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# Wollombi Brook Aboriginal Cultural Heritage Conservation Area

Prepared by

Yancoal Australia Pty Ltd

and the

Upper Hunter Valley Aboriginal Cultural Heritage Working Group

## Plan of Management 2017-2021

June 2017

Document Control Table

Version number	Date	Revision description	DP&E approval date
v1	June 2017	Original	11 October 2017



Andrew Speechly  
Manager Environment and Community (HVO/MTW)  
Yancoal Australia Limited  
PO Box 315  
SINGLETON NSW 2330

*Andrew*

Dear Mr Speechly

**Mount Thorley Warkworth Operations (SSD 6464 and SSD 6465)  
Approval of Management Plans**

I refer to Joel Deacon's correspondence from 11 July 2017 submitting revised management plans for the Mount Thorley Warkworth mining complex (SSD 6464 and SSD 6465). The Department notes the management plans have been revised to address the Department's comments of 3 October 2017 (see **Attachment A**).

The Department has reviewed the following plans and is satisfied that they meet the relevant requirements under SSD 6464 and SSD 6465:

- Wollombi Brook Aboriginal Cultural Heritage Conservation Area Management Plan version 7 (condition 38 of Schedule 3 of SSD 6464); and
- Historic Heritage Management Plan version 5 (condition 46 of Schedule 3 of SSD 6464). The Department notes that this management plan has been developed to meet the requirements of condition 46 of Schedule 3 of SSD 6464 and to include the management of historic heritage within the area covered by the Mount Thorley Operations development consent (SSD 6465).

I wish to advise that the Secretary approves the above management plans. Please place final copies of the management plans on your website.

Should you have any questions in relation to this matter, please contact Jessie Evans on the above details.

Yours sincerely

*Howard Reed*

Howard Reed

*11.10.17*

**Director**

**Resource Assessments**

as nominee of the Secretary

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## ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
CEEC	Critically Endangered Ecological Community
CHMZP	Cultural Heritage Management Zoning Plan
CHWG	Upper Hunter Aboriginal Cultural Heritage Working Group
EA	Environmental Assessment
EEC	Endangered Ecological Community
MoU	Memorandum of Understanding
MTW	Mount Thorley Warkworth
NPW Act	NSW <i>National Parks &amp; Wildlife Act 1974</i>
OEH	Office of Environment and Heritage
PBC	Prescribed Body Corporate
PMIG	Plan of Management Implementation Group
SBAMP	Southern Biodiversity Area Management Plan
TSC	NSW <i>Threatened Species Conservation Act 1999</i>
WBACHCA	Wollombi Brook Aboriginal Cultural Heritage Conservation Area

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# 1 Introduction

This Plan of Management for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area (WBACHCA) has been jointly prepared by the Upper Hunter Valley Aboriginal Cultural Heritage Working Group (CHWG) and Yancoal Australia (Yancoal) representatives. This Plan of Management has been developed in compliance with condition 38 of Schedule 3, Warkworth Continuation SSD-6464 development approval. Condition 38 and the associated condition 39 are reproduced below.

<b>Condition 38 – Wollombi Brook Aboriginal Cultural Heritage Conservation Area</b>	<b>Plan of Management Section / Schedule</b>
<p>The Applicant shall prepare and implement a conservation management plan for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area to the satisfaction of the Secretary.</p> <p>This plan must:</p>	
<p>(a) be prepared in consultation with OEH and Aboriginal stakeholders, and submitted to the Secretary for approval prior to carrying out any development to the west of Wallaby Scrub Road under this consent unless otherwise agreed by the Secretary;</p>	<p>Section 1.1 and Appendix 10.3</p>
<p>(b) describe the measures that would be implemented to provide for the protection, conservation and enhancement of Aboriginal heritage values in the area;</p>	<p>Sections 4.2, 7 and 10.2</p>
<p>include a program/procedures for:</p>	
<p>o protection and management of Aboriginal sites, including protocols for the establishment of strictly controlled non-access zones and protocols around culturally sensitive areas;</p>	<p>Section 7</p>
<p>o maintaining and managing access to the area by the relevant Aboriginal stakeholders, including establishment of areas for active Aboriginal cultural heritage and landscape management; and</p>	<p>Sections 3.2.2, 4.2.3, 5 and 7</p>
<p>o ongoing consultation and involvement of the relevant Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage in the</p>	<p>Section 3.2.2</p>

area;	
(c) investigate the potential for collaborative management of the Aboriginal heritage values of the land within the Southern Biodiversity Area and the adjoining Wambo-owned land adjacent to the conservation area, in consultation with the owner of the Wambo mine; and	Sections 4.2.2 and 5
(d) include an action plan for the implementation of the plan, including the establishment and role of the Wollombi Brook Aboriginal Cultural Heritage Conservation Area management committee in overseeing implementation of the plan.	Section 8
<b>Condition 39 - Conservation Agreement</b>	
Prior to carrying out any development to the west of Wallaby Scrub Road under this consent, unless the Secretary agrees otherwise, the Applicant shall enter into a conservation agreement or agreements pursuant to section 69B of the <i>National Parks and Wildlife Act 1974</i> relating to the Wollombi Brook Aboriginal Cultural Heritage Conservation Area, recording the obligations assumed by the Applicant under the conditions of this consent in relation to the conservation area, and register the agreement/s pursuant to section 69F of the <i>National Parks and Wildlife Act 1974</i> .	Section 3.2.1

**Internal procedures referenced in this document have not been reviewed or endorsed by the Department of Planning & Environment. Yancoal takes responsibility for ensuring these procedures are in accordance with this management plan and generally in accordance with the development consent.**

All land situated within the WBACHCA is freehold property owned by Yancoal and associated joint venture partners. Yancoal's Mount Thorley Warkworth (MTW) Operations mine adjoins the eastern boundary of the WBACHCA. There are a number of other coal mines in the near region including Yancoal's Hunter Valley Operations South and the Wambo and Bulga Mines operated by Peabody Energy Australia and Glencore respectively – **see Figure 1**.

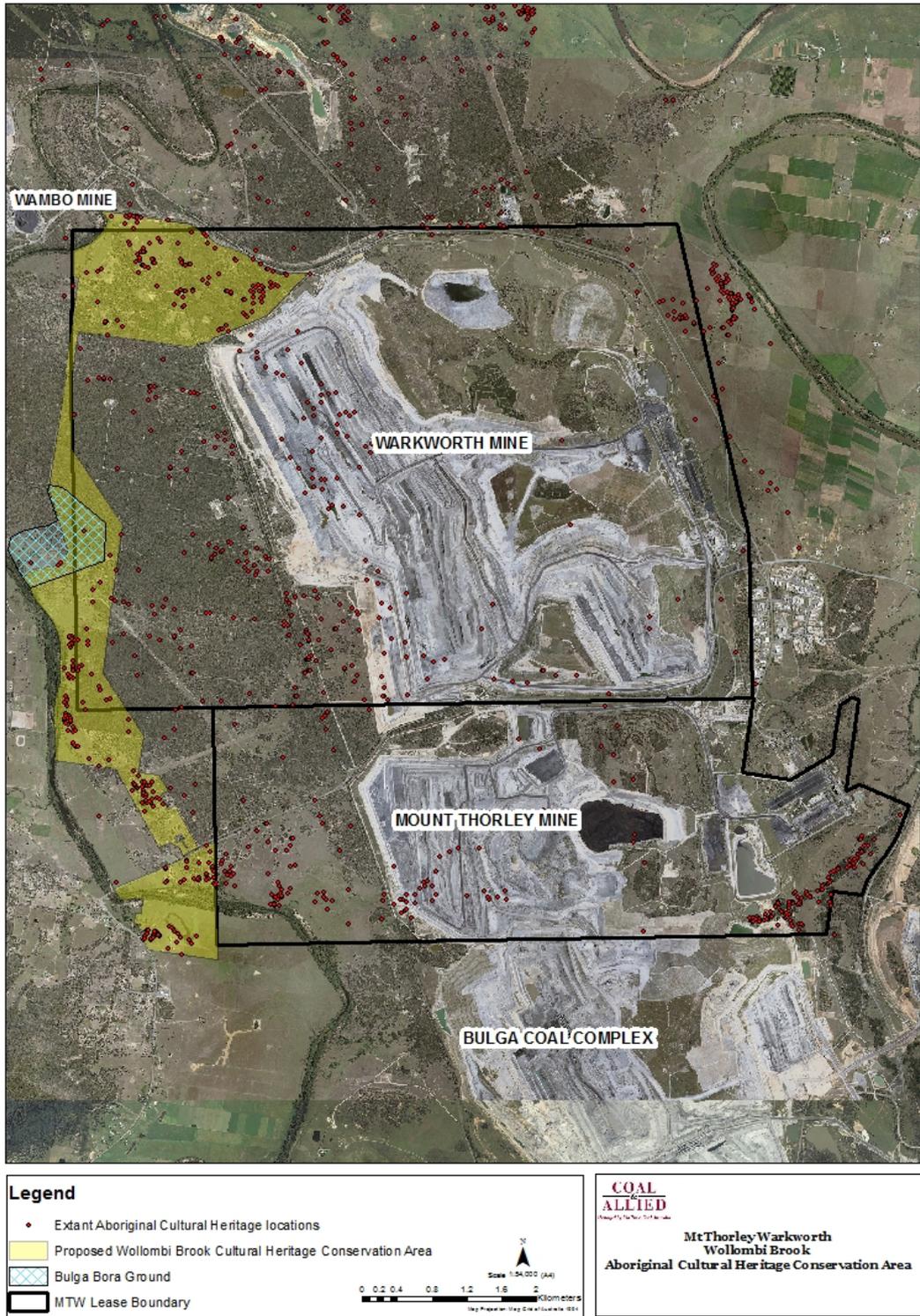


Figure 1. Location of the WBACHCA

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## 1.1 History of the proposal for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area

In September 2005, the Upper Hunter Valley Aboriginal CHWG<sup>1</sup> was established, comprised of company representatives and representatives from Upper Hunter Valley Aboriginal community groups, corporations and individuals. The CHWG was established so that the company and the Aboriginal community could develop and implement a new cultural heritage consultation and management process in the Upper Hunter Valley. This approach involves ongoing direct engagement between company personnel and the Aboriginal community rather than outsourcing the consultation relationship to a third party. Yancoal's objectives are to develop a robust relationship with the Aboriginal community and to cooperatively develop Aboriginal cultural heritage management programs which the Aboriginal community are encouraged to jointly design, implement and manage with the company.

The CHWG provides an ongoing forum for discussions on all matters pertaining to cultural heritage associated with company owned lands, projects and operations in the Upper Hunter Valley. The CHWG regularly reviews the progress and outcomes of Yancoal's cultural heritage process and management program in the Upper Hunter, revising and refining elements of the process by consensus.

During consultations throughout the period 2009 to 2017 for the proposed extension/continuation of the Warkworth Mine, members of the CHWG indicated their desire to assess and manage cultural heritage at the landscape scale. Although CHWG members are generally satisfied with the current cultural heritage management arrangements at MTW, they identified areas for improvement including:

- the emphasis on the identification, collection and curation of stone artefacts as the centrepiece of cultural heritage management activities does little to address the importance of critical regional cultural sites and landscapes to Aboriginal people or to assist in the development of a sense of empowerment over the management of important cultural places;
- the need to address the potential for community benefits and intergenerational equity that might arise from active engagement in the long term management and protection of cultural places;
- the focus on material culture can also divert attention from the fact that Aboriginal people themselves are the repositories of historical and cultural information that is important to the community and is under threat as older knowledge holders within the community age and pass on; and

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<sup>1</sup> In the event that the CHWG is superseded by another Aboriginal community consultation entity then all references to the CHWG in this Plan of Management will apply to the new consultation entity.

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- there is a degree of uncertainty both for Aboriginal people and heritage personnel as mining plans are revised over time in response to changes in technical, economic, social and political conditions. For example, cultural sites that are regarded as protected from disturbance may lose this status as mining plans are revised to reflect new economic circumstances. While absolute and permanent certainty in land use requirements is an elusive concept, a more regional approach to cultural heritage management and planning with a focus on long term management of critical areas could bring greater certainty to all stakeholders and better outcomes for the Aboriginal community rather than what is currently a somewhat piecemeal and incremental approach.

The proposal for the establishment of the WBACHCA arose directly from these consultations and the work of CHWG.

A final draft of this Plan of Management was provided to the Office of Environment & Heritage (OEH) for review on 19 June 2017, with a response received on 28 June 2017 noting OEH's satisfaction with the adequacy of this plan (see **Appendix 10.3**).

