSW 2330	(02) 6573 1712		Barbara Foot David Foot
Hunter Valley Aboriginal Corporation	Shop 1/36 Brook St MUSWELLBROOK NSW 2333	02 6543 1180	02 65431106	Julie Griffiths Trevor Griffiths
Giwiirr Consultants	8 Fitzgerald Ave MUSWELLBROOK NSW 2333	02 6541 0506 0421434590	02 6541 0751	Rodney Matthews
Arthur Fletcher	619 Main Rd GLENDALE NSW 2285	0402 146 193 02 4954 7751		Arthur Fletcher
Valley Culture	140 Sydney St MUSWELLBROOK NSW 2333	02 6542 5445 0414872290	02 6542 5652	Larry Van Vleit Beverly Van Vleit Michael Stair

What consultation/involvement has occurred?

Wambo Development Project Environmental Impact Statement (2003)

Presented below is a chronological summary of consultation between Local Aboriginal groups and WCPL in relation to the Wambo Development Project Environmental Impact Statement (EIS):

- November 2002: Individual meetings with the Lower Wonnarua Tribal Council, the Upper Hunter Wonnarua Council (representing the Wonnarua Nation Aboriginal Corporation), the Wanaruah Local Aboriginal Land Council and the Ungooroo Aboriginal Corporation to present a Project description and an invitation to be involved in the survey work.
- 11-21 November 2002: Members of the Lower Wonnarua Tribal Council, the Upper Hunter Wonnarua Council (also representing the Wonnarua Nation Aboriginal Corporation), the Wanaruah Local Aboriginal Land Council and the Ungooroo Aboriginal Corporation participated in field survey work for the Wambo Development Project.
- 4 December 2002: An invitation was extended to all Aboriginal groups to attend the Planning Focus Meeting.
- 12-14 December 2002: Second component of field survey work conducted. Members from the Lower Wonnarua Tribal Council, the Upper Hunter Wonnarua Council (representing the WNA), the Wanaruah Local Aboriginal Land Council, and the Ungooroo Aboriginal Corporation participated in the survey work.

- 14 February 2003: Director Generals Requirements for the Project were issued to WCPL outlining the Aboriginal groups WCPL were required to consult with.
- 24 February 2003: Consultation meeting was held in Singleton.
- 17 March 2003: Consultation meeting with Aboriginal groups, WCPL and Coal & Allied at Wambo.

Consultation with respect to this Application

Consultation with respect to this Application consisted of the following:

- WCPL published a public notice in the “Koori Mail” and the “Singleton Argus” in early March 2005 advising of its intention to make this Application and asking persons with knowledge of, or a right or interest in Aboriginal objects within the Application Area to contact WCPL if they wished to be consulted in regards to the Application (refer to Attachment 4).
- WCPL also wrote separately to individuals from the Upper Hunter Wonnarua Council, Wanaruah Local Aboriginal Land Council, Ungooroo Aboriginal Corporation, Lower Wonnarua Tribal Consultancy, Combined Council Aboriginal Corporation, Hunter Valley Cultural Consultants, Yarrawalk Enterprises, Wattaka Wonnarua CCS, Wonnarua Nation Aboriginal Corporation, Upper Hunter Heritage Consultants and Wonnarua Consultants who participated in consultation and/or field work for the Wambo Development Project EIS and/or who were known to WCPL. These individuals were invited to participate in the consultation for the Application.
- In addition, Hunter Valley Aboriginal Corporation, Giwiirr Consultants, Valley Culture and Arthur Fletcher contacted WCPL in response to the public notice. These individuals were also invited to participate in the consultation for the Application.
- WCPL subsequently contacted these individuals and invited them to attend meetings. The meetings were conducted on the 7 and 8 April 2005 and included discussion of the Research Design and Study Programme (incorporating the Salvage Programme) (Attachment 3). Copies of the Research Design and Study Programme (incorporating the Salvage Programme) were provided to attendees. Table 5 presents a summary of the attendees at these meetings.

**Table 5
Consultation Details**

Date	Group Name	Attendees
7 April 2005	Valley Culture	Beverly Van Vleit
7 April 2005	Wanaruah Local Aboriginal Land Council	Barry French Janelle Risby
7 April 2005	Combined Council Aboriginal Corporation	Margaret Matthews John Matthews
7 April 2005	Yarrawalk Enterprises	Scott Franks
7 April 2005	Ungooroo Aboriginal Corporation	Graham Ward
7 April 2005	Lower Wonnarua Tribal Consultancy	Barry Anderson
7 April 2005	Wonnarua Nation Aboriginal Corporation	Robert Lester
7 April 2005	Upper Hunter Heritage Consultants	Melissa Newman
7 April 2005	Wonnarua Custodians	Barbara Foot
7 April 2005	Giwiirr Consultants	Rodney Matthews
8 April 2005	Upper Hunter Wonnarua Council	Victor Perry
8 April 2005	Arthur Fletcher	Arthur Fletcher Lynne Fletcher

It should be noted that meetings were also arranged with Hunter Valley Cultural Consultants, Hunter Valley Aboriginal Cultural Consultants and Wattaka Wonnarua CCS. Hunter Valley Cultural Consultants and Hunter Valley Aboriginal Consultants were provided with the Research Design and Study Programme (incorporating Salvage Programme) and provided comment. In addition to the above consultation, telephone conversations were conducted, revealing the following:

- Wattaka Wonnarua CCS informed that they have “no problem” with the Application and wish to be involved in the implementation of the Research Design and Study Programme (incorporating Salvage Programme).
- Arthur Fletcher informed that he is undecided about whether he wishes to be involved in the implementation of the Research Design and Study Programme (incorporating Salvage Programme).
- Graham Ward (Ungooroo Aboriginal Corporation) initially indicated support for the Application (see Attachment 4 - letter 10 April 2005), then withdrew this support over concerns that the Application Area and an application area under Section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (see below) overlapped (see Attachment 4 - letter 17 April 2005). Subsequently, after further consultation with the DEC, Graham Ward telephoned Resource Strategies on 28 April 2005 and stated that since no determination has been made under Section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, WCPL would have “no problem” with the Application in this regard.

Notes and outcomes from the above meetings are presented in Attachment 4. Attachment 4 also includes copies of relevant correspondence and the published public notice.

The results of the consultation have been incorporated into this Application. In particular, one concern raised during consultation was the level of Aboriginal representation in the decision making process regarding methodologies to be implemented at specific sites during the salvage programme. This concern has been incorporated into Section 3.4 of the Research Design and Study Plan (incorporating Salvage Programme) (Attachment 3).

It is also noted that submissions from the Upper Hunter Wonnarua Council and Ungooroo Aboriginal Corporation refer to an application under Section 10 of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (herein referred to as the Section 10 application). The Section 10 application requested that an area around the DEC recorded location of the Bora ground (Site 2 – Figure 1), with a radius of 4 km be protected under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. A portion of this proposed protection area is within the Application Area. It is understood that the Section 10 application is currently being considered by the Minister for the Environment and Heritage (Commonwealth).

WCPL note the following relevant points in relation to the proposed Bora ground protection area from the extensive surveys and consultation conducted for the Wambo Development Project:

- there is no evidence to support a protection area that constitutes a 4,000 m radius around the Bora ground. In fact, recent consultation undertaken for the Wambo Rail Development with Aboriginal people and elders indicated that the 4,000 m protection zone has no relevance and that there is general satisfaction with the protection measures committed to by WCPL as part of the Wambo Development Project;
- no physical evidence of the Bora ground remains;
- the DEC have been aware of the proposed protection area prior to issuing General Terms of Approval for the Wambo Development Project, as this issue was raised during the EIS consultation;
- the southern extent of underground mining proposed as part of the Wambo Development Project east of the Wollombi Brook was pulled back from the location of the Bora ground and is now about 400 m north of the northern end of the probable location;

- there will be no impact from Wambo Development Project-related activities (including subsidence-related impact) on the recorded Bora ground site;
- The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* is Commonwealth legislation that is expressed not to exclude the operation of State legislation including the *National Parks and Wildlife Act 1974*, where it is capable of operating concurrently with that Act. In our view both pieces of legislation can operate concurrently; and
- At this stage no determination has been made on the Section 10 application. The Director-General of the Department of Environment and Conservation can issue a consent under Section 90 and/or a permit under Section 87 of the *National Parks and Wildlife Act 1974* notwithstanding the consideration or determination of the Section 10 application.

IMPORTANT: A letter from the relevant local Aboriginal group(s) which shows its views on the proposed development/activity must be attached, or attach evidence of attempts to obtain these views

SECTION 90 CONSENTS

Describe the cultural significance of the affected Aboriginal object(s)/places(s) (social, historic, aesthetic, scientific), their educational/demonstrative potential, and their regional and local rarity/representativeness and reference the criteria used in the assessment.

Cultural significance assessed by Aboriginal people (in accordance with DEC methodology) is documented as a result of the consultation carried out for the Wambo Development Project EIS (Attachment 5) and in relation to this Application.

Other significance (interpretive value) of the majority of the previously recorded sites within the Application Area has been determined as part of previous impact assessment studies. Refer to Table 6.

None of the known or predicted archaeological resource within the Application Area is considered to have significance above a local level.

Are there areas of land where Aboriginal objects may occur but are not visible? Yes No
If yes, this needs to be clearly marked on the map of the area

Aboriginal objects may exist under the surface of the Application Area.

Areas where it is considered that a PAD may occur are identified in Figure 1 (Attachment 1).

See below under the heading *What impact will occur to the Aboriginal object(s)/place(s)?* for the extent to which a Section 90 consent is sought in relation to currently unidentified Aboriginal objects.

What impact will occur to the Aboriginal object(s)/place(s)?

(Indicate on a map the area and Aboriginal object(s)/place(s) to be impacted by the development/activity)

Refer to Figure 1 (Attachment 1).

ATTACHMENT 3

SUBSIDENCE PREDICTIONS FOR ABORIGINAL SITES

Table A3-1
Subsidence Predictions for Aboriginal Sites

Site	Site Type	Predicted Total Subsidence due to LW 11-13 (mm)	Predicted Total Tilt due to LW 11-13 (mm/m)	Predicted Total Hogging Curvature due to LW 11-13 (1/km)	Predicted Total Sagging Curvature due to LW 11-13 (1/km)
296	Grinding Groove	1,600	20	0.50	0.50
297	Isolated Find	800	20	0.30	0.20
382	Artefact Scatter	1,900	35	1.50	1.50
383	Artefact Scatter	850	30	0.90	0.60
384	Isolated Find	250	10	0.40	0.20
385	Artefact Scatter	1,200	20	0.30	0.20
386	Grinding Groove	< 20	< 0.5	< 0.01	< 0.01
387	Grinding Grooves	1,000	20	0.50	0.30
388	Grinding Grooves	120	2	0.04	0.02

Source: MSEC (2015, 2015b).

km – kilometre.