## 1.2 The planning and development approval context for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area

In the Environmental Assessment (EA) report for the then proposed Warkworth Mine Extension (C&A, 2009) the proponent committed to:

*Implement a consultation process through the CHWG to develop an appropriate management agreement or accord for the co-management of the (Wollombi Brook) Conservation Area with the Aboriginal community.*

Although the Warkworth Mine Extension was approved (DA\_09\_0202) the approval was subsequently overturned by the Land & Environment Court. The proponent remained committed to establishing the WBACHCA and submitted another development application for the Warkworth Continuation (2014) which was approved as SSD-6464 on 26<sup>th</sup> November 2015. Condition 38 of Schedule 3, Warkworth Continuation SSD-6464 development approval requires the proponent to establish the WBACHCA.

38. The Applicant shall prepare and implement a conservation management plan for the Wollombi Brook Aboriginal Cultural Heritage Conservation Area to the satisfaction of the Secretary.

This plan must:

- (a) be prepared in consultation with OEH and Aboriginal stakeholders, and submitted to the Secretary for approval prior to carrying out any development to the west of Wallaby Scrub Road under this consent unless otherwise agreed by the Secretary;
- (b) describe the measures that would be implemented to provide for the protection, conservation and enhancement of Aboriginal heritage values in the area;
- (c) include a program/procedures for:
  - protection and management of Aboriginal sites, including protocols for the establishment of strictly controlled non-access zones and protocols around culturally sensitive areas;

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- maintaining and managing access to the area by the relevant Aboriginal stakeholders, including establishment of areas for active Aboriginal cultural heritage management; and
  - ongoing consultation and involvement of the relevant Aboriginal stakeholders in the conservation and management of Aboriginal cultural heritage in the area;
- (d) investigate the potential for collaborative management of the Aboriginal heritage values of the land within the Southern Biodiversity Area and the adjoining Wambo-owned land adjacent to the conservation area, in consultation with the owner of the Wambo mine; and
- (e) include an action plan for the implementation of the plan, including the establishment and role of the Wollombi Brook Aboriginal Cultural Heritage Conservation Area management committee in overseeing implementation of the plan.

39. Prior to carrying out any development to the west of Wallaby Scrub Road under this consent, unless the Secretary agrees otherwise, the Applicant shall enter into a conservation agreement or agreements pursuant to section 69B of the *National Parks and Wildlife Act 1974* relating to the Wollombi Brook Aboriginal Cultural Heritage Conservation Area, recording the obligations assumed by the Applicant under the conditions of this consent in relation to the conservation area, and register the agreement/s pursuant to section 69F of the *National Parks and Wildlife Act 1974*.

The fundamental purpose of the WBACHCA is for the conservation and protection, in perpetuity, of significant Aboriginal cultural heritage landscapes and sites, and in particular, the highly significant Bulga Bora Ground area, by and for the Aboriginal people of the Upper Hunter, and the proponent has committed to this management outcome in the project EA. To deliver on this commitment, Yancoal and the CHWG must develop an appropriate governance structure, Plan of Management and identify the most suitable permanently binding conservation covenant/s to secure the protection and management of the area for current and future generations.

Yancoal's and the CHWG's goal is for the WBACHCA to be the cornerstone of a broader strategy to establish a cultural heritage conservation estate in the Upper Hunter that is jointly managed by Yancoal and Wonnarua and other Aboriginal peoples of the Upper Hunter. To achieve this goal, Yancoal and the CHWG must develop transparent, robust and practical governance arrangements and mechanisms for community decision making about joint management of these lands in consultation with regulatory agencies.

The WBACHCA will also protect significant biodiversity values in linking with the Warkworth Extension Southern Offset Area (Cumberland Ecology, 2014) that has been proposed in the EA as one of several biodiversity offset areas for the ecological impacts attributable to the proposed Warkworth Mine Extension. If the proposal is approved in its present form, both of these land uses will coexist in the WBACHCA. While Yancoal believes that these land uses are very compatible, it is important that the Plan of Management reflects the primary goal of the WBACHCA is for the protection and management of Aboriginal cultural heritage (including the cultural landscape) through joint management as well as the synergies that will arise from protecting and restoring the ecological integrity of the lands and the educational, training, employment and economic opportunities that these activities will offer to Aboriginal people of the Upper Hunter Valley.

To achieve these joint objectives, Yancoal's environmental staff, who will have responsibility for achieving the environmental outcomes set by the regulator for

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this area will need to work closely with the Aboriginal community on implementing mutually agreeable and beneficial management outcomes. As well as the opportunity to put in to practice hands-on joint management, this presents a training and employment opportunity for Aboriginal community members.

### 1.3 The Wollombi Brook Aboriginal Cultural Heritage Conservation Area

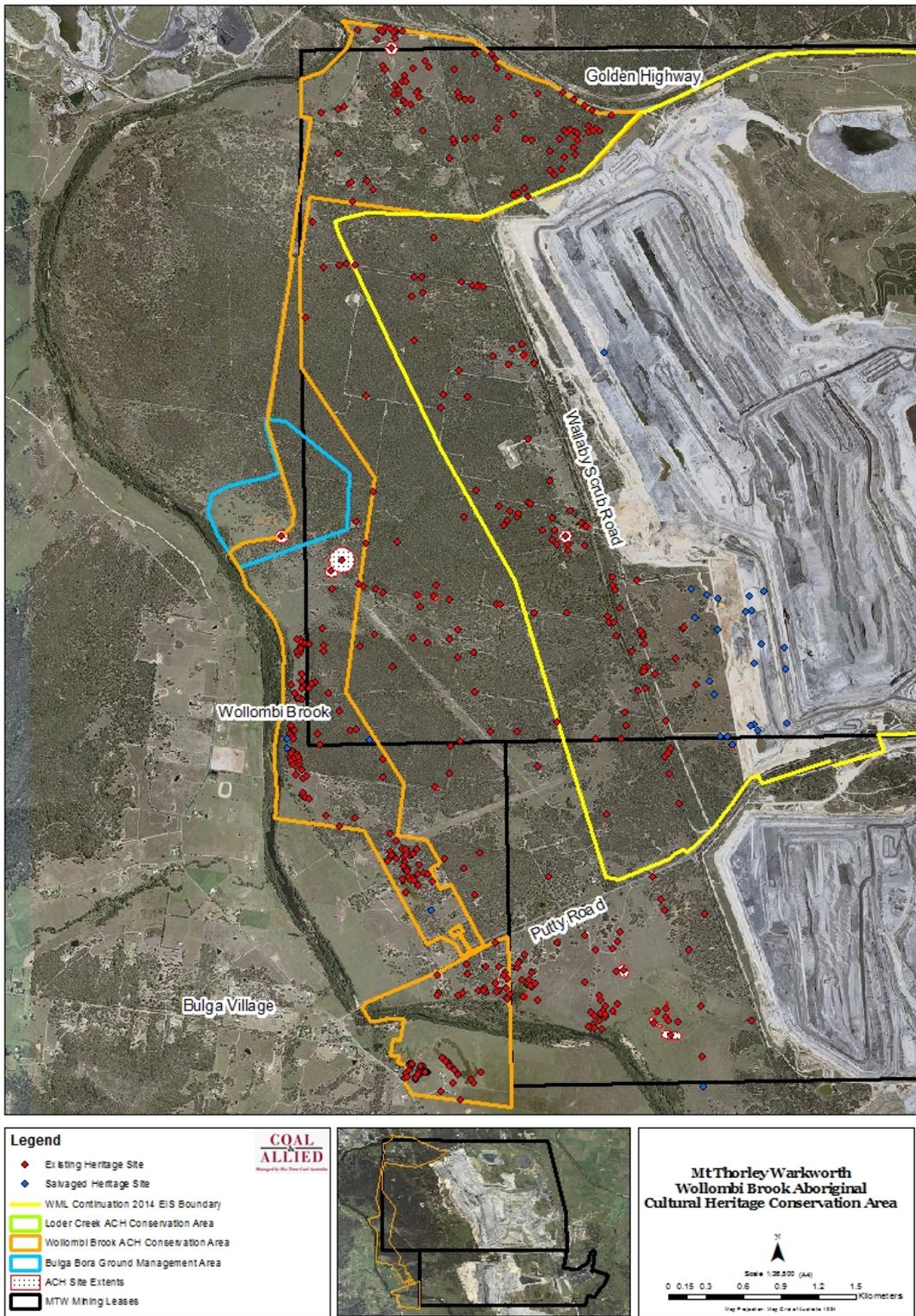
The WBACHCA encompasses an area of approximately 696 ha. Its southern boundary adjoins the Putty Road and the 'Riverview' property boundary, and is aligned generally north-south along the eastern bank of Wollombi Brook, with its northern-most extent being aligned east-west straddling Wallaby Scrub Road east to the Wambo Mine railway corridor adjacent to the Golden Highway. The proposed boundaries of the WBACHCA and its location are shown in **Figure 2**.

The eastern portion of the Bulga Bora Ground incorporating the locality of the carved trees ceremonial area is located within the WBACHCA. The western portion incorporating the 'camping' area is located on adjacent land that is owned by Wambo Coal and therefore is not included in the WBACHCA.

The WBACHCA was proposed for the 2010 Warkworth Extension Project and covered approximately 513 hectares. The area was identified by the Aboriginal community during the Warkworth Extension Project consultation process as being of high conservation value for the protection and conservation of significant Aboriginal cultural heritage objects, places and landscapes, and includes the entirety of the portion of the Bulga Bora Ground that is known to be situated on Yancoal owned lands. MTW made a commitment during the Warkworth Extension Project to establish an Aboriginal Cultural Heritage Conservation Area over those lands and since 2010 has implemented internal management measures to exclude development disturbance activities in the proposed WBACHA.

The WBACHCA proposed for the Warkworth Continuation 2014 proposal has been enlarged to incorporate additional lands for the in-perpetuity protection of Aboriginal cultural heritage. The proposed WBACHCA 2014 lands will protect a total of approximately 696 hectares, an increase of approximately 35 per cent in the areas to be permanently protected than originally proposed in 2010.

Vegetation includes gallery riparian zones, forest regrowth and areas that have been subject to agricultural use and pasture improvement. The area contains valuable areas for biodiversity conservation and rehabilitation (Cumberland Ecology, 2014) and has very significant cultural heritage values for Aboriginal people. The general area has a history of significant landuse disturbance and incorporates informal roadways and tracks, a former WWII aerodrome, sites of existing and former farm buildings, fencing and other built infrastructure.



**Figure 2** Boundaries of the WBACHCA

**Table 1** lists the real property descriptions (lot on plan) and approximate area in hectares within each lot incorporated within the WBACHCA boundary.

<b>Lot/DP:</b>	<b>Area (Ha)</b>	<b>All/Partial</b>
7300//1146128	0.8	Partial
360//1125647	19	All
220//1135537	42	Partial
350//1135536	20	All
1//1107717	22	All
28//1102666	20	All
1//11043467	37	Partial
2//816643	8	Partial
1//816643	32	All
24//755270	36	Partial
25//755270	38	Partial
26//755270	42	Partial
99//755267	20	All
129//755267	319	Partial
16//755267	81	All
137//755267	16	Partial
32//755267	16	Partial
63//755267	39	Partial
57//753821	0.8	Partial
22//753821	0.8	All
2//735566	134	Partial
541//252771	17	All
543//252771	10	Partial
542//252771	10	All
5//248570	1	Partial
11//246201	10	All
3//246201	10	Partial
12//246201	11	All
5//246201	10	Partial
9//246201	10	Partial
2//246201	10	Partial
10//246201	10	Partial
1//246201	16	Partial
1//129800	10	All
2//129799	10	Partial
1//129799	10	Partial
7//113342	1	Partial
7001//93633	5	Partial
4//10022 (changed to 1//1043467)	38	Partial
Wollombi Brook (No Lot/DP)	8	Partial
Wollombi Brook (No Lot/DP)	29	Partial
Wallaby Scrub Road (Public Road)- No Lot/DP	2	All
Crown Public Road (No Lot/Dp)	7	Partial
Wallaby Scrub Road (Public Road)- No Lot/DP	3	Partial
Crown Public Road (No Lot/DP)	3	Partial
Council Public Road (No Lot/DP)	0.05	Partial

Council Public Road (No Lot/DP)	1	Partial
Crown Public Road (No Lot/DP)	3	Partial
Wallaby Scrub Rd (Council Public Road)- No Lot/DP	19	Partial

**Table 1.** WBACHCA real property descriptions and lot areas

The westerly extents of the WBACHCA front large sections of Wollombi Brook and several other drainage systems. It also includes substantial portions of the existing Warkworth mining lease. The adequacy of the original area proposed as a conservation area for the in perpetuity protection of Aboriginal cultural heritage has been widely discussed and accepted among both the Aboriginal community and government, including the Department of Planning & Environment and OEH.