LW – longwall.

mm – millimetres.

mm/m – millimetres per metre.

ATTACHMENT 4

WAMBO COAL MINE AHIP #2222 AND AHIP #C0001474

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

Your reference: Variation to AHIP # 2222 & Care Agreement # 3130
Our reference: AHIMS No. 2222 / DOC15/93564
Notice number: C0000980
Contact: Nicole Davis, 0409 394 343

NOTICE ISSUED TO

Wambo Coal Pty Limited
Trading as Wambo Coal Pty Limited
PMB 1
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 2222 & CARE AGREEMENT No. 3130

Issued pursuant to section 90D (5) & 87 (1) *National Parks and Wildlife Act 1974* (NPW Act)

BACKGROUND

- A. Wambo Coal Pty Limited (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. 2222 (the AHIP) granted under section 90D of the NPW Act. The AHIP authorises consent to carry out the destruction of an Aboriginal object/place and permit to collect and/or salvage excavate for the purpose of salvage.
- B. There is also a concurrent Care Agreement No. 3130 (the CA) granted under section 87 (1) of the NPW Act, which is in place to manage all Aboriginal objects associated with AHIP # 2222 and AHIP # 2805. In order to ensure that all necessary works are completed and Aboriginal objects appropriately managed, the applicant is also seeking to extend the life of the current Care Agreement bringing it into line with the AHIP.
- C. The applicant, is seeking changes to the AHIP & CA timeframes as the current AHIP (# 2222) & CA (# 3130) expires 19 June 2015, however, the Wambo Coal Mine is approved to March 2025 for a mine life of 21 years (from the date of commencement of Development Consent [DA 308-7-2003]). On this basis, the applicant is seeking an extension to the time period of the existing AHIP & CA for a period of an additional 10 years from the current date of expiry, to allow all necessary works outlined in the current AHIP to be undertaken at the Wambo Coal Mine. OEH supports the extension of the life of both the AHP & CA until 1 March 2025.
- D. The applicant is also seeking the inclusion of additional areas of land. The subsidence assessment prepared for the Modification concluded that *subsidence effects may extend slightly beyond the boundary* of the existing AHIP # 2222, approximately 50 metres. The Aboriginal Cultural Heritage Impact Assessment prepared (by RPS Australia East Pty Ltd March 2015) for the Modification identified no additional sites not already included within the current AHIP. On this basis, the applicant proposes that a minor variation to the existing consent boundary is necessary to include the extent of subsidence for Longwall 10A (where it extends outside of the existing consent boundary) and possible impacts to previously unrecorded sites and/or their subsurface expression. OEH supports the inclusion of additional areas of land.

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

- E. OEH received the application on 19 March 2015 and a variation to the application was received via email on 20 April 2015.
- F. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT & CARE AGREEMENT

1. OEH has decided to grant this variation. By this notice OEH varies AHIP No. 2222 & CA No. 3130 in the following manner:

AHIP Variation 1

Wherever AHIP # 2222 refers to being valid for a period of 5 years, this is now taken to be AHIP # 2222 is valid for a period of 21 years, to bring the AHIP timeframe inline with the life of Wambo Coal Mine, DA 308-7-2003 (expiring 1 March 2025).

AHIP Variation 2

Schedule B on Page 2 of 6 of AHIP # 2222 defines the AHIP area, which reads:

"The "Application Area", as defined in the text and illustrations of the Consent Application".

Is replaced by:

"The 'Application Area', as defined in the text and illustrations of the AHIP variation application which appears as Attachment 1 (page 4) of this Notice of Variation. The additional area of land to be covered by the AHIP includes Part Lot 2 DP 110084 and Part Lot 83 DP 548749 in the Parish of Whybrow, County of Hunter within the Singleton Shire Council local government area".

CA Variation 3

Wherever CA # 3130 refers to being valid for a period of 5 years, this is now taken to be CA # 3130 is valid for a period of 21 years, to bring the CA timeframe inline with the life of Wambo Coal Mine, DA 308-7-2003 (expiring 1 March 2025).

Note: You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP # 2222 & CA # 3130, within 14 days.

Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

RICHARD BATH

Senior Team Leader Planning, Hunter Central Coast Region

Regional Operations

(By Delegation)

Date: 29 April 2015

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP # 2222 & CA # 3130 issued on 20 June 2005, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP & CA.

When this notice begins to operate

- The variations to the AHIP & CA specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

Variation of this notice

- This Variation Notice may only be varied by subsequent notices issued by OEH.

Appeals against this decision

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.

Variation of Aboriginal Heritage Impact Permit

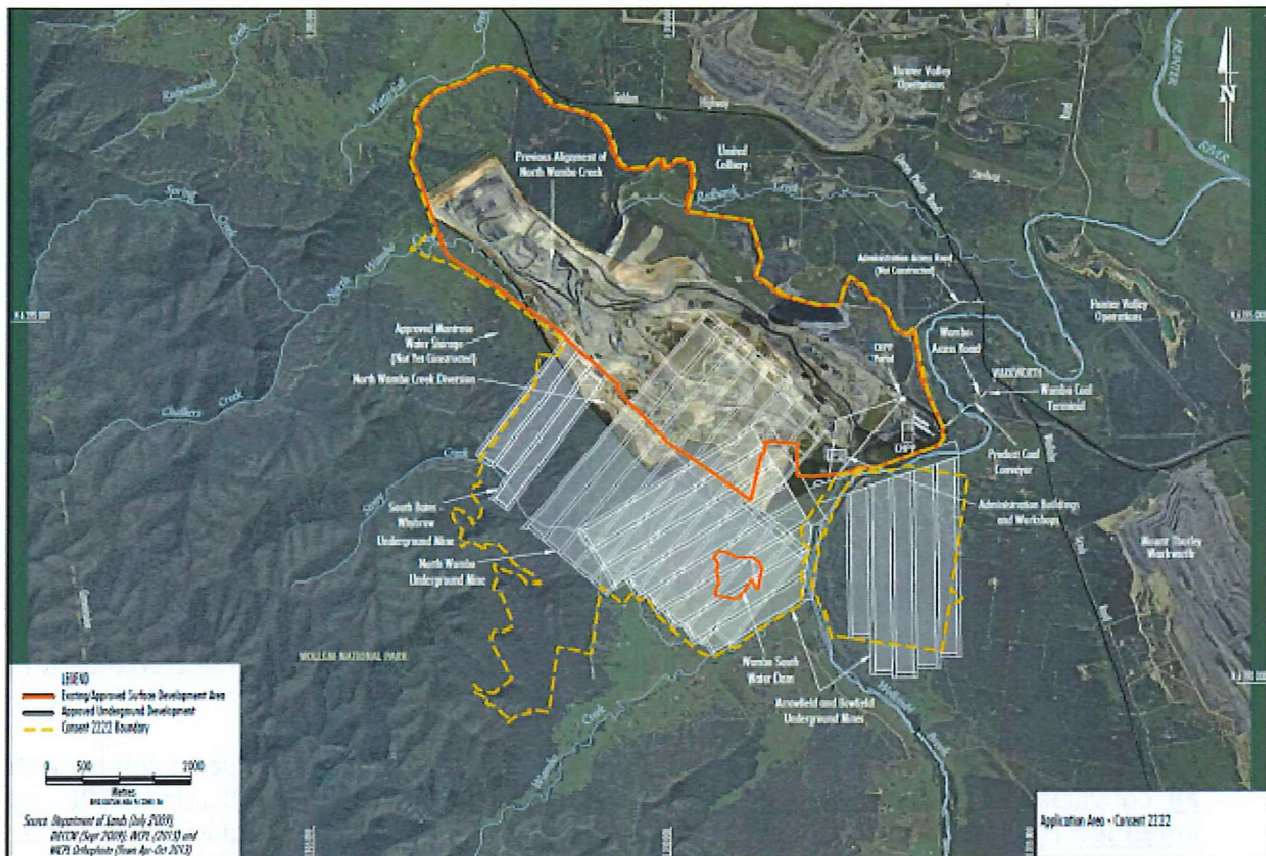


Office of Environment & Heritage

National Parks and Wildlife Act 1974

Attachment 1

The lands to which AHIP # 2222 applies (including the additional lands to be included within AHIP # 2222) is shown outlined in yellow and referred to as Notice # C0000980.



Issue of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

Your reference: Consent 2222 Variation Application
Our reference: AHIMS No. 2222 / FIL12/7057
Notice number: 1132267
Contact: Roger Mehr, 6773 7005.

WAMBO COAL PTY LIMITED,
Trading as WAMBO COAL PTY LTD,
ABN 13 000 668 057,
PMB 1,
SINGLETON NSW 2330
STANDARD POST

NOTICE OF THE ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT AHIMS #2222

Issued pursuant to section 90C(4) of the *National Parks and Wildlife Act 1974*

BACKGROUND

- A. WAMBO COAL PTY LIMITED trading as WAMBO COAL PTY LTD (the applicant) applied to the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) under section 90A of the *National Parks and Wildlife Act 1974* (NPW Act) for an Aboriginal Heritage Impact Permit (AHIP). The AHIP variation application was in relation to variation of AHIP #2222 to include a small number of Aboriginal objects not covered by the existing AHIP.
- B. OEH received the application on 18-Mar-2013 and further information was received on 03-June-2013.

ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT VARIATION

1. OEH has considered the application and supporting information provided, and matters under section 90K of the NPW Act and has decided to issue an AHIP Variation (Variation #1132265) subject to conditions.
2. The AHIP Variation is attached.
3. You should read the AHIP Variation carefully and ensure you comply with its conditions.

It is an offence under section 90J NPW Act to fail to comply with the conditions of the AHIP. The maximum penalty that a court may impose on a corporation for failing to comply with this AHIP is \$1.1m. OEH can also issue penalty notices for this offence.

Issue of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

A handwritten signature in black ink, appearing to read 'R. Bath', positioned above a dotted line.

Mr Richard Bath

Unit Head

North East - Hunter

(by Delegation)

Date: 02-Aug-2013

INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the National Parks and Wildlife Act 1974.

Variation of this AHIP

- This AHIP may only be varied on application by the AHIP holder or by OEH to correct typographical errors or resolve inconsistencies between conditions of the AHIP. A permit can only be varied by subsequent variation notices.

Appeals against this decision

You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

Our reference: AHIMS No. 2222 / DOC13/9706
Notice number: 1132265
Contact: Roger Mehr, 6773 7005

WAMBO COAL PTY LIMITED,
Trading as WAMBO COAL PTY LTD,
ABN 13 000 668 057,
PMB 1,
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 2222

Issued pursuant to section 90D(5) *National Parks and Wildlife Act 1974*

BACKGROUND

- A. WAMBO COAL PTY LIMITED trading as WAMBO COAL PTY LTD (the applicant) applied to the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) to vary Aboriginal Heritage Impact Permit No. 2222 (the AHIP) granted under section 90D *National Parks and Wildlife Act 1974 (NPW Act)*. The AHIP authorises the carrying out of the destruction of an Aboriginal object/place and permit to collect and/or excavate for the purpose of salvage.
- B. OEH received the application on 18-Mar-2013.
- C. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

1. OEH has decided to grant this variation. By this notice OEH varies AHIP Number 2222 in the following manner:

Variation 1.