On the advice of the CHWG and owing to the cultural sensitivity of its location (which is in the area of the Bulga Bora Ground), a small portion (some 69ha) of the WBACHCA has not been the subject of comprehensive and systematic cultural heritage investigation and assessment at this time. A total of 265 places containing Aboriginal cultural heritage have been identified and recorded within the areas that have been subject of survey and are summarised in the table below.

Although again heavily dominated by places containing stone artefacts, there is considerably more diversity in Aboriginal cultural heritage place types which have been identified here than elsewhere across the greater Warkworth area. Of particular note is the identification of spiritual and ceremonial places (notably the Bulga Bora Ground which is of particular significance to the Aboriginal community) and a mound feature which potentially may contain burials. Examples of grinding grooves and scarred trees noted elsewhere within the Warkworth mining area are also present within the WBACHCA albeit in greater numbers. For scarred trees this probably is a direct function of the general lack of all forms of development activity which have taken place in this area.

Although not specifically included in the table below, a large number of places (112 or 42.3% of the total number of sites) containing the potential for archaeological deposits (i.e. PAD) have been identified. As elsewhere across the MTW mining area, these are predominantly associated with areas containing stone artefacts, but they were also found associated with three of the grinding groove places, two of the scarred trees and the mound feature. Full details of all 265 sites are provided in **Table 8** in **Appendix 10.1**.

<b>Place Type</b>	<b>Number</b>	<b>%</b>
Stone Artefacts	244	92.1
Scarred Trees	11	4.1
Grinding Grooves	4	1.4
Spiritual Place	1	0.4
Spiritual Place / Scarred Trees	1	0.4
Stone Arrangement	1	0.4
Mound Feature (potential burials)	1	0.4
Stone Source	1	0.4
Isolated Stone Artefact/s / Stone Source	1	0.4
<b>Total</b>	<b>265</b>	

## 1.4 The purpose of this Plan

This Plan of Management:

- sets out the planning background that has influenced consultations and management decisions;
- outlines the history, contemporary profile and aspirations of the Aboriginal people of the Hunter Valley;
- sets out the proposed governance and management arrangements for the area;
- briefly describes the characteristics and values of the area; and
- identifies important management issues, objectives and priorities.

This Plan of Management is intended to incorporate and implement the management principles and commitments made by MTW in consultation with the CHWG. These principles and commitments include:

- the establishment of the WBACHCA in perpetuity for the conservation and management of Aboriginal cultural heritage places and values. In particular, it will provide for the protective management and cultural maintenance of the Bulga bora ground and associated cultural landscape and other places;
- the WBACHCA will be protected permanently from all mining (open cut, underground, highwall), exploration drilling and associated development disturbance;
- the establishment of strictly controlled non-access zones and access protocols around culturally sensitive areas as determined in consultation with the CHWG;
- the establishment of areas for use by the Aboriginal community for cultural and community purposes;

- 
- the establishment of areas for active Aboriginal cultural heritage and landscape management, including vegetation rehabilitation;
  - the processes and protocols by which ongoing Aboriginal community access to the WBACHCA can be facilitated;
  - procedures for access and works for maintenance of existing infrastructure, land management, environmental compliance, land management and safety requirements;
  - the Aboriginal community, through a WBACHCA management committee, will oversee the implementation of the management plan;
  - provision for an active Aboriginal community role in both Aboriginal cultural heritage and environmental management activities for the WBACHCA with this including training and employment development opportunities; and
  - engage with Wambo Coal Pty Ltd with a view to developing a collaborative management protocol for highly significant areas associated with and immediately adjacent the Bulga Bora Ground (which has been identified as containing portions of the extended Bulga Bora Ground precinct and associated places) situated on Wambo Coal lands.

Sources of additional technical information about the area that have informed the development of this plan are listed in the bibliography.

The Plan of Management will guide work in the initial stages (years 1-5) of establishing the WBACHCA. The Plan of Management addresses a number of new and complex tasks and expectations and therefore needs to be flexible and to responsive to changes as the process evolves over time and to integrate subsequent lessons and innovations. The Plan of Management will be jointly reviewed by Yancoal and the CHWG on an annual basis.

## 2 The Wonnarua people's vision – looking after country and culture

Community workshops requested by CHWG representatives to discuss the proposed WBACHCA have been held on 22 October 2009, 25 November 2010 and 14 February 2017. The workshops were attended by up to 30 CHWG stakeholder representatives and technical and cultural heritage personnel representing MTW.

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There was strong Aboriginal community support for the concept of the proposed WBACHCA and the potential benefits that might flow to the Aboriginal community from its establishment and a new approach to Aboriginal cultural heritage management in the Upper Hunter Valley. In these workshops, lengthy and constructive discussion about the proposal ranged over a number of key topics including:

- the Aboriginal community's aspirations for the conservation area;
- MTW's aspirations for the conservation area;
- the uses and purposes for the proposed cultural heritage conservation area;
- governance arrangements and accountability;
- the nature of a treaty or agreement between the Aboriginal community and MTW that would set out responsibilities and commitments;
- management priorities for the conservation area;
- resource requirements for management of the conservation area;
- the key objectives for establishing the conservation area.

Consensus was achieved on the key community aspirations and objectives (see **Table 2**) to guide the management of the proposed Conservation Area. This draft plan has been prepared on the basis of these principles.

- |  |
|--|
| <ul style="list-style-type: none"><li>• Acknowledgement and respect for the Wonnarua people as the Traditional Owners of the lands;</li><li>• Aboriginal community ownership and control of the lands;</li><li>• Aboriginal community control of access to country;</li><li>• Protection and collaborative management of the entire Bulga Bora Ground site across lands owned by both MTW and Wambo – Peabody Coal;</li><li>• Protection and management of the cultural heritage landscape, including the possibility of Aboriginal Place nominations;</li><li>• Protection and management of ecosystems – flora, fauna and water resources, including Aboriginal business opportunities for such;</li><li>• Connectivity with adjacent similar conservation areas, with dedicated access tracks through these areas</li><li>• Management in accordance with the Traditional Owners' lores and customs, including aspects such as cultural burning;</li><li>• Transmission of cultural knowledge;</li><li>• Sustainable long term social, cultural and economic benefits that improve the lives of Aboriginal people on Wonnarua lands in the Hunter Valley;</li><li>• Establishment of partnerships that support these objectives</li></ul> |
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**Table 2.** Aboriginal community objectives for the proposed WBACHCA

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## 3 Governance

### 3.1 Background

It is important that the governance framework for managing the WBACHCA is well considered and appropriately structured. The current forum for decision making about cultural heritage management on Yancoal owned lands in the Upper Hunter is the CHWG.

The CHWG was established in 2005 by agreement between the company and stakeholders of the Upper Hunter Valley Aboriginal community. Membership of the CHWG is open to Aboriginal people who have registered their interest in the management of cultural heritage on lands on which the company conducts operations in the Upper Hunter Valley as Registered Aboriginal Parties in conformance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH).

### 3.2 Governance Matters

#### 3.2.1 Land tenure and protection arrangements

It is noted that under condition 39 of development approval SSD-6464 Yancoal is required to enter into a conservation agreement pursuant to section 69B of the *National Parks and Wildlife Act 1974* (NPW Act) relating to the WBACHCA. The Conservation Agreement will protect the WBACHCA from any future development disturbance in perpetuity. The Conservation Agreement references this Plan of Management. The Conservation Agreement must also be registered pursuant to section 69F of the NPW Act.

This Plan of Management details the activities and management measures that are permissible under the Conservation Agreement and also the enduring obligations assumed by Yancoal under the conditions of the SSD-6464 consent in relation to the conservation area. The management measures prescribed in this plan are permitted under the terms of the Conservation Agreement and conform with section 87A (d) under Division 12 of Part 4 of the NPW Act.

Additional to the protection from current and future development impacts provided by the Conservation Agreement, Yancoal will seek to register covenants on the land titles for all of the lands located within the WCACHCA which will prohibit development activities including all mining (open cut, underground, highwall), exploration drilling, mining infrastructure, overburden/top soil dumps and any other associated mining development disturbance. Covenants for each lot that are binding on current and future owners of these lands will be established pursuant to section 88 of the *Conveyancing Act 1919 (NSW)*.

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Freehold title to the lands located within the WBACHCA is held by Yancoal and its associated entities and joint venture partners. As outlined in the Warkworth Continuation 2014 SSD-6464 Environmental Impact Statement commitments Yancoal supports the aspiration of Aboriginal community ownership and control of the WBACHCA lands. The future arrangements for Aboriginal community ownership and control of the WBACHCA lands are yet to be determined, however, options for transfer of ownership and control of these lands may include (but not limited to) the following entities:

- Transfer of land titles to the Wanaruah Local Aboriginal Land Council to own and manage the lands, in accordance with the terms of the Conservation Agreement (s.69 NPW Act) and the Plan of Management, and subject to the provisions of the *Aboriginal Land Rights Act 1984*; or
- Transfer of land titles to a future appropriately structured Aboriginal community based entity to own and manage the lands in trust on behalf of the Aboriginal community; or
- Transfer of land titles to a future Prescribed Body Corporate (PBC) of a determined native title holder where the WBACHCA lands are situated within the PBC's area boundaries.

Until such time that Yancoal is satisfied as to the most appropriate entity to which to vest the ownership of the WBACHCA lands, Yancoal will continue to own and manage the lands in accordance with the terms of the Conservation Agreement and provisions of this Plan of Management and in consultation with the CHWG and other relevant stakeholders including any registered or determined native title parties with direct interests in these lands.

### 3.2.2 Decision making – Plan of Management Implementation Group

The initial management of the WBACHCA will be conducted jointly by Yancoal and the Aboriginal community through the auspices of the CHWG. The aim is to achieve consensus in our approach but it is important that there is a clear arrangement for decision making and implementing management actions.

The CHWG provides an appropriate forum for consensus decision making with the community about Aboriginal cultural heritage management on Yancoal owned and managed lands. However, the CHWG has no formal legal status or ability to make agreements or conduct business activities. Therefore, it is vital for the longer term management of the WBACHCA (and other areas that may be added to the cultural heritage conservation estate) that an appropriately structured and representative Aboriginal community corporate entity be established to oversee management of the area.

The may be either an existing entity or one that is established specifically to carry out the role of the community's heritage management activities for the purposes of entering into formal co-management arrangements with Yancoal for the WBACHCA. This is an important step for the community's reputation with

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potential partners, for attracting external funding and for developing a level of community capacity that is independent of Yancoäl.

In the interim a decision making group is required in order to action this Plan of Management. The Plan of Management Implementation Group (PMIG) will be established by Yancoäl and be authorized to consider the following matters:

- make decisions about the implementation of the management activities including cultural heritage sites and landscape management, community access arrangements, cultural protocols and other matters set out in the Plan of Management for the WBACHCA;
- consult with Yancoäl environmental staff about environmental management in the WBACHCA;
- make recommendations to Yancoäl on budgets and the allocation of resources for management activities undertaken under the Plan of Management; and
- make recommendations to Yancoäl about allocation of employment and training opportunities for community members and businesses.

The PMIG will be comprised of the following representatives:

1. One nominee from the Wanaruah Local Aboriginal Land Council.
2. One nominee from the Wonaruah Nation Aboriginal Corporation.
3. One nominee from Ungooroo Aboriginal Corporation.
4. One nominee from any relevant registered native title claimant group and/or PBC of determined native title holders with direct interests in the lands.
5. Four nominees selected from CHWG (who are not executive members, office holders, committee members, native title Applicants of any of the entities noted in 1-4 above).
6. Two nominees from Yancoäl.

The PMIG will operate as follows:

- The PMIG will meet quarterly (every three months) or as otherwise determined by the PMIG;
- The first quarterly meeting for each calendar year will be held in March of each year;
- The PMIG will nominate a Chairperson to oversee the conduct of business of the PMIG;
- The PMIG Chairperson will be selected by simple majority vote of PMIG representatives;
- The CHWG representatives for the PMIG will be selected by simple majority vote of CHWG representatives at a duly notified CHWG meeting. In the event that the CHWG are unable to select either one or both CHWG nominees then Yancoäl will nominate one or both CHWG representatives;
- The initial PMIG representatives will have a term commencing from the inception of the PMIG for a minimum of two years through to the date of the first quarterly meeting of the PMIG in the year following their initial two year term;

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- Following the term of the initial PMIG group, future PMIG representatives will have a term of two years commencing from the first quarterly PMIG meeting to be held in March of every second year;
  - Where a PMIG representative resigns during their term casual vacancies will be filled by the entities nominating a replacement representative and by Yancoal to fill vacancies for CHWG representative/s. The term of casual vacancies will be the balance of the term remaining of the resigning representative (up to a maximum of two years);
  - In the event that the PMIG cannot reach consensus or a majority decision on any matters Yancoal reserves the right to make such management decisions as it deems appropriate in conformance with the provisions and intent of this PoM;
  - The PMIG will provide regular updates, reports and other information as appropriate to the CHWG (nominally on a quarterly basis at the next CHWG meeting following each quarterly PMIG meeting);
  - The PMIG will operate in accordance with the Code of Conduct principles established for the CHWG.

In the event that any of the entities noted in 1-4 above cease to operate or are replaced by other appropriately structured community based entities, Yancoal reserves the right to invite such entities as it sees as being appropriate to join the PMIG. Yancoal will consult with all PMIG representatives and the CHWG prior to appointing any replacement or additional entities to the PMIG.

The PMIG will meet as required and will be resourced by Yancoal.

The PMIG will support Aboriginal community members to develop skills in administration and governance and will assist the community to achieve the objective of establishing a community based company that is able to take on the role of the community's resource management and business entity.

## 4 Aboriginal cultural heritage

### 4.1 Description and values

Archaeological and Aboriginal cultural heritage assessments have identified a representative and diverse range of Aboriginal cultural heritage sites and landscapes within the WBACHCA. A total of 265 places containing Aboriginal cultural heritage have been identified and recorded within 696 hectares of the WBACHCA lands.

Although places containing stone artefacts are the most sites recorded across the WBACHCA, there is considerably more diversity in Aboriginal cultural heritage place types represented within the WBACHCA than elsewhere across the greater Warkworth Mine area. Of particular importance is the identification of spiritual and ceremonial places (notably the Bulga Bora Ground, which is of particular significance to the Aboriginal community) and a mound feature that potentially

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may contain burials. Examples of grinding grooves and scarred trees noted elsewhere within the Warkworth mining area are also present within the WBACHCA albeit in greater numbers. For scarred trees this probably is a direct function of the general lack of all forms of development activity which have taken place in this area.

## 4.2 Key Management Issues

### 4.2.1 The Bulga Bora Ground

The Bulga Bora Ground (AHIMS [Aboriginal Heritage Information Management System] #37-6-0056) is of very high regional cultural significance and its protective management is of the highest priority. The site is of great contemporary significance to the Wonnarua traditional owners and other Aboriginal people of the Upper Hunter Valley region. Its importance has been raised by Aboriginal people in discussions with MTW staff over a period of years. Its significance was brought to the attention of the technical advisors on each of the cultural heritage surveys conducted on the Warkworth Mine lease and is a consistent topic of discussion at CHWG meetings. There is a long history of Aboriginal people seeking to ensure its continued protection including an unsuccessful application for protection under Section 10 of the Commonwealth *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Complicating factors that have surrounded the protective management of the site include:

- a lack of a clear understanding of the site's geographic location and extent;
- a lack of a clear consensus in the Aboriginal community about those who are empowered to speak for the site and how the site should be managed; and
- the fact that the recorded features of the site straddle land that is owned by two separate entities (Yancoal and Wambo Peabody Coal).

The site is also of significance to non-Aboriginal science and history. It represents a rare manifestation of Aboriginal cultural heritage in the region that was recorded by European science early in the last century (Australian Museum in 1918). Its historical importance also derives from the fact that its use by Aboriginal people for ceremonial activity was documented in the period of contact between Aboriginal people and European settlers in the 19<sup>th</sup> century (c.1852, Singleton Times Newsletter in Brayshaw, 2003, 2).

The location of the Bulga Bora Ground area and associated cultural landscape elements are now reasonably established for the purposes of protective management. The extended Bulga Bora Ground area straddles the boundary between the Warkworth Mine lease and the neighbouring Wambo Mine property. As it is currently understood, based upon information drawn from the 1918 Australian Museum inspection notes, AHIMS site card #37-6-0056, Brayshaw's 2003 report on the area for the Wambo Coal Mine Development Project EIS, and

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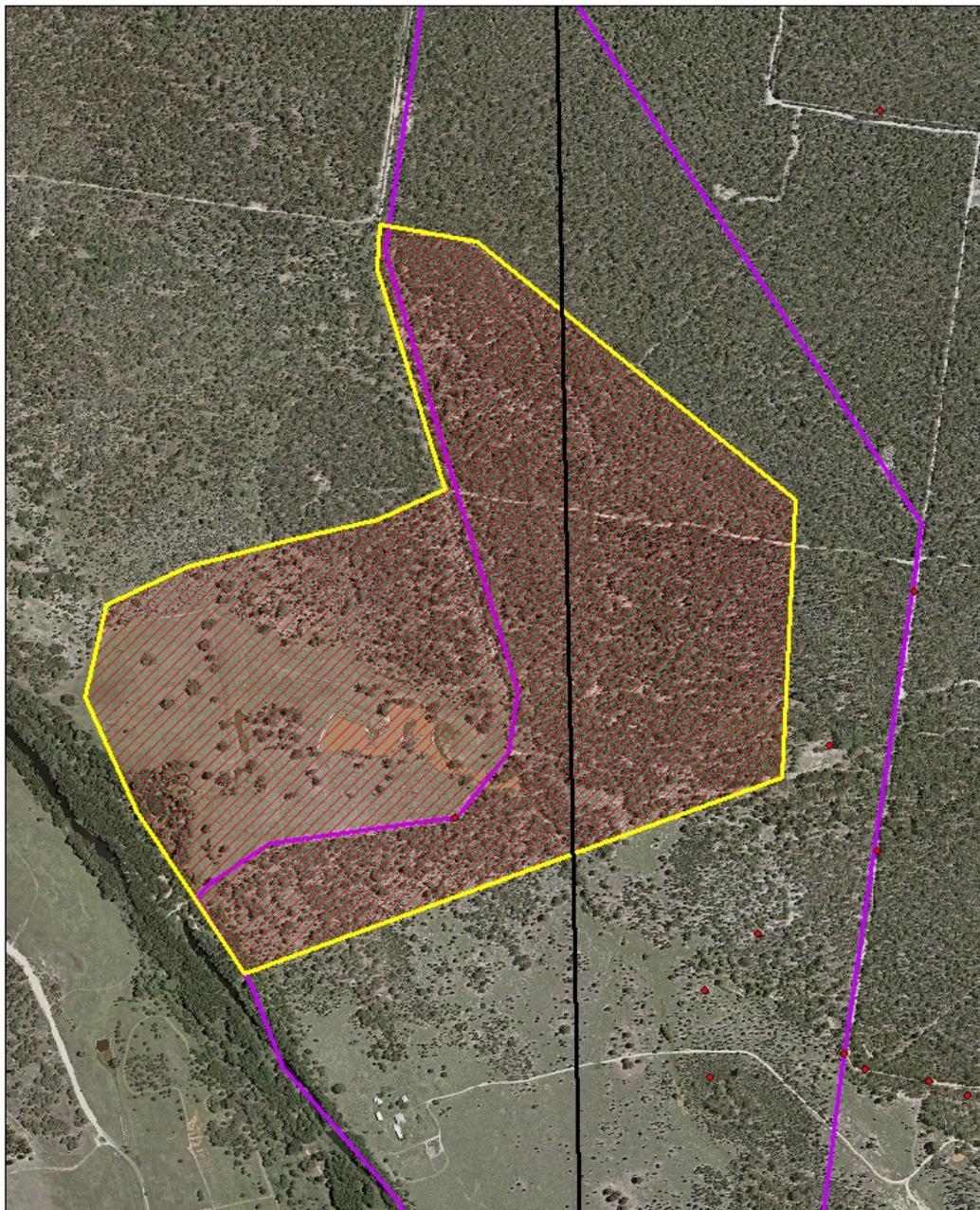
from information provided by various CHWG participants, the Bulga Bora Ground as currently understood is comprised of two core areas, the carved trees ceremonial section and the camp site section.

In general terms the carved tree ceremonial section (approximately 20ha) is located in the eastern portion of the site within an area of Warkworth Sands Woodland landform on land owned by Warkworth Mining Limited (Yancoal). The camp site area is generally located in the western portion around waterholes adjacent to Wollombi Brook on land owned by Wambo Coal Mine (Peabody Coal Australia) and extending south into land owned by Yancoal. However, there are other 'camp site' features (stone artefact scatters) that may be associated with the bora ground located directly south of the carved tree ceremonial area on Yancoal land.

The available photographic (Australian Museum in 1918) and cartographic evidence supports the contention that the general locality of the carved tree ceremonial area lies within a discrete area of Warkworth Sands Woodland landform. Warkworth Sands Woodland occupies aeolian sand dunes landform generally 1-6 m high and generally deposited on a NW-SE. alignment west of the current Warkworth Mine operations. The Warkworth Sands Woodland community is generally of woodland to low woodland structure with trees of *Angophora floribunda* and *Banksia integrifolia*, and shrubs and ground species including *Acacia filicifolia*, *Pteridium esculentum*, *Imperata cylindrica*, *Brachyloma daphnoides* and *Melaleuca thymifolia*. Other indicator species found in association with the Warkworth Sands Woodland include *Callitris endlicheri* and *Eucalyptus crebra* (Department of Environment, Climate Change & Water, 2010). All of these species are extant within the carved tree ceremonial area.

The camp site section of the Bulga Bora Ground is believed to be generally located to the west of the carved tree ceremonial area, predominantly along a creek line and waterholes located on land owned by Peabody Coal Australia. Several large stone artefact scatters have been recorded to the south and south-west of the carved tree ceremonial area - MTW-025, MTW-026 and MTW-028 recorded during 2009 MTW South-West Stage 2 assessment (Scarp, 2009).

Not all areas within the proposed WBACHCA have been subject to a comprehensive cultural heritage assessment survey, principally the narrow strip of land located west of the Warkworth Coal Mine Lease adjacent to the north and south of the carved tree ceremonial area. Survey transects were conducted by CHWG field officers across the eastern-most portion of the carved tree ceremonial area as part of the 2008 MTW West Stage 1 assessment (AECOM, 2009). However, following further consultation and internal discussions, the CHWG, requested that other transects planned across the bora ground and adjacent areas as part of the 2009 MTW South-West Stage 2 assessment (Scarp, 2009) be suspended until such time as the CHWG had developed appropriate community governance and cultural protocols for accessing the area. It is anticipated that additional cultural heritage surveys will be undertaken within the area for management purposes once these cultural governance arrangements and protocols have been established and implemented.



**Figure 3:** Boundary of the Bulga Bora Ground Management Area

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## 4.2.2 Collaborative Management Arrangements (Wambo Coal)

The CHWG have consistently demonstrated a clear consensus for the protection and collaborative management of the entire Bulga Bora Ground complex across lands owned by both Yancoal and Wambo – Peabody Coal. Yancoal and representatives of Wambo – Peabody Coal have discussed and considered collaborative management arrangements for the protection of the entire Bulga Bora Ground complex and agreed to enter into a Memorandum of Understanding (MoU) for the collaborative management of the complex and associated biodiversity offset lands.

The MoU has been developed to guide collaborative management arrangements for the Bulga Bora Ground complex and other Aboriginal cultural heritage values of adjoining conservation areas located at the MTW and Wambo operations. The core focus of the collaborative management arrangements is to provide a coordinated approach to Aboriginal community engagement and access to the conservation areas subject to the MoU. The PMIG will engage directly with Yancoal and Wambo Coal representatives to discuss, develop and guide the implementation of agreed collaborative management measures.

The core management commitments under the MoU include:

- a. Establishing an ongoing joint Warkworth Mine and Wambo Mine Aboriginal community engagement forum for discussing the management of and community access to their adjoining conservation lands;
- b. The Aboriginal community engagement forum will meet at least annually or at other times as requested by the CHWG (to be convened within 30 days of the CHWG meeting request notification date);
- c. Establishing collaborative management arrangements for the Bulga Bora Ground complex including cultural and community access protocols;
- d. Establishing a joint protocol for Aboriginal community access to conservation lands to visit Aboriginal cultural heritage sites and landscapes and culturally significant environmental areas within the conservation lands; and
- e. Establishing a plan for walking trails/routes to allow community access through the adjoining Yancoal and Wambo – Peabody owned conservation lands.