Schedule B on Page 2 of 6 of AHIP 2222 defines the AHIP area, which reads:

"The "Application Area", as defined in the text and illustrations of the Consent Application".

is replaced by:

"The "Application Area", as defined in the text and illustrations of the AHIP variation application which appears as Attachment 1 of this Notice of Variation".

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

2. You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP Number 2222, within 14 days.

Mr Richard Bath

Unit Head

North East - Hunter

(by Delegation)

Date: 02-Aug-2013

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP 2222 issued on 20 June 2005, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

- The variations to the AHIP specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

Variation of this notice

- This Variation Notice may only be varied by subsequent notices issued by OEH.

Appeals against this decision

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.

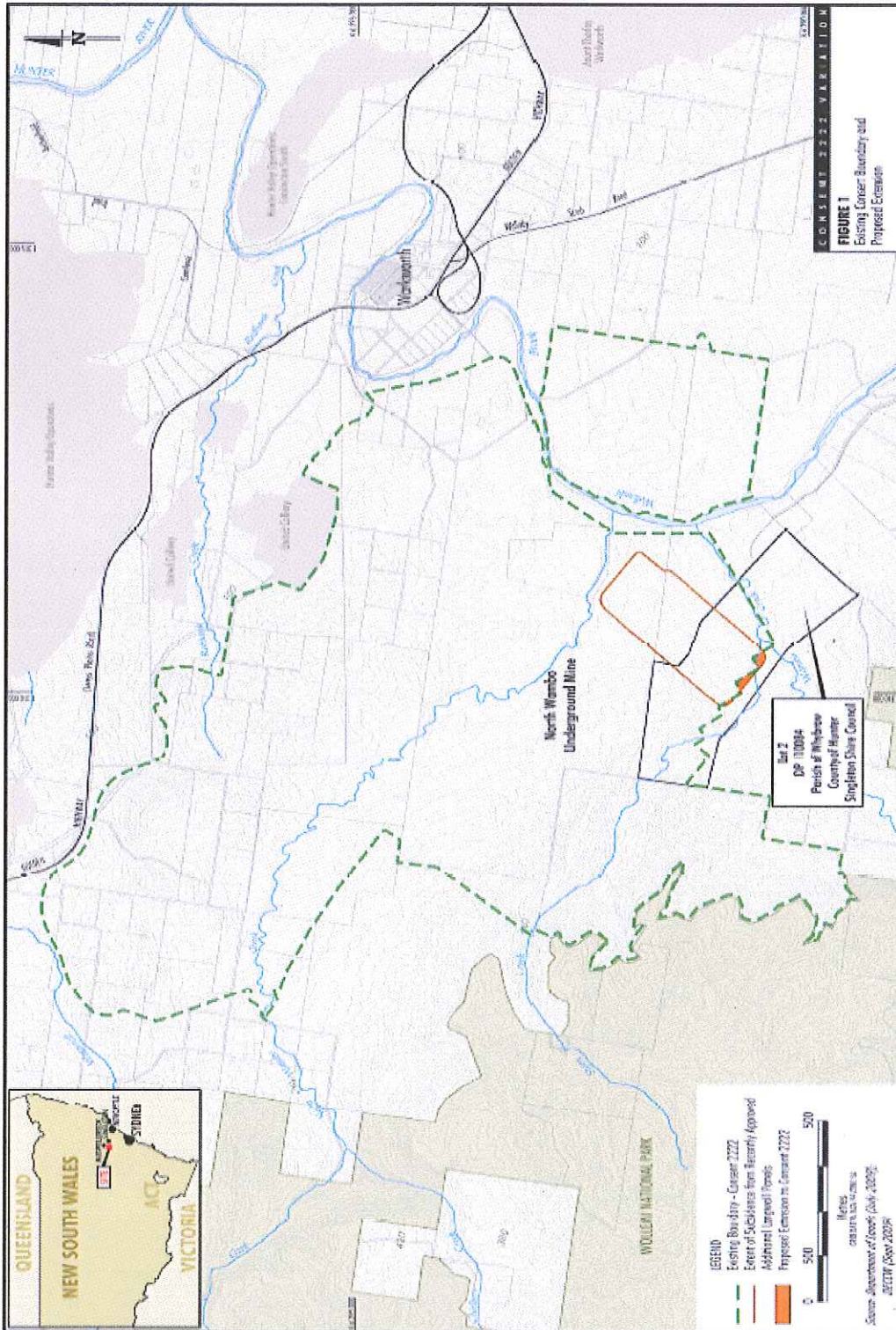
Variation of Aboriginal Heritage Impact Permit



Office of Environment & Heritage

National Parks and Wildlife Act 1974 (NPW Act)

Attachment 1 Boundary of AHIP2222 showing the area added in the variation notice #1132265.



Aboriginal Heritage Impact Permit Notice of Variation

Department of Environment & Climate Change NSW



National Parks and Wildlife Act 1974 (NPW Act)

BACKGROUND

1. An AHIP #2222 was issued to Wambo Coal Pty Ltd on the 20 June 2005 by the Department of Environment, Climate Change and Water (DECCW) under sections 87 and 90 of the *National Parks and Wildlife Act 1974 (NPW Act)*.
2. The original heritage consultant engaged conducted part of the works under this AHIP, however, differences of opinions of the contractual arrangements halted any further works from proceeding.
3. In 2010 Wambo Coal Pty Ltd provided documentation to DECCW of their unsuccessful attempts to meet the conditions of the AHIP and for gaining care and control of the salvaged artefacts back from the original consultants.
4. DECCW contacted the consultants holding the objects, with instructions to return them to the location stipulated in AHIP #2222. The salvaged objects were returned to Wambo Coal Pty Ltd on xx date, however, no documentation or reporting of the salvage works were provided with the return of the salvaged objects.
5. Wambo Coal Pty Ltd appointed another consultant to finalise the works under AHIP #2222. In an effort to collate, analyse and sort through the salvage process and objects to complete the reporting process required under AHIP #2222, Wambo Coal and their consultant requested additional time be granted.
6. On the 19 April 2010, Wambo Coal Pty Ltd requested the Director-General of the DECCW to extend the period of AHIP #2222 for an additional 5 years.
7. DECCW understands that none of the original salvage reporting or documentation was provided, therefore, to adequately report on the process, additional time is required.
8. Wambo Coal Pty Ltd has conducted consultation with the local Aboriginal groups and has received full support from each representative.

NOTICE OF VARIATION

I, Monica Collins, Acting Manager Planning and Aboriginal Heritage Section, North East Branch of the Department of Environment, Climate Change and Water (DECCW), as the Director-General of DECCW's delegate, vary the terms and conditions of the AHIP #2222 issued to Wambo Coal Pty Ltd on the 20 June 2005 as follows:

Aboriginal Heritage Impact Permit Notice of Variation

National Parks and Wildlife Act 1974 (NPW Act)

Department of Environment & Climate Change NSW



Variation 1 -

Wherever AHIP #2222 refers to being valid for a period of 5 years, this is now taken to be mean AHIP #2222 is valid for a period of 10 years (expiring on the 19 June 2015).

This variation must be attached to the original AHIP for the variations to be valid.

A handwritten signature in blue ink, appearing to read 'Monica Collins'.

Monica Collins
A/Manager North Coast Region
Environment Protection and Regulation Group
Department Environment, Climate Change and Water
Friday, 7 May 2010



Department of
Environment and Conservation (NSW)

CONSENT #: 2222

NATIONAL PARKS AND WILDLIFE ACT 1974

SECTION 87 and 90

**CONSENT TO CARRY OUT THE DESTRUCTION OF AN ABORIGINAL
OBJECT/PLACE AND PERMIT TO COLLECT AND/OR EXCAVATE FOR
THE PURPOSE OF SALVAGE**

WHEREAS the Aboriginal objects described in Schedule "A" are situated upon the land described in Schedule "B", and constitute Aboriginal objects within the meaning of Section 90 of the National Parks and Wildlife Act 1974, and WHEREAS application has been made by:

**Mr T Sutherland, Project Manager,
Wambo Development Project**

of :

**Wambo Coal Pty Limited
Golden Highway
WARKWORTH NSW 2330**

FOR CONSENT to destroy those objects in the course of: **archaeological salvage and subsequent development of the Wambo Development Project in accordance with the Development Consent issued by the Minister Assisting the Minister for Infrastructure and Planning on 4 February 2004 (DA 305-7-2003-i), Singleton Local Government Area, NSW.**

NOW I, Lisa Corbyn, Director-General of the Department of Environment and Conservation, in pursuance of Section 90 of the said Act, and subject to the conditions hereunder set out DO HEREBY CONSENT to the destruction of the said objects by the said applicant. AND FURTHER, in accordance with the said Conditions and in pursuance of Section 87 of the said Act, I DO HEREBY PERMIT the salvage collection of the said objects from the aforesaid land, prior to destruction of the objects, by the nominated Archaeologists (Navin Officer Heritage Consultants Pty Ltd) and representatives of the Aboriginal community.

TERMS AND CONDITIONS OF THIS CONSENT

This Consent is issued subject to General Terms and Conditions covering all Permits and Consents, as well as the Specific Terms and Conditions pertaining to Consents to destroy Aboriginal objects and any Special Conditions, all of which are detailed in the attached pages.

DATED at COFFS HARBOUR this

20th day of June, 2005.
Gary Dawson
Director North East Branch
Issued for the Director-General of
Department of Environment and Conservation

SCHEDULE A:

Generally, all Aboriginal objects, within the definition of the *National Parks and Wildlife Act 1974*, but excluding human skeletal remains.

This includes, but is not limited to, Aboriginal objects described in Tables 1-3 of the following documentation:

- *Wambo Coal Pty Limited. April 2005. Wambo Development Project, Application for Permit under Section 87 and Consent under Section 90 of the National Parks and Wildlife Act 1974.*

This document was registered with the Department of Environment and Conservation on 28 April 2005 as DOC 05/08179, and is hereafter referred to as 'the Consent Application'.

SCHEDULE B:

The "Application Area", as defined in the text and illustrations of the Consent Application.

SPECIAL CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

1. The Consent Holder shall ensure that no works (ie disturbance and/or the salvage of known Aboriginal objects as described in the Consent Application) are undertaken within the portion of the Application Area that is also the subject of the Application that has been made under Section 10 of the Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, until such time as the Section 10 Application has been determined by the Commonwealth Minister for Environment and Heritage.
2. The Consent Holder shall ensure that should any human remains be located during ground disturbing works, all work in the vicinity must cease immediately and the NSW Police Department and the Department of Environment and Conservation, North East Branch, be notified immediately. Work must not commence in the vicinity until such time as DEC officers have examined the find and discussed its management.
3. The Consent Holder shall ensure that the Aboriginal heritage salvage program is conducted in accordance with the methods described in Attachment 3 of the Consent Application.
4. Prior to the commencement of the first phase of the salvage program that is described in Attachment 3 of the Consent Application, the Consent Holder shall ensure that a schedule of the Aboriginal objects/sites to be the subject of that phase is provided to the Department of Environment and Conservation. The Consent Holder shall ensure that a similar schedule is provided to the Department of

Environment and Conservation in advance of all subsequent fieldwork phases.

5. The Consent Holder shall ensure that any proposals to modify the salvage methodology are firstly discussed with the Aboriginal community, and have the endorsement of the Department of Environment and Conservation, prior to modifications being implemented. This is of particular relevance to Section 3.4.4 of the salvage methodology described in Attachment 3 of the Consent Application, which details the proposed 'Excavation Program Designed to Test for the presence of Deep Archaeological Deposits'. The Consent Holder shall ensure that the Department of Environment and Conservation is consulted on the "extent, scope and methodology of any follow-on salvage excavations" that may be proposed in the context of Section 3.4.4 of Attachment 3.
6. The Consent Holder shall ensure that the Proposed Management Measures detailed in Table 6 of the Consent Application for Aboriginal objects/sites in the Remnant Woodland Enhancement Programme Areas be undertaken on an as needs basis. Where possible, management measures to be implemented for habitat conservation and/or restoration within these areas are to be undertaken in a manner that minimises impact to Aboriginal cultural heritage and the need to collect and re-locate Aboriginal objects. The Consent Holder shall ensure that these considerations are incorporated within the broader Fauna & Flora Offset Strategy (Conditions 40-41, 44-48 & 51, Schedule 4 of the Development Consent issued on 4 February 2004 for DA 305-7-2003-i).
7. The Consent Holder shall ensure that protocols for the long-term management of Aboriginal objects/sites within the Application Area and Mining Lease generally are incorporated within the broader Environmental Management Strategy for the Wambo Development Project (Condition 1, Schedule 6 of the Development Consent issued on 4 February 2004 for DA 305-7-2003-i).

SPECIFIC CONDITIONS APPLYING TO CONSENT WITH SALVAGE

1. The Consent covers only those Aboriginal objects described in the instrument of Consent and in any Schedules thereto.
2. The Consent is conditional upon all relevant development approvals having been obtained.
3. Should the Aboriginal objects listed in Schedule 'A' above remain in existence five (5) years from the date of this document, the Consent shall be deemed to be void, and any further damage to the Aboriginal objects will require the preparation of a new Consent document.
4. Should any 'object', defined under the Heritage Act of NSW be uncovered, then excavation or disturbance of that area is to stop

immediately and the Heritage Council of NSW is to be informed in accordance with S.146 of the Heritage Act, 1977 (as amended).

The Heritage Council can be contacted on (02) 9635 6155.

An 'object' under the Heritage Act is defined as any deposit, object or material evidence-

- (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and
- (b) which is 50 or more years old.

5. The holder of the Consent shall furnish the Department of Environment and Conservation with a report at the completion of the salvage work or expiry of the Consent or any renewal thereof, whichever occurs first. Such report shall include:

- a complete list of all material recovered;
- a detailed description of the methods of excavation/collection and analysis used;
- a detailed plan of the site, including the location of collection areas, all trenches, auger holes and spoil heaps;
- summary of consultation undertaken with relevant Local Aboriginal Land Councils or relevant Aboriginal Community Groups.

GENERAL TERMS AND CONDITIONS

1. Permits and Consents are not transferable.
2. A Permit covers only that area stated in the Permit.
3. A Consent covers only that area stated in the instrument of Consent and in any Schedules thereto.
4. Permits may be revoked at any time at the discretion of the Director-General.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General.
6. The Person to whom the Permit is issued or the Consent granted shall be responsible for the manner in which the work covered by the Permit or Consent is performed.
7. An officer of the Department of Environment and Conservation, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit or Consent.
8. Permits and Consents are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.
9. The holder of the Permit or Consent shall furnish, when required to do so, an undertaking to indemnify the Department of Environment and

Conservation against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit or Consent.

10. All reports received in connection with work carried out under a Permit or Consent shall be treated as confidential but the Department of Environment and Conservation shall have the right to copy all such reports, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit or Consent, the holder of the Permit or Consent may refuse to allow the Department of Environment and Conservation and The Australian Museum, if such information is held by those institutions, to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons. After this period of five years from the date of issue of the Permit or Consent, the Department of Environment and Conservation and The Australian Museum shall have the right to use and authorise the use of information contained in all reports submitted under the Permit or Consent, except where specifically requested by the holder of the Permit or Consent.
12. Upon publication of any information relating to work done under a Permit or Consent, a copy of such publication(s) shall be forwarded to the Department of Environment and Conservation, The Australian Museum, Sydney, and the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, unless permission to do otherwise has been obtained from the Department of Environment and Conservation.
13. The holder of the Permit or Consent shall consult with the local Aboriginal community regarding the work covered by the Permit or Consent and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The Department of Environment and Conservation and The Australian Museum may supply copies of relevant reports as furnished by the holder of the permit or Consent to local Aboriginal communities. Upon request by the Department of Environment and Conservation, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interest local groups.
15. The holder of the Permit or Consent shall keep field records and a copy of all such records shall be lodged with the Department of Environment and Conservation at the termination of each field work period.
16. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) Furnish an undertaking to indemnify the Department of Environment and Conservation

against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;

- (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the Department of Environment and Conservation within two weeks from the date of revocation of that Permit;
 - (iii) furnish the Department of Environment and Conservation within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered;
 - (iv) deposit any Aboriginal objects removed during work associated with the Permit, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, after these Aboriginal objects have been fully examined, or within six months from the date of revocation of that Permit whichever occurs sooner.
- (b) The Department of Environment and Conservation and The Australian Museum shall have the right to use and authorise the use of information collected under the Permit.

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Office of
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& Heritage

AHIP number: C0001474

(AHIMS Permit ID: 3910)

AHIP Issued To:

Wambo Coal Pty Limited
PMB 1
SINGLETON NSW 2330

OEH Office issuing this AHIP

Office of Environment and Heritage
Regional Operations
(Level 4, 26 Honeysuckle Drive Newcastle)
Locked Bag 1002 DANGAR NSW 2309
Telephone number: (02) 4927 3156
Fax number: (02) 4927 3192

Additional details for public register

a) Name of development or project	South Bates (Wambo Seam) Underground Mine Modification Longwalls 14 to 16 Wambo Coal Mine Warkworth NSW 2330
b) Location	South Bates (Wambo Seam) Underground Mine Modification Longwalls 14 to 16 Lot C DP 33149 Lot 113 DP 753817 Lot 79 DP 753821 Lot 83 DP 548749 Lot 2 DP 709722 Wambo Coal Mine Jerrys Plains Road Warkworth NSW 2330
c) Local Government Area(s)	Singleton
d) Description of harm authorised	<ul style="list-style-type: none">• Community collection across the AHIP application area• Harm to certain Aboriginal objects through the proposed works• Harm to all unknown Aboriginal objects within the AHIP application area
e) AHIP commencement date and duration	<u>Commencement:</u> 19 November 2015 <u>Duration:</u> 10 Years

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 14 October 2015, an application was made to the Chief Executive of the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to section 90 of the *National Parks and Wildlife Act 1974* (the Act). The AHIP application was in relation to proposed mining of Longwalls 14 to 16 at the South Bates (Wambo Seam) Underground Mine.
- (ii) The subsidence assessment prepared for the modification to allow for the addition of three longwalls panels in the Wambo seam concluded that subsidence effects will extend beyond the boundary of the existing AHIP No. 2222.
- (iii) The applicant is therefore seeking an AHIP to allow for the potential impacts from the development of Longwalls 14 to 16 and possible impacts on the nine (9) known Aboriginal sites and any unknown Aboriginal sites within the subsidence footprint.
- (iv) The applicant has applied for an Area Based AHIP to be valid for ten (10) years that will allow for the potential impact to nine (9) AHIMS registered Aboriginal sites including:
 - AHIMS Site # 37-5-0590 (Wambo Site 296)
 - AHIMS Site # 37-5-0591 (Wambo Site 297)
 - AHIMS Site # 37-5-0681 (Wambo Site 382)
 - AHIMS Site # 37-5-0682 (Wambo Site 383)
 - AHIMS Site # 37-5-0683 (Wambo Site 384)
 - AHIMS Site # 37-5-0684 (Wambo Site 385)
 - AHIMS Site # 37-5-0685 (Wambo Site 386)
 - AHIMS Site # 37-5-0686 (Wambo Site 387)
 - AHIMS Site # 37-6-0637 (Wambo Site 388)
- (v) OEH supports the AHIP application and management recommendations which include 'harm' by means of:
 - Community Collection across the AHIP application area (as required);
 - Harm to certain Aboriginal objects through the proposed works; &
 - Harm to all unknown Aboriginal objects within the AHIP application area.
- (vi) OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for:

- (i) Ten (10) years from the date of commencement, that is, until **19 November 2025**.

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D. Proposed Works

The modification will include the addition of three additional longwall panels (Longwalls 14 to 16) in the Wambo Seam below the three approved longwall panels in the Whybrow Seam (Longwalls 11 to 13). Access to the additional longwall panels would be via the existing approved Bates South open pit. The Modification would use the existing and approved Wambo Coal Mine (Wambo) and surface infrastructure. The Modification is wholly within the Wambo mining tenements, namely Consolidated Coal Lease 397 and parts of Mining Lease 1594 and Mining Lease 1462. The Modification AHIP application area (AA) is situated to the south-west of the existing open cut mine and extends across Stony Creek valley, adjoining the Wollemi National Park. The modification AHIP AA encompasses the slopes on either side of the incised v-shaped Stony Creek valley, underlies the Wambo Ridge and the north-east facing screed slopes, foot slopes and toe slopes descending towards the broad u-shaped North Wambo Creek Valley to the north-east.

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

A handwritten signature in black ink, appearing to read "R Bath", with a horizontal dotted line extending to the right.

RICHARD BATH

Senior Team Leader Planning, Hunter Central Coast Region

Regional Operations

(By Delegation)

Date: 19 November 2015

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LAND TO WHICH THIS AHIP APPLIES

The lands to which this AHIP applies is shown on **Figure (1)** - AHIP extent for South Bates (Wambo Seam) Underground Mine Modification, Longwalls 14 to 16, Wambo Coal Mine, Warkworth NSW 2330 (page 11 of this AHIP).