## 4.2.3 Community Access

One of the core community aspirations for the WBACHCA is for the provision of community access to visit the area for cultural, community, educational, training, recreational and other purposes. Community access protocols and arrangements will be developed and overseen by the PMIG (as outlined in section 3.2.2 above) and include the following provisions.

- a. The establishment of strictly controlled non-access zones and access protocols around culturally sensitive areas as determined in consultation with the CHWG;

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- b. The establishment of areas for use by the Aboriginal community for cultural and community purposes;
  - c. The establishment of areas for active Aboriginal cultural heritage and landscape management, including vegetation rehabilitation; and
  - d. The development and ongoing oversight of the processes and protocols by which ongoing Aboriginal community access to the WBACHCA can be facilitated.

#### 4.2.4 Historic Cultural Heritage

While the primary management regimes for the WBACHCA focus on the protection and conservation of Aboriginal cultural heritage and biodiversity values it is recognised that the area is also a repository of historic cultural heritage artefacts and landscapes. Remnants of previous pastoral and agricultural land uses are evident within the WBACHCA including ruins of farmsteads and associated rural infrastructure such as fences, stockyards, wells and tracks. A portion of the former Great North Road, the locally significant Springwood homestead and part of the western section of the former WWII RAAF Base Bulga aerodrome and ancillary facilities are located within the WBACHCA. These historically significant places will be managed in accordance with Conservation Management Plans (CMPs) that have been developed under the provisions of the Warkworth Continuation SSD-6464 Historic Heritage Management Plan.

## 5 Natural heritage

### 5.1 Plants

The vegetation of the WBACHCA has been extensively surveyed and mapped for the purposes of the Warkworth Continuation EA (Cumberland Ecology, 2014). This section draws on information from the Cumberland Ecology report.

#### 5.1.1 Description and values

Since European occupation and settlement, the native forests and woodlands of the Hunter Valley catchment have been extensively cleared and used for agriculture. Much of this clearing took place over 100 years ago as some of the earliest farming ventures within NSW occurred there. The result has been that much of the original native vegetation has been either removed or heavily modified. While this is also the history of the WBACHCA, the area still contains examples of ecologically significant and endangered plant communities and offers the opportunity for their rehabilitation which is an important value for the Aboriginal community.

**Table 3** sets out the vegetation communities found in the WBACHCA and their respective status under NSW and Commonwealth legislation and they are mapped in **Figure 4**.

<b>Vegetation Community</b>	<b>State Conservation Significance</b>	<b>Commonwealth Conservation Significance</b>
Warkworth Sands Woodland	EEC	No Significance
Hunter Lowlands Redgum Forest	EEC	No Significance
Hunter Valley Vine Thicket	EEC	No Significance
White Box Woodland	EEC	CEEC
Yellow Box Woodland	EEC	CEEC
Central Hunter Grey Box - Ironbark Woodland	Preliminary EEC	No Significance
River Red Gum Floodplain Woodland	Preliminary EEC	No Significance
Hunter Valley River Oak Forest	No Significance	No Significance
Warkworth Sands Grassland	No Significance	No Significance
Derived Grassland	No Significance	No Significance

**Table 3.** Vegetation communities of the WBACHCA and their conservation significance

After Cumberland Ecology, 2014. EEC = Ecologically Endangered Community, CEEC = Critically Ecologically Endangered Community

A number of threatened flora species listed under the TSC Act (NSW *Threatened Species Conservation Act 1995*) and the Commonwealth *Environment protection and Biodiversity Conservation Act 1999* are known to occur within the locality and a small number of regionally significant flora species have been identified as having potential to occur within the vegetation communities known to occur within the WBACHCA. The following six regionally significant flora species have been recorded within the total study area during recent surveys for the Warkworth Extension EA:

- Variable Smoke-bush (*Conospermum taxifolium*);
- *Grevillea montana*;
- Woolly Mat-rush (*Lomandra leucocephala subsp. leucocephala*);
- *Macrozamia flexuosa*;
- Bulga Wattle (*Acacia bulgaensis*); and
- Hairy Clerodendrum (*Clerodendrum tomentosum*).

Three of these species are listed as Rare or Threatened Australian Plants.

Of the regionally significant flora species, *Grevillea montana* has the highest occurrence and is known from previous surveys. Woolly Mat-rush, *Macrozamia flexuosa*, Bulga Wattle and Hairy Clerodendrum have also been recorded in isolated areas in previous surveys.

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## 5.2 Animals

The fauna of the WBACHCA and surrounding area was surveyed extensively for the purposes of the Warkworth Mine Extension EA and a comprehensive literature review conducted (Cumberland Ecology, 2014). The following information is drawn from this research report.

### 5.2.1 Description and values

Over 200 native vertebrates have been recorded within the EA study area which includes the WBACHCA. This includes 13 amphibian, 144 bird, 34 mammal and 19 reptile species. In addition to these native species, two exotic bird and nine exotic mammal species have also been recorded. A total of 17 threatened fauna species including 10 bird and seven mammal species have been recorded within the study area. Additionally, four bird species that have been assigned preliminary determinations for listing as threatened under the TSC Act have also been recorded.

There is a high potential for the WBACHCA to act as habitat for endangered fauna species as its ecological systems are re-established and actively managed.

## 5.3 Biodiversity Management Plan

The desired outcomes for the Warkworth Mine Extension Southern Biodiversity Area (SBA - primarily comprising the WBACHCA) in the SBA Management Plan (SBAMP) developed for the EA (Rio Tinto, 2016: 30) are stated to be:

- Enhanced landscape connectivity within the surrounding landscape;
- Improved fauna movement and flora dispersal opportunities within the surrounding landscape;
- Increase in the total area of suitable habitats for threatened fauna species within protected reserves, specifically for the Regent Honeyeater and Swift Parrot; and
- Contribute to and enhance the existing network of protected vegetation within the Hunter Valley.

The management of the natural values of the area will primarily be the responsibility of Yancoal's environmental management staff. High level strategies and objectives for the management of the Southern Offset Area included in the SBAMP are set out in **Table 4**. Once approval for the Warkworth Mine Extension Proposal is granted detailed landscape management planning will be undertaken to guide management effort and outcomes monitoring for the Offset areas.

It will be important for the success of the collaborative approach to management of the WBACHCA that the Aboriginal community is:

- informed and consulted on the environmental management program; and
- able to take the best advantage of employment, training and development opportunities that the program will provide.

These outcomes will be achieved through the work of the WBACHCA PMIG discussed in **Section 3.2.2**.

<b>Management Strategy</b>	<b>Objective</b>
Conservation	To guarantee the protection of areas for the life of the project and in perpetuity.
Fencing	To minimise disturbance.
Signage	To minimise disturbance.
Access Management	To minimise disturbance.
Weed Management	To minimise the impacts of weed species on native flora and vegetation communities.
Feral Animal Control	To protect threatened flora, fauna and communities from feral animal threats.
Overabundant Macropod Control	To protect threatened flora, fauna and communities from pressures resulting from overabundance of kangaroos.
Ecological Enhancement and Re-establishment	To enhance and re-establish Warkworth Sands Woodland.
Threatened Species Management	To enhance existing habitat and provide additional habitat features for known or potentially occurring threatened species.
Erosion and Sediment Control	To prevent erosion and sediment impacts to vegetation communities and waterways.
Vegetation Removal	To prevent or minimise the ecological impact of vegetation removal.
Fire Management	To minimise the ecological impact of fire regimes.

**Table 4.** Environmental management strategies and objectives, Southern Biodiversity Area  
*Source: Rio Tinto, 2016*

Figure 4

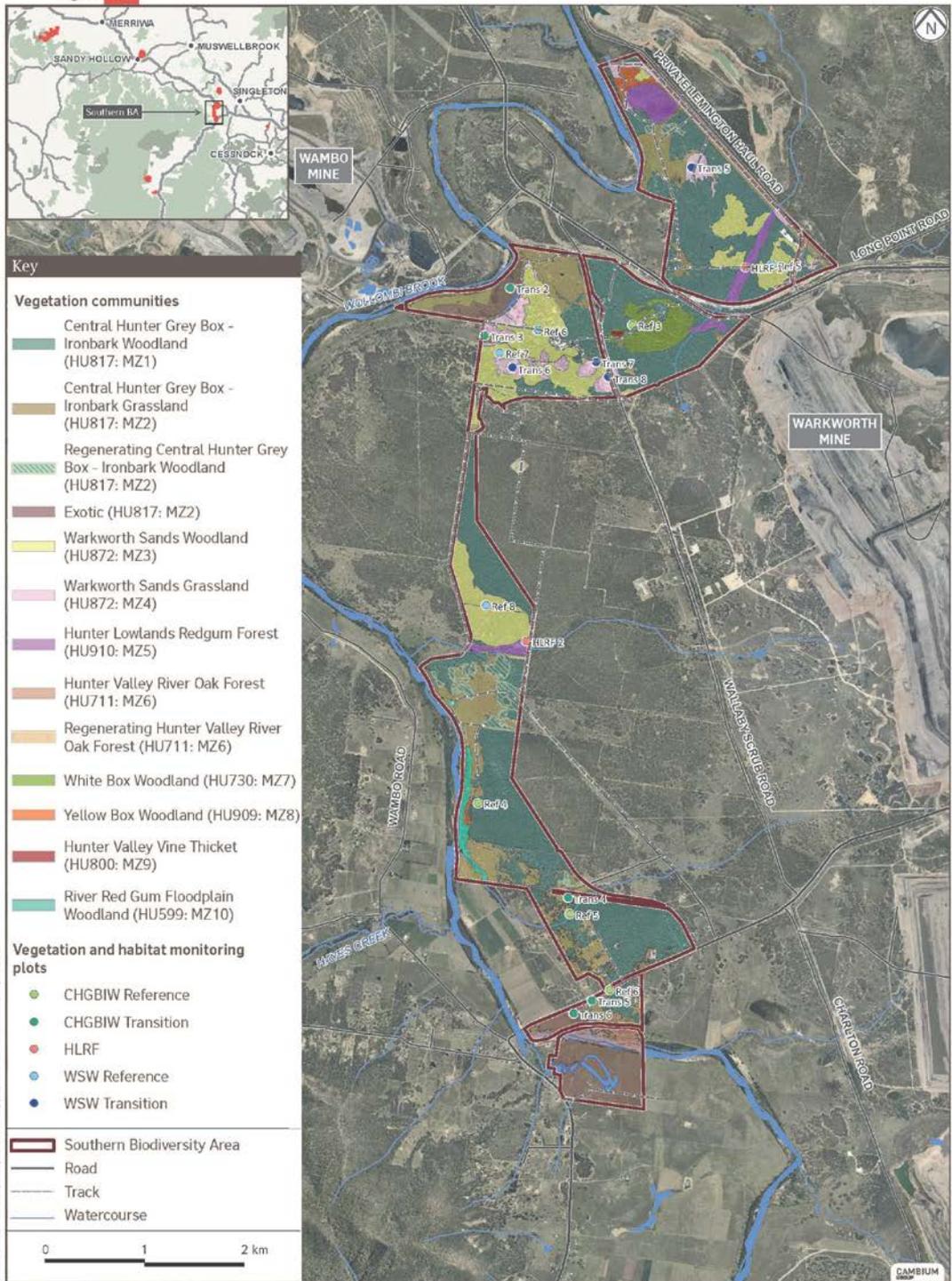


Figure 4: Vegetation communities of the Southern Biodiversity Area, incorporating the WBACHCA, Source: Rio Tinto, 2016

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## 6 Infrastructure and facilities

### 6.1 Description

The WBACHCA lands include a variety of infrastructure associated with previous land uses including:

- unsealed roads and tracks;
- fencing, gates and yards;
- buildings including farm houses and outbuildings;
- a section of the original alignment of the convict built Great North Road;
- the locally significant Springwood homestead; and
- a small section of the western portion of the World War II RAAF Base Bulga complex.

### 6.2 Management Issues

#### WBACHCA Management Facility

A facility for use as a base for management activities and Aboriginal community access has been established within the WBACHCA at 1916 Putty Road, Bulga. The Putty Road facility includes a house/office (where CHWG meetings are held), outdoor meeting area, storage and parking areas.

#### Access Roads and Tracks

Some of the unmaintained roads and vehicle tracks are subject to erosion which in some cases may impact cultural heritage sites. There is a need to determine which roads are required for access and management and to close and remediate those that are surplus to requirements or intersect with Aboriginal cultural heritage sites.