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, OEHL must be notified of their contact details within 14 days of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed.

Community collection

7. The Registered Aboriginal Parties *may* be provided with an opportunity to collect Aboriginal objects where practicable and as required across the AHIP Application Area.
8. The opportunity for community collection must be provided:
 - (a) in accordance with 'South Bates (Wambo Seam) Underground Mine Modification, Cultural Heritage Impact Assessment, Prepared for Wambo Coal Pty Limited, Prepared by RPS Australia East Pty Ltd, August 2015', that was provided with the application, and

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- (b) before any harm of Aboriginal objects described in Schedule C can commence in the area.
9. Aboriginal objects that are recovered during the community collection may be analysed on-site and/or may be taken off-site for further analysis as decided by the Registered Aboriginal Parties.
10. If an opportunity for community collection has been provided and this collection does not occur, the AHIP holder may proceed with any actions to harm Aboriginal objects described in Schedule C, in accordance with the conditions of this AHIP.

Harm of certain Aboriginal objects through the proposed works

11. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').
12. Aboriginal objects described in Schedule C must not be harmed unless:
- (a) all opportunities for community collection of Aboriginal objects described in Schedule B3 have been provided in the area.

Temporary storage of certain Aboriginal objects

13. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location in the table below, pending any agreement reached about the long term management of the Aboriginal objects.
14. The temporary storage location is as follows:

Location name:	Wambo Coal Cultural Heritage Temporary Keeping Place (Care Agreement # 3130)
Address:	Adjacent to the Wambo Coal Administration Building Wambo Coal Mine Jerrys Plains Road WAMBO NSW 2330
Storage particulars:	Locked and signed storage container.

15. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Long term management of certain Aboriginal objects

16. Requirement 26 "*Stone artefact deposition and storage*" in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010, available online at: www.environment.nsw.gov.au/licences/archinvestigations.htm) must be complied with.

Notification and Reporting Conditions

Notification of commencement and completion of actions

17. Written notice must be provided to the OEH office at least 7 days prior to the commencement of actions authorised by this AHIP.
18. Written notice must be provided to the OEH office within 7 days of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

19. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.
20. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

Human remains

21. If any human remains (other than any human remains described in Schedule B4) are discovered and/or harmed in, on or under the land, the AHIP holder must:
 - (a) not further harm these remains
 - (b) immediately cease all work at the particular location
 - (c) secure the area so as to avoid further harm to the remains
 - (d) notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

22. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

23. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
 - (a) the nature of the incident
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
 - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
 - (d) any conditions of an AHIP which may have been breached, and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
24. The incident report must be provided to the OEH office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

25. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within 6 months of the completion of the actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the OEH website:
www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm
- (ii) Contact details for the AHIMS Registrar can be found on the OEH website:
www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm

General Conditions

Indemnity

26. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

27. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

28. Any requirement to provide written notice to the OEH office in this AHIP 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 AHIP.

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed, as specified by the conditions of this AHIP.

A2 Aboriginal objects that are identified on AHIMS

N/A

A3 No-harm areas

N/A

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only

N/A

B2 Test/Salvage – excavations

N/A

B3 Community collection

Community collection *may* be carried out in the across the AHIP Application Area as required and where practicable as shown on (page 11 of this AHIP).

The community collection area includes the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	37-5-0590	Grinding Groove	Wambo Site 296	No	307825	6393822	GDA
Whole	37-5-0591	Isolated Find	Wambo Site 297	No	307758	6393803	GDA
Whole	37-5-0681	Artefact Scatter	Wambo Site 382	No	308184	6294259	GDA
Whole	37-5-0682	Artefact Scatter	Wambo Site 383	No	308098	6394245	GDA
Whole	37-5-	Isolated	Wambo	No	308105	6394301	GDA

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	0683	Find	Site 384				
Whole	37-5-0684	Artefact Scatter	Wambo Site 385	No	307996	6393438	GDA
Whole	37-5-0685	Grinding Groove	Wambo Site 386	No	307823	6392582	GDA
Whole	37-5-0686	Grinding Groove	Wambo Site 387	No	307721	6392742	GDA
Whole	37-6-0637	Grinding Groove	Wambo Site 388	No	307534	6392947	GDA

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

C1 Harm of Aboriginal objects identified on AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	37-5-0590	Grinding Groove	Wambo Site 296	No	307825	6393822	GDA
Whole	37-5-0591	Isolated Find	Wambo Site 297	No	307758	6393803	GDA
Whole	37-5-0681	Artefact Scatter	Wambo Site 382	No	308184	6294259	GDA
Whole	37-5-0682	Artefact Scatter	Wambo Site 383	No	308098	6394245	GDA
Whole	37-5-0683	Isolated Find	Wambo Site 384	No	308105	6394301	GDA
Whole	37-5-0684	Artefact Scatter	Wambo Site 385	No	307996	6393438	GDA
Whole	37-5-0685	Grinding Groove	Wambo Site 386	No	307823	6392582	GDA
Whole	37-5-0686	Grinding Groove	Wambo Site 387	No	307721	6392742	GDA
Whole	37-6-0637	Grinding Groove	Wambo Site 388	No	307534	6392947	GDA

C2 Areas where harm of Aboriginal objects is authorised

All Aboriginal objects in, on or under the land which is identified on the lands to which this AHIP applies is shown on Figure (1) - AHIP extent for South Bates (Wambo Seam) Underground Mine Modification, Longwalls 14 to 16, Wambo Coal Mine, Warkworth NSW 2330 (page 11 of this AHIP).

Aboriginal Heritage Impact Permit

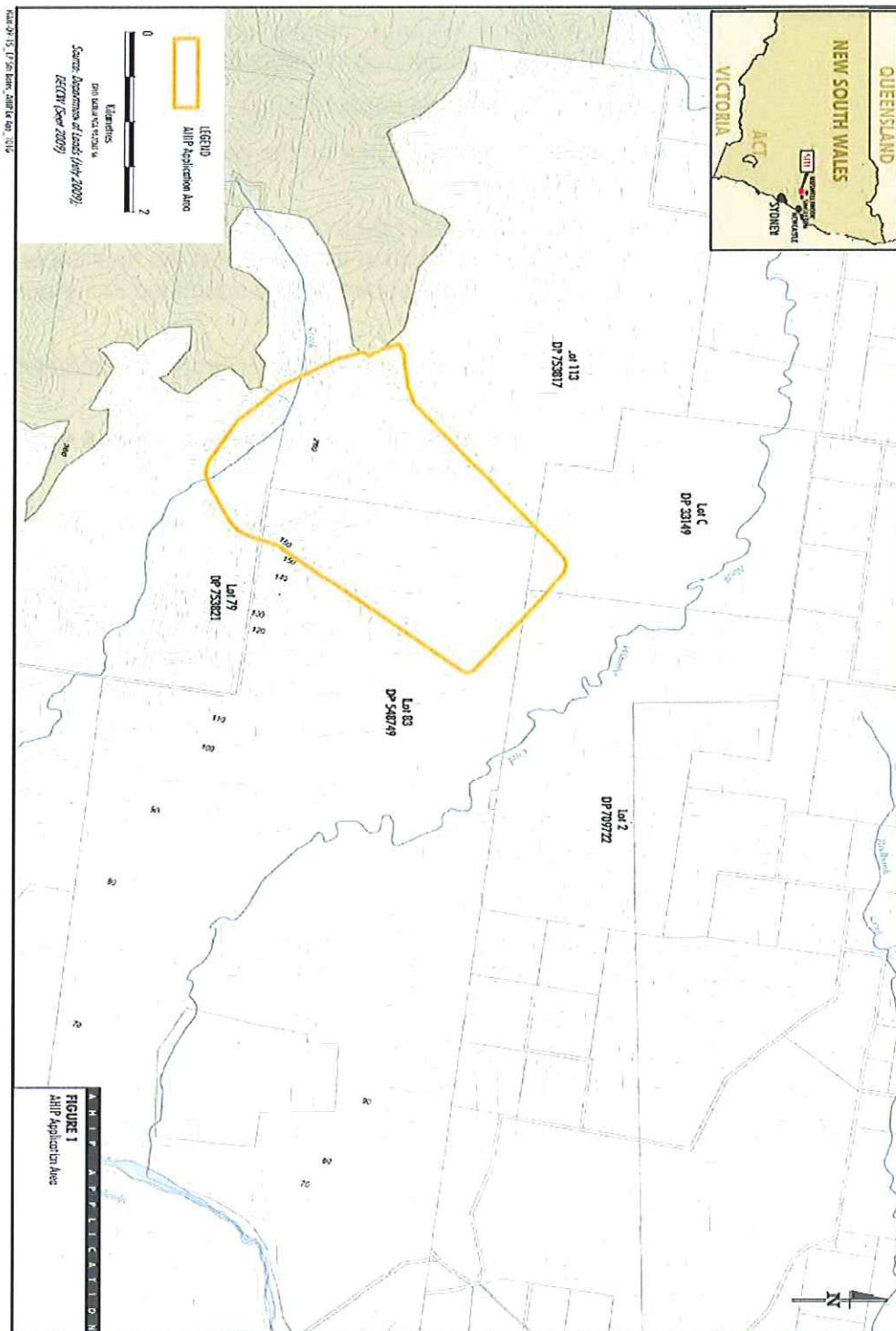
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Figure (1)

The lands to which this AHIP applies is shown on Figure (1) - AHIP extent for South Bates (Wambo Seam) Underground Mine Modification, Longwalls 14 to 16, Wambo Coal Mine, Warkworth NSW 2330.



DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object	has the same meaning as in the Act.
Act	means the <i>National Parks and Wildlife Act 1974</i> .
AHIMS	means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act.
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading "AHIP issued to".
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.
Chief Executive	means Chief Executive of the Office of Environment and Heritage (NSW)
Community collection	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
Community collection area	means an area described as a community collection area in Schedule B3
Harm	has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place.
Land	means the land described under the heading "Land to which this AHIP applies".
No-harm areas	means those areas described in Schedule A3.
OEH	Office of Environment and Heritage (NSW).
OEH office	means the office listed on the cover page of this AHIP.
Proposed works	means the works described under the heading "D. Proposed Works" at the front of this AHIP.
Public register	means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Chief Executive of OEH, as described under the heading "Information about this AHIP".
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
Salvage excavation area	means any area described as a salvage excavation area in Schedule B2.

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- Test excavation** means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.
- Test excavation area** means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Chief Executive of OEH is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Chief Executive of OEH under s.89A of the Act using the form available online at www.environment.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

The conditions of an AHIP may be varied at any time by the Chief Executive of OEH in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Chief Executive of OEH to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Chief Executive of OEH and may be subject to conditions.

Suspension and revocation of AHIP

An AHIP may be suspended or revoked at any time at the discretion of the Chief Executive of OEH. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in OEH's possession in accordance with any lawful requirement.

Making copies of reports

By providing a report, the AHIP holder acknowledges that OEH can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

OEH is able to make copies of any reports provided to OEH under this AHIP.

ATTACHMENT 5

WAMBO COAL MINE CARE AND CONTROL PERMIT #3130

Variation of Aboriginal Heritage Impact Permit



Office of
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& Heritage

National Parks and Wildlife Act 1974

Your reference: Variation to AHIP # 2222 & Care Agreement # 3130
Our reference: AHIMS No. 2222 / DOC15/93564
Notice number: C0000980
Contact: Nicole Davis, 0409 394 343

NOTICE ISSUED TO

Wambo Coal Pty Limited
Trading as Wambo Coal Pty Limited
PMB 1
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 2222 & CARE AGREEMENT No. 3130

Issued pursuant to section 90D (5) & 87 (1) *National Parks and Wildlife Act 1974* (NPW Act)

BACKGROUND

- A. Wambo Coal Pty Limited (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. 2222 (the AHIP) granted under section 90D of the NPW Act. The AHIP authorises consent to carry out the destruction of an Aboriginal object/place and permit to collect and/or salvage excavate for the purpose of salvage.
- B. There is also a concurrent Care Agreement No. 3130 (the CA) granted under section 87 (1) of the NPW Act, which is in place to manage all Aboriginal objects associated with AHIP # 2222 and AHIP # 2805. In order to ensure that all necessary works are completed and Aboriginal objects appropriately managed, the applicant is also seeking to extend the life of the current Care Agreement bringing it into line with the AHIP.
- C. The applicant, is seeking changes to the AHIP & CA timeframes as the current AHIP (# 2222) & CA (# 3130) expires 19 June 2015, however, the Wambo Coal Mine is approved to March 2025 for a mine life of 21 years (from the date of commencement of Development Consent [DA 308-7-2003]). On this basis, the applicant is seeking an extension to the time period of the existing AHIP & CA for a period of an additional 10 years from the current date of expiry, to allow all necessary works outlined in the current AHIP to be undertaken at the Wambo Coal Mine. OEH supports the extension of the life of both the AHP & CA until 1 March 2025.
- D. The applicant is also seeking the inclusion of additional areas of land. The subsidence assessment prepared for the Modification concluded that *subsidence effects may extend slightly beyond the boundary* of the existing AHIP # 2222, approximately 50 metres. The Aboriginal Cultural Heritage Impact Assessment prepared (by RPS Australia East Pty Ltd March 2015) for the Modification identified no additional sites not already included within the current AHIP. On this basis, the applicant proposes that a minor variation to the existing consent boundary is necessary to include the extent of subsidence for Longwall 10A (where it extends outside of the existing consent boundary) and possible impacts to previously unrecorded sites and/or their subsurface expression. OEH supports the inclusion of additional areas of land.

Variation of Aboriginal Heritage Impact Permit



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- E. OEH received the application on 19 March 2015 and a variation to the application was received via email on 20 April 2015.
- F. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT & CARE AGREEMENT

1. OEH has decided to grant this variation. By this notice OEH varies AHIP No. 2222 & CA No. 3130 in the following manner:

AHIP Variation 1

Wherever AHIP # 2222 refers to being valid for a period of 5 years, this is now taken to be AHIP # 2222 is valid for a period of 21 years, to bring the AHIP timeframe inline with the life of Wambo Coal Mine, DA 308-7-2003 (expiring 1 March 2025).

AHIP Variation 2

Schedule B on Page 2 of 6 of AHIP # 2222 defines the AHIP area, which reads:

"The "Application Area", as defined in the text and illustrations of the Consent Application".

Is replaced by:

"The 'Application Area', as defined in the text and illustrations of the AHIP variation application which appears as Attachment 1 (page 4) of this Notice of Variation. The additional area of land to be covered by the AHIP includes Part Lot 2 DP 110084 and Part Lot 83 DP 548749 in the Parish of Whybrow, County of Hunter within the Singleton Shire Council local government area".

CA Variation 3

Wherever CA # 3130 refers to being valid for a period of 5 years, this is now taken to be CA # 3130 is valid for a period of 21 years, to bring the CA timeframe inline with the life of Wambo Coal Mine, DA 308-7-2003 (expiring 1 March 2025).

Note: You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP # 2222 & CA # 3130, within 14 days.

Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

RICHARD BATH

Senior Team Leader Planning, Hunter Central Coast Region

Regional Operations

(By Delegation)

Date: 29 April 2015

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP # 2222 & CA # 3130 issued on 20 June 2005, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP & CA.

When this notice begins to operate

- The variations to the AHIP & CA specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

Variation of this notice

- This Variation Notice may only be varied by subsequent notices issued by OEH.

Appeals against this decision

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.

Variation of Aboriginal Heritage Impact Permit

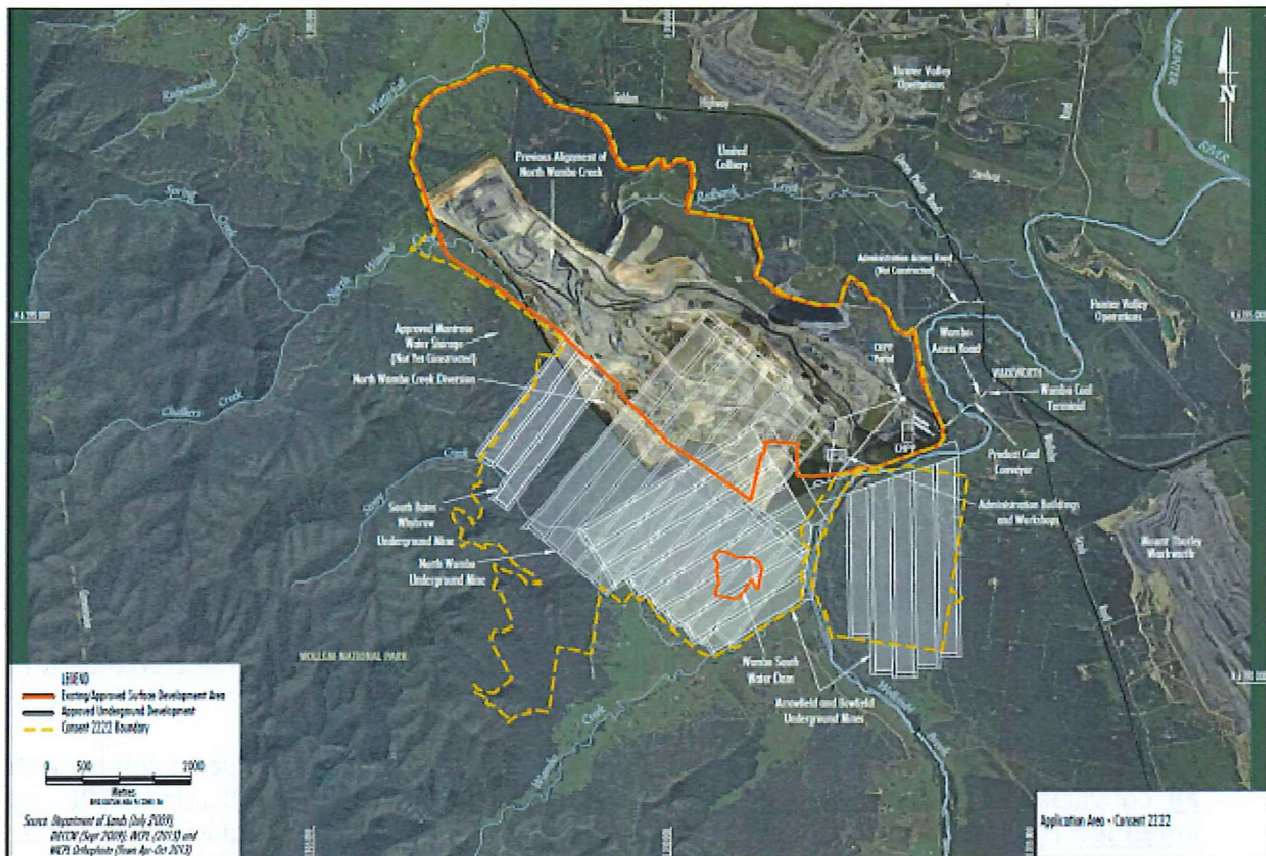


Office of Environment & Heritage

National Parks and Wildlife Act 1974

Attachment 1

The lands to which AHIP # 2222 applies (including the additional lands to be included within AHIP # 2222) is shown outlined in yellow and referred to as Notice # C0000980.





Environment, Climate Change & Water

C&C Permit:

#3130

AHIP Permits:

#2222 & 2085

NATIONAL PARKS AND WILDLIFE ACT 1974

SECTION 87(1)

PERMIT FOR CUSTODY AND CONTROL OF ABORIGINAL OBJECTS SALVAGED UNDER ABORIGINAL HERITAGE IMPACT PERMITS (AHIP) #2085 and #2222 IN ACCORDANCE WITH SECTION 87/90 OF THE NPW ACT 1974.

Permit issued to: **Sarah Bailey**
WAMBO COAL PTY. LTD.
ABN No. 13 000 668 057

Address: **Wambo Coal Mine**
Jerry's Plains Rd
Warkworth NSW 2330

Authority is hereby given for the organisation named above to have custody and control of the Aboriginal cultural objects listed below:

1. All objects salvaged from the 257 Sites and 16 Potential Archaeological Deposits listed in AHIP #2222 issued by DECCW on 20 June 2005 (as specified in *Wambo Coal Pty Ltd. April 2005. Wambo Development Project, Application for Permit under Section 87 and consent under Section 90 of the National Parks and Wildlife Act 1974.* – refer Tables 1, 2 and 3)
2. All objects salvaged from the 25 Sites as listed in AHIP #2085 issued by DECCW on 14 December 2004.

TERMS AND CONDITIONS OF THIS PERMIT:

This Permit is issued subject to **General Terms and Conditions** (see over) pertaining to every Permit for Custody and Control. This Permit is also subject to any **Specific Conditions** which are also detailed hereunder.

Dated at Grafton this **2 day of March, 2010.**

Brett Nudd

A/Manager North Coast Region
North East Branch

Issued on behalf of the Director-General of Department of Environment, Climate Change and Water

General Terms and Conditions

1. Permits are not transferable.
2. A Permit covers only that area, or those objects, stated in the Permit
3. A Permit covers only that area stated in the instrument and in any Schedules thereto.
4. Permits may be revoked at any time at the discretion of the Director-General of DECCW.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General of DECCW.
6. The Person to whom the Permit is issued shall be responsible for the manner in which the work covered by the Permit is performed.
7. An officer of the Department of Environment, Climate Change and Water, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit.
8. Permits are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.
9. The holder of the Permit shall furnish, when required to do so, an undertaking to indemnify the DECCW against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit.
10. The DECCW shall have the right to copy all such reports prepared under DECCW Permits, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit, the holder of the Permit may refuse to allow the DECCW to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons.