#### Fencing and Gates

The majority of the internal fencing is in poor condition and redundant. Some existing boundary fencing will require upgrading, including installation or upgrading of lockable gates, or fencing off redundant gates in boundary fence-lines. New fencing will be required in some areas for cultural and natural heritage management purposes.

Where vehicle access roads or tracks traverse into the WBACHCA at locations without gates and/fencing then lockable gates, adequate fencing and restricted access signage will be installed and maintained.

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## Walking Tracks

To accommodate safe and appropriate community access to the WBACHCA a network of walking trails will be established across the lands. These trails will predominantly follow existing tracks, fire breaks and trails but will also require some minor works to construct and maintain suitable walking tracks. Other associated minor works such as installation of interpretative signage, shelters, water tanks and other minor recreational infrastructure will be required.

## Redundant Infrastructure

An initial decommissioning audit of the WBACHCA's existing infrastructure has been undertaken to assess infrastructure requirements. A plan for the decommissioning of redundant infrastructure and clean up of the WBACHCA will be implemented and will incorporate appropriate protection for artefacts and fabric of historic heritage value. The decommissioning plan will incorporate measures to make safe any hazardous areas such as rubbish dumps, fencing wire dumps, open wells and contaminated sites (e.g. asbestos).

# 7 Interim zoning plan

Yancoal and the CHWG have developed an interim Cultural Heritage Management Zoning Plan (CHMZP) for the WBACHCA based on the resource information that we hold and the planned uses for the area. There are three CHMZP zone classifications as follows:

- Zone A - restricted access cultural zone;
- Zone B - resource conservation and management zone; and
- Zone C – general community use and infrastructure zone.

It is intended that the PMIG will review and revise the management zone plan in consultation with the CHWG to reflect changes in access and use as they are developed over time to guide the implementation of zoning management requirements.

An outline of the uses and management regime for each zone follows and an interim zone plan is in **Figure 5**.

## 7.1 Zone A - Restricted access cultural zone

Areas zoned for the protection of Aboriginal cultural heritage sites and landscapes where no ground disturbance is permitted. Typically these areas will be delineated with fencing and signage and no or restricted vehicle access (for protective management activities only – e.g. fencing, fire management).

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## 7.2 Zone B - Resource conservation and management zone

Areas zoned for cultural and natural resource conservation and management activities such as ecosystem restoration and rehabilitation where limited access and ground disturbance would be permitted in compliance with agreed management protocols.

## 7.3 Zone C – General community use and infrastructure zone

Areas zones for general community access and use such as day visit areas, approved access tracks, nominated built infrastructure (houses, sheds, bores, power lines, pipelines etc). Access to these areas will be subject to oversight by the PMIG to comply with approved community access protocols and condtions.

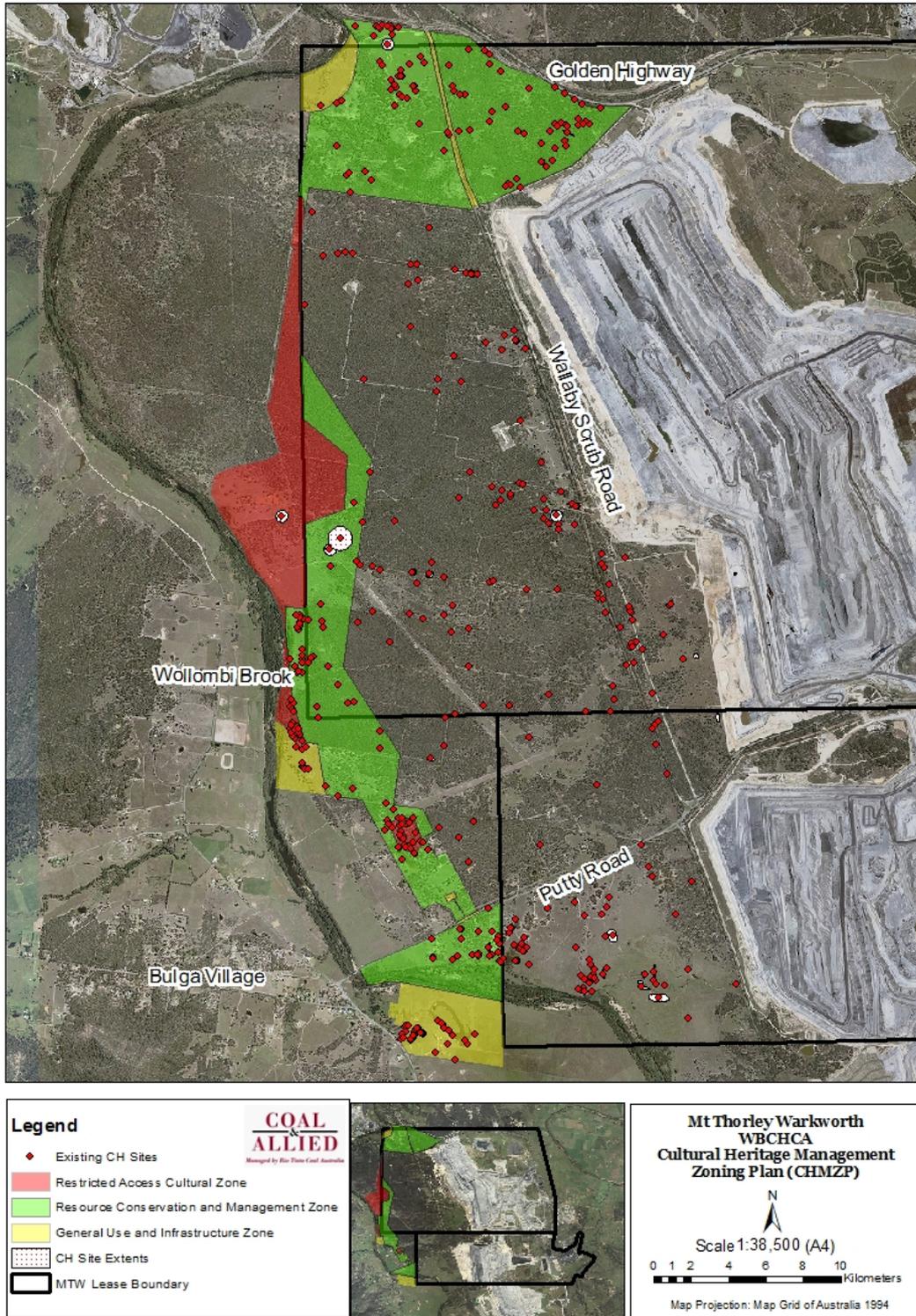


Figure 5. WBACHCA Interim Zoning Plan - TBD

## 8 Management priorities

In **Table 5** below is set out the initial priorities for management that have been identified by Yancoal and the CHWG. These priorities will be revised as management arrangements are implemented for the WBACHCA.

<b>Governance and decision making</b>			
<b>Objectives</b>	<b>Actions</b>	<b>Priority</b>	<b>Target date</b>
<b>Establish WBACHCA governance arrangements</b>	Parties consult and develop Plan of Management	High	June 2017
	Plan of Management Implementation (PMIG) Group established	High	Q3 2017
	PMIG develop operational rules and relationships	High	Q3 2017
	PMIG develop community access and cultural protocols for WBACHCA	High	Q4 2017
	PMIG develop plan for vehicle access roads/tracks and boundary gates and fencing requirements	Medium	Q4 2017
	PMIG review and revise the interim CHM zoning scheme	Medium	Q4 2017
	PMIG develop plan for community use areas and walking tracks network	Medium	Q2 2018
<b>Cultural heritage</b>			
<b>Objectives</b>	<b>Actions</b>	<b>Priority</b>	<b>Target end date</b>
<b>Establish management protocols for the Bulga Bora Ground</b>	PMIG to develop management protocols for the Bulga Bora Ground Management Area	Medium	Q1 2018
	Develop collaborative management protocol with Wambo Mine (aligned with Yancoal – Wambo Mine Bulga Bora Ground Management MoU)	Medium	Q2 2018
<b>Implement CHM</b>	Finalise heritage assessments	Medium	Q2 2018

<b>program for WBACHCA</b>	of residual un-surveyed areas within the WBACHCA		
	Develop ACH sites audit and monitoring protocols and implementation plan	Medium	Q2 2018
<b>Develop community cultural heritage program</b>	Indigenous community cultural events	Medium	Ongoing
	Indigenous community oral history recording program	Medium	Ongoing
<b>Natural heritage</b>			
<b>Objectives</b>	<b>Actions</b>	<b>Priority</b>	<b>Target date</b>
<b>Establish environmental management arrangements with Yancoal Environmental Services</b>	PMIG to develop integrated environmental management arrangements in consultation with Yancoal Environmental Services team	Medium	Q1 2018
<b>Infrastructure and facilities</b>			
<b>Objectives</b>	<b>Actions</b>	<b>Priority</b>	<b>Target date</b>
<b>Identify status of current infrastructure</b>	Infrastructure audit conducted	Medium	Q1 2018
<b>Community access and management infrastructure</b>	Develop infrastructure management plan	Medium	Q2 2018
<b>Budget and resources</b>			
<b>Objectives</b>	<b>Actions</b>	<b>Priority</b>	<b>Target end date</b>
<b>Implement CHM program for WBACHCA – Year 1</b>	Develop scope of management activities and works schedule budget for first twelve months	High	Q3 2018
<b>CHM program for years 2-5</b>	Identify management activities and works for scope of works schedule budget	Medium	Q1 2018

**Table 5.** WBACHCA management priorities

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## 9 References

AECOM (2009). *Aboriginal Heritage Assessment: Mount Thorley Warkworth Mine Lease West of Wallaby Scrub Road*. Report to Rio Tinto Coal Australia.

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Office of Environment & Heritage (2010) *Aboriginal Cultural Heritage Consultation Requirements for Proponents*.

Rio Tinto (2016). *Management Plan – Southern Biodiversity Area*.

Scarp Archaeology (2009). *Cultural Heritage Investigations Warkworth Southwest Study Area*. Report to Rio Tinto Coal Australia.

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## 10 Appendices

## 10.1 Cultural heritage site data

**Table 6** sets out the data on cultural heritage sites in the WBACHCA, extracted from the Yancoal cultural heritage sites database.

AHIMS No	Place Name	Place Type	PAD	Status
37-6-0055	Wollombi Brook 04	Spiritual Place	-	Duplicate 37-6-0056
37-6-0056	Wollombi Brook 03 – Bulga Bora Ground	Spiritual Place / Scarred Tree	-	Valid
37-6-1103	Site 1 GG	Grinding Grooves	-	Valid
37-6-1239	W70	Isolated Stone Artefact/s	-	Valid
37-6-1241	W71	Isolated Stone Artefact/s	-	Valid
37-6-1254	W25 (MTW337-336)	Stone Artefact Scatter	-	Valid
37-6-1255	W26 (MTW-334, MTW-343)	Isolated Stone Artefact/s	-	Valid
37-6-1258	W27 (MTW-342)	Isolated Stone Artefact/s	-	Valid
37-6-1259	W28 (MTW-314)	Isolated Stone Artefact/s	-	Valid
37-6-1260	W29 (MTW-356)	Isolated Stone Artefact/s	-	Valid
37-6-1262	W31 (MTW-333)	Isolated Stone Artefact/s	-	Valid
37-6-1264	W32	Isolated Stone Artefact/s	-	Valid
37-6-1265	W33 (MTW-332)	Isolated Stone Artefact/s	-	Valid
37-6-1267	W34 (MTW-320)	Isolated Stone Artefact/s	-	Valid
37-6-1268	W35 (MTW-312)	Isolated Stone Artefact/s	-	Valid
37-6-1270	W36 (MTW-316)	Isolated Stone Artefact/s	-	Valid
37-6-1300	W64 (MTW-315)	Isolated Stone Artefact/s	-	Valid
37-6-2308	MTW-9	Isolated Stone Artefact/s	-	Valid
37-6-2309	MTW-10	Isolated Stone Artefact/s	-	Valid
37-6-2310	MTW-11	Isolated Stone Artefact/s	-	Valid
37-6-2312	MTW-13	Stone Source	-	Valid
37-6-2313	MTW-14	Scarred Tree	-	Valid
37-6-2314	MTW-15	Isolated Stone Artefact/s	-	Valid
37-6-2315	MTW-16	Stone Arrangement	-	Valid
37-6-2316	MTW-17	Isolated Stone Artefact/s	-	Valid
37-6-2317	MTW-18	Isolated Stone Artefact/s	-	Valid
37-6-2318	MTW-19	Isolated Stone Artefact/s	-	Valid
37-6-2319	MTW-20	Isolated Stone Artefact/s	-	Valid
37-6-2320	MTW-21	Isolated Stone Artefact/s	-	Valid
37-6-2321	MTW-22	Isolated Stone Artefact/s	-	Valid
37-6-2324	MTW-25	Isolated Stone Artefact/s / Stone Source	-	Valid
37-6-2325	MTW-26	Isolated Stone Artefact/s	-	Valid
37-6-2326	MTW-27	Isolated Stone Artefact/s	-	Valid
37-6-2327	MTW-28	Isolated Stone Artefact/s	Yes	Valid
37-6-2330	MTW-31	Isolated Stone Artefact/s	-	Valid