After this period of five years from the date of issue of the Permit, the DECCW shall have the right to use and authorise the use of information contained in all reports submitted under the Permit, except where specifically requested by the holder of the Permit.
12. Upon publication of any information relating to work done under a Permit, a copy of such publication(s) shall be forwarded to the DECCW, north east branch.

13. The holder of the Permit shall consult with the local Aboriginal community regarding the work covered by the Permit and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The DECCW may supply copies of relevant reports as furnished by the holder of the Permit to local Aboriginal communities. Upon request by the Service, the holder of the Permit shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interested local groups.
15. The holder of the Permit shall keep field records and a copy of all such records shall be lodged with the DECCW at the termination of each field work period if requested.
16. The holder of the Permit shall notify the local office of the DECCW at the commencement and completion of fieldwork, and shall supply to District officers details of field work programs and results if requested.
17. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) Furnish an undertaking to indemnify the DECCW against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
 - (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the DECCW within two weeks from the date of revocation of that Permit;
 - (iii) furnish the DECCW within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered.
 - (iv) deposit any Aboriginal objects removed during work associated with #2222 and #2085, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, within 1 month from the date of the revocation of that Permit.
 - (b) The DECCW shall have the right to use and authorise the use of information collected under the Permit.

Specific Terms and Conditions

1. Aboriginal objects are to be stored securely by the Permit holder as described in the application dated 23 February 2009 (Job Reference 25586451) and registered with DECCW as DOC09/30002 in FIL09/8301.
2. The Permit holder is to notify DECCW in writing within 7 days of relocation of the Aboriginal objects under Condition 1.
3. Should Aboriginal objects be loaned out for an educational or display purpose, the responsibility for the safe keeping still rests with the Permit holder.
4. The Aboriginal objects may not be moved to a new location without the approval of the Director-General of DECCW. If it is proposed to transfer custody and control, the intended recipient must forward an application for a Custody and Control Permit prior to the transfer taking place.
5. Access to the Aboriginal objects is to be provided to bona fide researchers and organisations.
6. Access under condition 5 must be approved by the Permit holder.
7. Site cards must be submitted and registered with the DECCW Aboriginal Heritage and Information System (AHIMS) for the following sites prior to the relocation of any objects within them under this Permit. It is the responsibility of the Permit holder to obtain confirmation from the DECCW that registration has occurred.

Wambo Sites 23, 47, 48, 74, 77-80, 85-97, 108, 113, 116, 154 and 166.

Please also note:

- a. Sites 98 (37-5-0186), 102-105 (37-5-0183), 117-120 (37-5-0173, 37-5-0488, 37-5-0489, 37-5-0490) and 122-126 (37-5-0172) listed on AHIP Permit #2222 and Sites JP5 to 31 (37-6-1434 to 37-6-1450) listed on AHIP Permit #2085 as being unregistered at the time are now confirmed by DECCW as being registered and subject to this Permit.
 - b. It is a requirement under Section 91 of the NPW Act that all outstanding Aboriginal Sites discovered are registered with the DECCW.
8. All Potential Archaeological Deposits (PADs) listed in Table 2 of AHIP # 2222 are to be registered as Sites (if not already) in AHIMS, in the event that any objects associated with them are or already have been discovered.
 9. This Permit is valid for five years from the date of signature by the Director-General's delegate or until such time as AHIP #2222 is varied to address the temporary storage of objects or a permanent location for the objects is agreed with the Aboriginal Working Group and approved by the DECCW whichever is the sooner.

ATTACHMENT 6
HERITAGE MANAGEMENT PLAN CONSULTATION



WAMBO COAL PTY LTD

ABN: 13 000 668 057

Level 13, BOQ Centre
259 Queen Street
Brisbane, Queensland 4000
PMB 1
Singleton, NSW 2330
Australia
Tel + 61 (0) 2 6570 2200
Fax + 61 (0) 2 6570 2290

27 August 2015

Mr Howard Reed
Director, Resource Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Reed,

RE: WAMBO COAL MINE – LONGWALLS 11 TO 13 EXTRACTION PLAN

The South Bates (Whybrow Seam) Underground Mine is a component of the approved Wambo Coal Mine. The South Bates (Whybrow Seam) Underground Mine is scheduled to commence in February 2016 and involves extraction of coal by longwall mining methods from the Whybrow Seam within Coal Lease 397 and Mining Lease 1594.

Wambo Coal Pty Limited (WCPL) is currently preparing an Extraction Plan for the approved Longwalls 11 to 13 at the South Bates (Whybrow Seam) Underground Mine (Extraction Plan for Longwalls 11 to 13).

Condition 22C(h) of Schedule 4 of the Development Consent (DA 305-7-2003) requires WCPL to prepare a Heritage Management Plan to manage the potential impacts and/or environmental consequences of the proposed second workings on heritage sites and values, in consultation with the NSW Office of Environment and Heritage, the NSW Heritage Division, and relevant stakeholders for Aboriginal and non-Aboriginal heritage.

Please find enclosed the Heritage Management Plan that has been provided for consultation to the Office of Environment and Heritage, the NSW Heritage Division, and all Aboriginal parties registered at the Wambo Coal Mine. A copy of the correspondence to the Office of Environment and Heritage and the NSW Heritage Division is enclosed for your records.

The Heritage Management Plan includes the existing approved Wambo Coal Mine Salvage and Management Programme which was prepared in accordance with Condition 52 of Schedule 4 of the Development Consent (DA 305-7-2003). The Wambo Coal Mine Salvage and Management Program was prepared in consultation with the relevant stakeholders for Aboriginal heritage as part of the application under sections 87 and 90 of the *NSW National Parks and Wildlife Act, 1974*.

WCPL has kindly requested the Office of Environment and Heritage, the NSW Heritage Division, and Aboriginal parties registered at the Wambo Coal Mine provide any comments on the Heritage Management Plan by 25 September 2015. WCPL will provide the Department of Planning and Environment with the outcomes of any consultation with the agencies with the final Heritage Management Plan for the Department's consideration.

WCPL would appreciate any input from the Department of Planning & Environment on the Heritage Management Plan during the consultation period and invites you to contact us with any queries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Steve Peart', written over a circular stamp or seal.

Steve Peart
Environment and Community Manager
WAMBO COAL PTY LTD



WAMBO COAL PTY LTD

ABN: 13 000 668 057

Level 13, BOQ Centre
259 Queen Street
Brisbane, Queensland 4000
PMB 1
Singleton, NSW 2330
Australia
Tel + 61 (0) 2 6570 2200
Fax + 61 (0) 2 6570 2290

27 August 2015

Mr Richard Bath
Head Hunter Planning Unit, Conservation and Regulation, North East
Office of Environment and Heritage
PO Box 488G
NEWCASTLE NSW 2300

Attention: Nicole Davis, Archaeologist – Planning

Dear Mr Bath,

RE: WAMBO COAL MINE – LONGWALLS 11 TO 13 EXTRACTION PLAN

The Wambo Coal Mine is situated approximately 15 kilometres west of Singleton, near the village of Warkworth, New South Wales (NSW). The Wambo Coal Mine is owned and operated by Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited.

The South Bates (Whybrow Seam) Underground Mine is a component of the approved Wambo Coal Mine. The South Bates (Whybrow Seam) Underground Mine is scheduled to commence in February 2016 and involves extraction of coal by longwall mining methods from the Whybrow Seam within Coal Lease 397 and Mining Lease 1594.

Please find enclosed for your review a copy of the Heritage Management Plan prepared as a component of the Extraction Plan for the approved Longwalls 11 to 13 at the South Bates (Whybrow Seam) Underground Mine.

Condition 22C(h) of Schedule 4 of the Development Consent (DA 305-7-2003) requires WCPL to prepare a Heritage Management Plan to manage the potential impacts and/or environmental consequences of the proposed second workings on heritage sites and values, in consultation with the NSW Office of Environment and Heritage, the NSW Heritage Division, and relevant stakeholders for Aboriginal and non-Aboriginal heritage.

Please note that a copy of the Heritage Management Plan has also been provided for consultation to the NSW Heritage Division and all Aboriginal parties registered at the Wambo Coal Mine.

The Heritage Management Plan includes the existing approved Wambo Coal Mine Salvage and Management Programme which was prepared in accordance with Condition 52 of Schedule 4 of the Development Consent (DA 305-7-2003). The Wambo Coal Mine Salvage and Management Program was prepared in consultation with the relevant stakeholders for Aboriginal heritage as part of the application under sections 87 and 90 of the *NSW National Parks and Wildlife Act, 1974*.

WCPL would be happy to meet with the Office of Environment and Heritage to present the approach we have taken to the Heritage Management Plan. Could you please advise a date and time that would be suitable to the Office of Environment and Heritage, at your earliest convenience.

WCPL would appreciate if you would kindly provide any comments on the Heritage Management Plan to us by **Friday 25 September 2015** via the contact details provided below. WCPL looks forward to your input and invite you to contact us with any queries.

Steven Peart
Environment and Community Manager
Wambo Coal Pty Ltd
PMB1, Singleton NSW 2330
Phone: (02) 6570 2209
Email: speart@peabodyenergy.com

If you have any queries or comments regarding the Extraction Plan, please don't hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Steve Peart', with a circular flourish at the end.

Steve Peart
Environment and Community Manager
WAMBO COAL PTY LTD



WAMBO COAL PTY LTD

ABN: 13 000 668 057

Level 13, BOQ Centre
259 Queen Street
Brisbane, Queensland 4000
PMB 1
Singleton, NSW 2330
Australia
Tel + 61 (0) 2 6570 2200
Fax + 61 (0) 2 6570 2290

27 August 2015

NSW Heritage Division
Office of Environment and Heritage
3 Marist Place
PARRAMATTA NSW 2150

Attention: Rochelle Johnston

Dear Ms Johnston,

RE: WAMBO COAL MINE – LONGWALLS 11 TO 13 EXTRACTION PLAN

The Wambo Coal Mine is situated approximately 15 kilometres west of Singleton, near the village of Warkworth, New South Wales (NSW). The Wambo Coal Mine is owned and operated by Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited.

The South Bates (Whybrow Seam) Underground Mine is a component of the approved Wambo Coal Mine. The South Bates (Whybrow Seam) Underground Mine is scheduled to commence in February 2016 and involves extraction of coal by longwall mining methods from the Whybrow Seam within Coal Lease 397 and Mining Lease 1594.

Please find enclosed for your review a copy of the Heritage Management Plan prepared as a component of the Extraction Plan for the approved Longwalls 11 to 13 at the South Bates (Whybrow Seam) Underground Mine.