<b>AHIMS No</b>	<b>Place Name</b>	<b>Place Type</b>	<b>PAD</b>	<b>Status</b>
37-6-2403	MTW-104	Isolated Stone Artefact/s	-	Valid
37-6-2404	MTW-105	Isolated Stone Artefact/s	-	Valid
37-6-2405	MTW-106	Isolated Stone Artefact/s	-	Valid
37-6-2406	MTW-107	Isolated Stone Artefact/s	-	Valid
37-6-2407	MTW-108	Isolated Stone Artefact/s	-	Valid
37-6-2408	MTW-109	Stone Artefact Scatter	-	Valid
37-6-2409	MTW-110	Isolated Stone Artefact/s	-	Valid
37-6-2410	MTW-111	Isolated Stone Artefact/s	-	Valid
37-6-2411	MTW-112	Isolated Stone Artefact/s	-	Valid
37-6-2412	MTW-113	Stone Artefact Scatter	-	Valid
37-6-2413	MTW-114, MTW-518	Isolated Stone Artefact/s	-	Valid
37-6-2414	MTW-115	Isolated Stone Artefact/s	-	Valid
37-6-2415	MTW-116	Isolated Stone Artefact/s	-	Valid
37-6-2416	MTW-117	Isolated Stone Artefact/s	-	Valid
37-6-2417	MTW-118	Isolated Stone Artefact/s	-	Valid
37-6-2418	MTW-119	Isolated Stone Artefact/s	-	Valid
37-6-2419	MTW-120	Isolated Stone Artefact/s	-	Valid
37-6-2420	MTW-121	Isolated Stone Artefact/s	-	Valid
37-6-2421	MTW-122	Isolated Stone Artefact/s	-	Valid
37-6-2422	MTW-123	Isolated Stone Artefact/s	-	Valid
37-6-2423	MTW-124	Isolated Stone Artefact/s	-	Valid
37-6-2424	MTW-125	Isolated Stone Artefact/s	-	Valid
37-6-2425	MTW-126	Isolated Stone Artefact/s	-	Valid
37-6-2426	MTW-127	Isolated Stone Artefact/s	-	Valid
37-6-2430	MTW-131	Isolated Stone Artefact/s	-	Valid
37-6-2431	MTW-132	Isolated Stone Artefact/s	-	Valid
37-6-2432	MTW-133	Isolated Stone Artefact/s	-	Valid
37-6-2433	MTW-134	Isolated Stone Artefact/s	-	Valid
37-6-2434	MTW-135	Isolated Stone Artefact/s	-	Valid
37-6-2435	MTW-136	Isolated Stone Artefact/s	-	Valid
37-6-2493	MTW-195-WSW-09-75	Isolated Stone Artefact/s	-	Valid
37-6-2495	MTW-197-WSW-09-14	Isolated Stone Artefact/s	-	Valid
37-6-2496	MTW-198-WSW-09-14	Isolated Stone Artefact/s	-	Valid
37-6-2497	MTW-199-WSW-09-14	Isolated Stone Artefact/s	-	Valid
37-6-2498	MTW-200-WSW-09-15	Isolated Stone Artefact/s	Yes	Valid
37-6-2499	MTW-201-WSW-09-15	Isolated Stone Artefact/s	Yes	Valid
37-6-2500	MTW-202-WSW-09-15	Stone Artefact Scatter	Yes	Valid
37-6-2501	MTW-203-WSW-09-79	Isolated Stone Artefact/s	-	Valid
37-6-2502	MTW-204-WSW-09-16	Isolated Stone Artefact/s	-	Valid
37-6-2503	MTW-205-WSW-09-76	Isolated Stone Artefact/s	-	Valid
37-6-2504	MTW-206-WSW-09-80	Isolated Stone Artefact/s	-	Valid
37-6-2508	MTW-210-WSW-09-19	Isolated Stone Artefact/s	Yes	Valid

<b>AHIMS No</b>	<b>Place Name</b>	<b>Place Type</b>	<b>PAD</b>	<b>Status</b>
37-6-2509	MTW-211-WSW-09-19	Isolated Stone Artefact/s	Yes	Valid
37-6-2510	MTW-212-WSW-09-19	Isolated Stone Artefact/s	Yes	Valid
37-6-2511	MTW-213-WSW-09-19	Isolated Stone Artefact/s	Yes	Valid
37-6-2512	MTW-214-WSW-09-78	Isolated Stone Artefact/s	-	Valid
37-6-2513	MTW-215-WSW-09-77	Isolated Stone Artefact/s	-	Valid
37-6-2514	MTW-216-WSW-09-46	Isolated Stone Artefact/s	-	Valid
37-6-2515	MTW-217-WSW-09-47	Isolated Stone Artefact/s	-	Valid
37-6-2516	MTW-218-WSW-09-48	Isolated Stone Artefact/s	-	Valid
37-6-2517	MTW-219-WSW-09-49	Isolated Stone Artefact/s	-	Valid
37-6-2525	MTW-227-WSW-09-33	Scarred Tree	-	Valid
37-6-2526	MTW-228-WSW-09-34	Scarred Tree	-	Valid
37-6-2527	MTW-230-WSW-09-55	Isolated Stone Artefact/s	-	Valid
37-6-2528	MTW-231-WSW-09-56	Isolated Stone Artefact/s	-	Valid
37-6-2529	MTW-232-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2530	MTW-233-WSW-09-58	Isolated Stone Artefact/s	-	Valid
37-6-2534	MTW-237-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2535	MTW-238-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2536	MTW-239-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2537	MTW-240-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2538	MTW-241-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2539	MTW-242-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2540	MTW-243-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2541	MTW-244-WSW-09	Isolated Stone Artefact/s	-	Valid
37-6-2542	MTW-245-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2543	MTW-246-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2544	MTW-247-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2545	MTW-248-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2546	MTW-249-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2547	MTW-250-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2548	MTW-251-WSW-09-10	Isolated Stone Artefact/s	Yes	Valid
37-6-2549	MTW-252-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2550	MTW-253-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2551	MTW-254-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2552	MTW-255-WSW-09-20	Isolated Stone Artefact/s	Yes	Valid
37-6-2553	MTW-256-WSW-09-22	Isolated Stone Artefact/s	Yes	Valid
37-6-2554	MTW-258-WSW-09-21	Scarred Tree	Yes	Valid
37-6-2555	MTW-260-WSW-09-21	Mound Feature (possible Burials)	Yes	Valid
37-6-2556	MTW-261-WSW-09-21	Isolated Stone Artefact/s	Yes	Valid
37-6-2557	MTW-262-WSW-09-21	Isolated Stone Artefact/s	Yes	Valid
37-6-2558	MTW-263-WSW-09-21	Isolated Stone Artefact/s	Yes	Valid
37-6-2559	MTW-264-WSW-09-21	Scarred Tree	Yes	Valid
37-6-2560	MTW-265-WSW-09-21	Isolated Stone Artefact/s	Yes	Valid

<b>AHIMS No</b>	<b>Place Name</b>	<b>Place Type</b>	<b>PAD</b>	<b>Status</b>
37-6-2561	MTW-266-WSW-09-22	Grinding Grooves	Yes	Valid
37-6-2562	MTW-267-WSW-09-22	Grinding Grooves	Yes	Valid
37-6-2563	MTW-268-WSW-09-23	Grinding Grooves	Yes	Valid
37-6-2564	MTW-269-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2565	MTW-270-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2566	MTW-271-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2567	MTW-272-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2568	MTW-273-WSM-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2569	MTW-274-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2570	MTW-275-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2571	MTW-276	Isolated Stone Artefact/s	Yes	Valid
37-6-2572	MTW-277-WSW-09-24	Isolated Stone Artefact/s	Yes	Valid
37-6-2573	MTW-278-WSW-09-61	Isolated Stone Artefact/s	-	Valid
37-6-2574	MTW-279-WSW-09-62	Isolated Stone Artefact/s	-	Valid
37-6-2575	MTW-280-WSW-09-62	Isolated Stone Artefact/s	-	Valid
37-6-2576	MTW-281-WSW-09-62	Isolated Stone Artefact/s	-	Valid
37-6-2582	MTW-287-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2583	MTW-288-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2584	MTW-289-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2585	MTW-290-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2586	MTW-291-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2587	MTW-292-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2588	MTW-293-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2589	MTW-294-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2590	MTW-295-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2591	MTW-296-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2592	MTW-297-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2593	MTW-298-wsw-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2594	MTW-299-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2595	MTW-300-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2596	MTW-301-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2597	MTW-302-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2598	MTW-303-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2599	MTW-304-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2600	MTW-305-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2601	MTW-306-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2602	MTW-307-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2603	MTW-308-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2604	MTW-309-WSW-09-25	Isolated Stone Artefact/s	Yes	Valid
37-6-2605	MTW-310-WSW-09-66	Isolated Stone Artefact/s	-	Valid
37-6-2606	MTW-311-WSW-09-67	Isolated Stone Artefact/s	-	Valid
37-6-2607	MTW-313	Isolated Stone Artefact/s	-	Valid

<b>AHIMS No</b>	<b>Place Name</b>	<b>Place Type</b>	<b>PAD</b>	<b>Status</b>
37-6-2608	MTW-317	Isolated Stone Artefact/s	-	Valid
37-6-2609	MTW-318	Isolated Stone Artefact/s	-	Valid
37-6-2610	MTW-319	Scarred Tree	-	Valid
37-6-2611	WE 16 (MTW-321)	Scarred Tree	-	Valid
37-6-2612	MTW-322	Scarred Tree	-	Valid
37-6-2613	MTW-323	Scarred Tree	-	Valid
37-6-2614	MTW-324	Scarred Tree	-	Valid
37-6-2615	MTW-325	Isolated Stone Artefact/s	-	Valid
37-6-2616	MTW-326	Isolated Stone Artefact/s	-	Valid
37-6-2617	MTW-327	Isolated Stone Artefact/s	-	Valid
37-6-2618	MTW-328	Isolated Stone Artefact/s	-	Valid
37-6-2619	MTW-329	Isolated Stone Artefact/s	-	Valid
37-6-2620	MTW-330	Isolated Stone Artefact/s	-	Valid
37-6-2621	PN6 (MTW-331)	Isolated Stone Artefact/s	-	Valid
37-6-2622	MTW-335	Isolated Stone Artefact/s	-	Valid
37-6-2623	MTW-338	Isolated Stone Artefact/s	-	Valid
37-6-2624	MTW-339	Isolated Stone Artefact/s	-	Valid
37-6-2625	MTW-340	Isolated Stone Artefact/s	-	Valid
37-6-2626	MTW-341	Isolated Stone Artefact/s	-	Valid
37-6-2627	MTW-344	Isolated Stone Artefact/s	-	Valid
37-6-2628	MTW-345	Isolated Stone Artefact/s	-	Valid
37-6-2629	MTW-346	Isolated Stone Artefact/s	-	Valid
37-6-2630	MTW-347	Isolated Stone Artefact/s		Valid
37-6-2631	MTW-348	Isolated Stone Artefact/s	-	Valid
37-6-2632	MTW-349	Isolated Stone Artefact/s	-	Valid
37-6-2633	MTW-350	Isolated Stone Artefact/s	-	Valid
37-6-2634	MTW-351	Isolated Stone Artefact/s	-	Valid
37-6-2635	MTW-352	Isolated Stone Artefact/s	-	Valid
37-6-2636	MTW-353	Isolated Stone Artefact/s	-	Valid
37-6-2637	MTW-354	Isolated Stone Artefact/s	-	Valid
37-6-2638	MTW-355	Isolated Stone Artefact/s	-	Valid
37-6-2639	MTW-357	Stone Artefact Scatter	-	Valid
37-6-2640	MTW-358	Isolated Stone Artefact/s	-	Valid
37-6-2641	MTW-359	Isolated Stone Artefact/s	-	Valid
37-6-2642	MTW-360	Isolated Stone Artefact/s	-	Valid
37-6-2643	MTW-361	Isolated Stone Artefact/s	-	Valid
37-6-2644	MTW-362	Isolated Stone Artefact/s	-	Valid
37-6-2645	MTW-363	Isolated Stone Artefact/s	-	Valid
37-6-2646	MTW-365	Isolated Stone Artefact/s	-	Valid
37-6-2647	MTW-366	Isolated Stone Artefact/s	Yes	Valid
37-6-2648	MTW-367	Isolated Stone Artefact/s	Yes	Valid
37-6-2649	MTW-368	Isolated Stone Artefact/s	Yes	Valid