Condition 22C(h) of Schedule 4 of the Development Consent (DA 305-7-2003) requires WCPL to prepare a Heritage Management Plan to manage the potential impacts and/or environmental consequences of the proposed second workings on heritage sites and values, in consultation with the NSW Office of Environment and Heritage, the NSW Heritage Division, and relevant stakeholders for Aboriginal and non-Aboriginal heritage.

Please note that a copy of the Heritage Management Plan has also been provided for consultation to the NSW Office of Environment and Heritage and all Aboriginal parties registered at the Wambo Coal Mine.

There are no items of non-Aboriginal heritage significance in the vicinity of Longwalls 11 to 13 at the South Bates (Whybrow Seam) Underground Mine. It is noted that the Wambo Homestead Complex would not be impacted by mining at the South Bates (Whybrow Seam) Underground Mine.

WCPL would appreciate if you would kindly provide any comments on the Heritage Management Plan to us by **Friday 25 September 2015** via the contact details provided below. WCPL looks forward to your input and invite you to contact us with any queries.

Steven Peart
Environment and Community Manager
Wambo Coal Pty Ltd
PMB1, Singleton NSW 2330
Phone: (02) 6570 2209
Email: speart@peabodyenergy.com

If you have any queries or comments regarding the Extraction Plan, please don't hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Steve Peart', with a circular flourish at the end.

Steve Peart
Environment and Community Manager
WAMBO COAL PTY LTD



WAMBO COAL PTY LTD

ABN: 13 000 668 057

Level 13, BOQ Centre
259 Queen Street
Brisbane, Queensland 4000
PMB 1
Singleton, NSW 2330
Australia
Tel + 61 (0) 2 6570 2200
Fax + 61 (0) 2 6570 2290

27 August 2015

Attention:

Dear

RE: WAMBO COAL MINE – LONGWALLS 11 TO 13 EXTRACTION PLAN

**RE: WAMBO COAL MINE – SOUTH BATES (WAMBO SEAM) UNDERGROUND MINE MODIFICATION
FINAL CULTURAL HERITAGE IMPACT ASSESSMENT**

The Wambo Coal Mine is situated approximately 15 kilometres west of Singleton, near the village of Warkworth, New South Wales (NSW). The Wambo Coal Mine is owned and operated by Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited.

Please find the following two documents enclosed:

- Heritage Management Plan prepared as a component of the Extraction Plan for the approved Longwalls 11 to 13 at the South Bates (Whybrow Seam) Underground Mine for consultation purposes.
- Final Cultural Heritage Impact Assessment for the South Bates (Wambo Seam) Underground Mine Modification for your records.

These documents are described in further detail below.

Extraction Plan for Longwalls 11 to 13

The South Bates (Whybrow Seam) Underground Mine is a component of the approved Wambo Coal Mine. The South Bates (Whybrow Seam) Underground Mine is scheduled to commence in February 2016 and involves extraction of coal by longwall mining methods from the Whybrow Seam within Coal Lease 397 and Mining Lease 1594.

Please find enclosed for your review a copy of the Heritage Management Plan prepared as a component of the Extraction Plan for the approved Longwalls 11 to 13 at the South Bates (Whybrow Seam) Underground Mine.

Condition 22C(h) of Schedule 4 of the Development Consent (DA 305-7-2003) requires WCPL to prepare a Heritage Management Plan to manage the potential impacts and/or environmental consequences of the proposed second workings on heritage sites and values, in consultation with the NSW Office of Environment and Heritage, the NSW Heritage Branch, and relevant stakeholders for Aboriginal and non-Aboriginal heritage.

Please note that a copy of the Heritage Management Plan has also been provided for consultation to the NSW Office of Environment and Heritage and the NSW Heritage Division.

The Heritage Management Plan includes the existing approved Wambo Coal Mine Salvage and Management Programme which was prepared in accordance with Condition 52 of Schedule 4 of the Development Consent (DA 305-7-2003). The Wambo Coal Mine Salvage and Management Program was prepared in consultation with the relevant stakeholders for Aboriginal heritage as part of the application under sections 87 and 90 of the NSW *National Parks and Wildlife Act, 1974*.

WCPL would appreciate if you would kindly provide any comments on the Heritage Management Plan to us by **Friday 25 September 2015** via the contact details provided below. WCPL looks forward to your input and invite you to contact us with any queries.

Steven Peart
Environment and Community Manager
Wambo Coal Pty Ltd
PMB1, Singleton NSW 2330
Phone: (02) 6570 2209
Email: speart@peabodyenergy.com

Final Cultural Heritage Impact Assessment for Modification

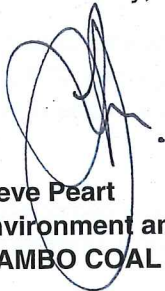
Please also find enclosed a CD with the final Cultural Heritage Impact Assessment for the South Bates (Wambo Seam) Underground Mine Modification. The Modification would include the addition of three longwall panels (proposed Longwalls 14 to 16) in the Wambo Seam below the three approved longwall panels in the Whybrow Seam (Longwalls 11 to 13) at the approved South Bates (Whybrow Seam) Underground Mine.

The final Cultural Heritage Impact Assessment has been updated to incorporate all comments received from the Registered Aboriginal Parties.

As described in the assessment, WCPL will apply for a variation to the existing Consent 2222 to allow works to be undertaken associated with the Modification (i.e. potential subsidence impacts and subsidence remediation works, if required). The Cultural Heritage Impact Assessment will support this variation application.

If you have any queries or comments regarding the Extraction Plan or the final Cultural Heritage Impact Assessment for the South Bates (Wambo Seam) Underground Mine Modification, please don't hesitate to contact me.

Yours faithfully,



Steve Peart
Environment and Community Manager
WAMBO COAL PTY LTD



Office of
Environment
& Heritage

Your reference: HMP South Bates Underground Mine (Long walls 11-13).
Our reference: DOC15 334096-01
Contact: Nicole Davis, 4927 3156

Mr Steven Peart
Manager - Environmental and Community
Wambo Coal Pty Ltd
PMB 1
SINGLETON NSW 2330

Dear Mr Peart,

REVIEW OF WAMBO COAL PTY LTD, SOUTH BEATES (WHYBROW SEAM) UNDERGROUND MINE, EXTRACTION PLAN, LONGWALLS 11 TO 13 - HERITAGE MANAGEMENT PLAN (DA 305-7-2003) AUGUST 2015.

Thank you for your correspondence to the Office of Environment and Heritage (OEH) on the 27 August 2015 requesting comments on the Heritage Management Plan for Wambo Coal Pty Ltd, South Bates (Whybrow Seam) Underground Mine, Extraction Plan, Longwalls 11 to 13, August 2015 (DA 305-7-2003).

Heritage Management Plans provide a useful tool for companies such as Wambo Coal Pty Ltd to use to help ensure that they meet their statutory requirements and that the management strategies for the protection of Aboriginal cultural heritage are clearly identified. OEH has reviewed the Heritage Management Plan for "Wambo Coal Pty Ltd, South Bates (Whybrow Seam) Underground Mine, Extraction Plan, Longwalls 11 to 13". Based on this review OEH is satisfied that the management measures proposed are adequate and appropriate given the nature of the archaeological record and the range of activities to be undertaken within operational footprint of the mine. OEH has no additional concerns with respect to Aboriginal cultural heritage management.

If you require any further information regarding this matter please contact Nicole Davis, Archaeologist, on 4927 3156.

Yours sincerely

1 SEP 2015

Ziggy Andersons
A/Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

Lower Hunter Aboriginal Incorporated

5 Killara Drive
Cardiff South NSW 2285
Email – Lowerhunterai@gmail.com
ABN: 8192 4628 138



31/08/2015

Steven Peart
Environment and Community Manager
Wambo Coal Pty. Ltd.
PMB1, Singleton, NSW, 2330

Dear Steven,

Re: Wambo Coal Mine – Long walls 11 to 13 Extraction Plan.

On behalf of Lower Hunter Aboriginal Incorporated I would to state that the traditional owners and relevant members have been presented with the HMP report, LHAI members agree and support the report and have no further comments to add. We also would like to be involved in any future proposed surveys.

Executive Summary

The LHAI has Site Officers and members of the community that are traditional owners of the land and have been involved in public projects in the past and have vast knowledge of Aboriginal Culture and Heritage in and around the Hunter Valley. Our Sites Officers have more than 30 years of experience and are properly certified with all the necessary qualifications.

The Lower Hunter Aboriginal Incorporated (LHAI) has a responsibility for ongoing protection and conservation of the Aboriginal Culture and Heritage in the Hunter region and recommends that all proposed projects and cultural heritage works within Hunter Valley area to be assessed by a Lower Hunter Aboriginal Incorporated Cultural and Heritage Officer.

Yours sincerely

David Ahoy
Senior Sites Manager
LHAI
Mobile – 0421329520



Job no. Doc15/335436

Steven Peart
Environment and Community Manager
Wambo Coal Pty Ltd
PMB1, Singleton NSW 2330

Dear Steve

**Heritage Management Plan
Wambo Coal Mine – Longwalls 11 – 13 extraction plan**

Thank you for your letter dated 28 August 2015 inviting the Heritage Council of NSW to comment on the *South Bates (Whybrow Seam) Underground Mine Extraction Plan Longwalls 11 to 13: Heritage Management Plan* August 2015. The Heritage Division, Office of Environment and Heritage (OEH), on behalf of the Heritage Council of NSW, has reviewed the information and would like to provide the following comments. Please note, these comments are in relation to non-Aboriginal heritage, comments on Aboriginal Heritage are provided by a separate section of OEH.

To ensure robustness, the 2015 *South Bates (Whybrow Seam) Underground Mine Extraction Plan Longwalls 11 to 13: Heritage Management Plan* (HMP) should incorporate a discussion on the Wambo Homestead, listed under the NSW Heritage Act on the State Heritage Register (SHR) as item number 00200. This discussion should include: a history of the place; significance values; and a current statement of significance. It will also be appropriate to include the listing of Wambo Homestead by the local councils & shires and state government agencies; and a location plan.

The HMP states that the Wambo Homestead Complex 'will experience no measurable subsidence from the South Bates (Whybrow Seam) Underground Mine' (s6). The Wambo Homestead Conservation Management Plan (CMP) 2006 identifies that the homestead buildings are generally in a fragile state. As a result, a section that identifies potential risks and outlines measures to reduce the potential for damage to the heritage item during the works should be provided in the HMP, or as a standalone Temporary Protection Plan.

Further to the above, it would also be appropriate to address how the proposed works comply with the objectives of the CMP.

If you have any queries, please contact Carole-Lynne Kerrigan, Heritage Assessment Officer of OEH on (02) 9873 8519 or at Carole-Lynn.Kerrigan@environment.nsw.gov.au.

Yours sincerely

Adrian Hohenzollern
Senior Team Leader, State Heritage Assessments
Heritage Division, Office of Environment and Heritage
23 September 2015