<b>AHIMS No</b>	<b>Place Name</b>	<b>Place Type</b>	<b>PAD</b>	<b>Status</b>
37-6-2650	MTW-369	Isolated Stone Artefact/s	Yes	Valid
37-6-2651	MTW-370	Isolated Stone Artefact/s	Yes	Valid
37-6-2652	MTW-371	Isolated Stone Artefact/s	Yes	Valid
37-6-2653	MTW-372	Isolated Stone Artefact/s	Yes	Valid
37-6-2654	MTW-373	Isolated Stone Artefact/s	Yes	Valid
37-6-2655	MTW-374	Isolated Stone Artefact/s	Yes	Valid
37-6-2656	MTW-375	Isolated Stone Artefact/s	Yes	Valid
37-6-2657	MTW-376	Isolated Stone Artefact/s	Yes	Valid
37-6-2658	MTW-377	Isolated Stone Artefact/s	Yes	Valid
37-6-2659	MTW-378	Isolated Stone Artefact/s	Yes	Valid
37-6-2660	MTW-379	Isolated Stone Artefact/s	Yes	Valid
37-6-2661	MTW-380	Isolated Stone Artefact/s	Yes	Valid
37-6-2662	MTW-381	Isolated Stone Artefact/s	Yes	Valid
37-6-2663	MTW-382	Isolated Stone Artefact/s	Yes	Valid
37-6-2664	MTW-383	Isolated Stone Artefact/s	Yes	Valid
37-6-2665	MTW-384	Isolated Stone Artefact/s	Yes	Valid
37-6-2666	MTW-385	Isolated Stone Artefact/s	Yes	Valid
37-6-2667	MTW-386	Isolated Stone Artefact/s	Yes	Valid
37-6-2668	MTW-387	Isolated Stone Artefact/s	Yes	Valid
37-6-2669	MTW-388	Isolated Stone Artefact/s	Yes	Valid
37-6-2670	MTW-389	Isolated Stone Artefact/s	Yes	Valid
37-6-2671	MTW-390	Isolated Stone Artefact/s	Yes	Valid
37-6-2672	MTW-391	Isolated Stone Artefact/s	Yes	Valid
37-6-2673	MTW-392	Isolated Stone Artefact/s	Yes	Valid
37-6-2674	MTW-393	Isolated Stone Artefact/s	Yes	Valid
37-6-2675	MTW-394	Isolated Stone Artefact/s	Yes	Valid
37-6-2676	MTW-395	Isolated Stone Artefact/s	Yes	Valid
37-6-2677	MTW-396	Isolated Stone Artefact/s	Yes	Valid
37-6-2678	MTW-397	Isolated Stone Artefact/s	-	Valid
37-6-2679	MTW-398	Isolated Stone Artefact/s	Yes	Valid
37-6-2680	MTW-399	Isolated Stone Artefact/s	Yes	Valid
37-6-2681	MTW-400	Isolated Stone Artefact/s	Yes	Valid
37-6-2682	MTW-401	Isolated Stone Artefact/s	Yes	Valid
37-6-2683	MTW-402	Isolated Stone Artefact/s	Yes	Valid
37-6-2684	MTW-403	Isolated Stone Artefact/s	Yes	Valid
37-6-2685	MTW-404	Isolated Stone Artefact/s	Yes	Valid
37-6-2686	MTW-405	Isolated Stone Artefact/s	Yes	Valid
37-6-2687	MTW-406	Isolated Stone Artefact/s	Yes	Valid
37-6-2688	MTW-407	Isolated Stone Artefact/s	Yes	Valid
37-6-2689	MTW-408	Isolated Stone Artefact/s	Yes	Valid
37-6-2690	MTW-409	Isolated Stone Artefact/s	-	Valid
37-6-2691	MTW-410	Isolated Stone Artefact/s	-	Valid

<b>AHIMS No</b>	<b>Place Name</b>	<b>Place Type</b>	<b>PAD</b>	<b>Status</b>
37-6-2692	MTW-411	Isolated Stone Artefact/s	-	Valid
37-6-2693	MTW-412	Isolated Stone Artefact/s	-	Valid
37-6-2694	MTW-413	Scarred Tree	-	Valid
37-6-2705	PN4	Isolated Stone Artefact/s	-	Valid
37-6-2706	PN5 (N)	Isolated Stone Artefact/s	-	Valid
37-6-2924	MTW-505	Isolated Stone Artefact/s	-	Valid
37-6-2923	MTW-506	Isolated Stone Artefact/s	-	Valid
37-6-2925	MTW-507	Isolated Stone Artefact/s	-	Valid
37-6-2926	MTW-508	Isolated Stone Artefact/s	-	Valid
37-6-2927	MTW-509	Isolated Stone Artefact/s	-	Valid
37-6-2928	MTW-510	Isolated Stone Artefact/s	-	Valid
37-6-2929	MTW-511	Stone Artefact Scatter	-	Valid
37-6-2930	MTW-512	Isolated Stone Artefact/s	-	Valid
37-6-2931	MTW-513	Isolated Stone Artefact/s	-	Valid
37-6-2939	MTW-514	Isolated Stone Artefact/s	-	Valid
37-6-2937	MTW-515	Isolated Stone Artefact/s	-	Valid
37-6-2938	MTW-516	Isolated Stone Artefact/s	-	Valid
37-6-2939	MTW-517	Isolated Stone Artefact/s	-	Valid
37-6-2940	MTW-519	Isolated Stone Artefact/s	-	Valid
37-6-2941	MTW-520	Isolated Stone Artefact/s	-	Valid

## 10.2 Cultural heritage management measures

The fundamental purpose of the WBACHCA is for the conservation and protection, in perpetuity, of significant Aboriginal cultural heritage landscapes and sites, and in particular, the highly significant Bulga Bora Ground area, by and for the Aboriginal people of the Upper Hunter. The ongoing conservation and protection of the Aboriginal cultural heritage landscapes and sites will require a combination of passive and active management measures.

Passive management includes the recording and monitoring existing or newly identified Aboriginal Places or Objects or artefacts, in consultation with OEH and the CHWG.

Active management includes the implementation of management measures for conservation, soil erosion and vegetation control, mitigation, monitoring and cultural use and maintenance activities.

The following management schedules provide guidance and prescriptive measures for both passive and active management measures that may be implemented as required.

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### 10.2.1 – Cultural Heritage Zoning Scheme

The MTW Aboriginal Cultural Heritage Zoning Scheme (CHZS) controls mine development-related land use activities within the Plan of Management Area, and other lands associated with adjacent MTW lands. The CHZS is incorporated within the MTW Aboriginal Cultural Heritage GIS. The GIS records Aboriginal Cultural Heritage site locations, extents, recording and management information as well as the zoning scheme. The CHZS is revised from time to time in line with the implementation of the provisions of the Plan of Management.

The CHZS includes the following management status zones:

- Zone 1 Significant Area – designated areas to protect all known Aboriginal Cultural Heritage sites, places or objects such as isolated artefacts, artefact scatters, scarred trees, hearths, quarries, grinding grooves, burials, ceremonial sites, etc. Access is restricted to the sites and areas, and development is not permitted unless authorised under the provisions of the Plan of Management and appropriate management measures have been implemented (e.g. salvage collection completed under an AHIP consent). Zone 1 areas may also include Conservation Areas and Environmental Areas established for long term protection where development is not permitted.
- Zone 2 Restricted Access Area (Unassessed) – areas not assessed for cultural heritage, or where Yancoal determine that an assessment has been too limited or otherwise not adequate for management purposes, where access is restricted as a precautionary measure to protect any as yet unknown cultural heritage sites. Access is restricted and development is not permitted unless authorised under the provisions of the Plan of Management, or until an adequate assessment has been undertaken and appropriate management measures have been implemented.
- Zone 3 Restricted Access Area (Assessed) – areas where cultural heritage has been assessed and access is restricted to protect known cultural heritage sites, places and objects. Typically a Zone 3 area encompasses a number of sites over a larger area. Access is restricted and development is not permitted unless authorised under the provisions of the Plan of Management and appropriate management measures have been implemented (such as on a site avoidance basis).
- Zone 4 Conditional Development Area – areas where cultural heritage assessment and specific management measures have been completed under the provisions of the Plan of Management, or other appropriate statutory consent. Specific active conservation management activities can be approved as per terms and conditions of a GDP where such development does not adversely impact any cultural heritage sites or areas. Examples of this may include the continued use of existing access roads and tracks, grounds maintenance around historic heritage buildings, or areas where surface cultural heritage sites have been mitigated but where post-ground disturbance activity monitoring for the presence

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of sub-surface cultural materials is required under Schedule 2 of this Plan of Management.

- Zone 5 Approved Development Area – where all cultural heritage assessment and management measures have been completed under the provisions of the Plan of Management and/or other appropriate statutory consent (e.g. sites in the area have been salvaged under a previous AHIP consent), and where all cultural heritage issues have been addressed. These areas typically include existing developed mine operations areas (working pits, dumps, haul roads, etc.), other approved development areas and infrastructure where there are no activity disturbance restrictions.

### **10.2.2 - Spiritual Places Verification and Management**

The cultural heritage assessment survey process has operated on a precautionary principle and all places identified as being spiritual places have been so recorded. A process will be implemented to verify the cultural status of all such sites. The purpose of the verification process is to determine whether or not places so recorded are of traditional Aboriginal cultural origin so that appropriate management measures can be implemented. The verification process will include the following provisions:

- a. the CHWG may nominate up to three (3) representatives to assess each recorded spiritual place for its cultural status (or more than three where circumstances require and with the agreement of Yancoal);
- b. the CHWG, at their discretion, may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist or anthropologist to assist them with their cultural assessment, with Yancoal's agreement not unreasonably withheld;
- c. Yancoal may also nominate a Technical Advisor such as a suitably qualified and experienced archaeologist or anthropologist to provide advice to Yancoal on the cultural status of spiritual places;
- d. a pro-forma assessment sheet will be completed for each spiritual place and signed by the CHWG representatives and Technical Advisors (if in attendance);
- e. the pro-forma assessment sheet will note the outcome of the assessment and denote the cultural status of each spiritual place;
- f. the verification team will also provide management recommendations specific to each spiritual place based upon traditional customary knowledge; and
- g. Yancoal and the CHWG will, taking account of the proposed development plan for the location in question, determine the applicability of the proposed management measures, and settle the management strategy for each place.

### **10.2.3 - Scarred Trees Verification and Management**

The cultural heritage assessment survey process has operated on a precautionary principle and all places identified as being potential scarred trees have been so recorded. A process will be implemented to verify the cultural status of all such sites. The purpose of the verification process is to determine whether or not the

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scars so recorded are of traditional Aboriginal cultural origin so that appropriate management measures can be implemented. The verification process will include the following provisions:

- a. the CHWG may nominate up to three (3) representatives to assess each potential scarred tree for its cultural status (or more than three where circumstances require and with the agreement of Yancoal);
- b. the CHWG may nominate a Technical Advisor/s such as a suitably qualified and experienced archaeologist and/or arborist to assist them with their cultural assessment, with Yancoal's agreement not unreasonably withheld;
- c. Yancoal may also nominate a Technical Advisor/s such as a suitably qualified and experienced archaeologist and/or arborist to provide advice to Yancoal on the cultural status of scarred trees;
- d. a pro-forma assessment sheet will be completed for each tree and signed by the CHWG representatives and Technical Advisors (if in attendance);
- e. the pro-forma assessment sheet will note the outcome of the assessment and denote the cultural status of the trees, being either of Aboriginal cultural or not of Aboriginal cultural origin;
- f. in the event that a consensus is not reached on the cultural status of a scarred tree, an independent Technical Advisor acceptable to all parties will be engaged to make a determination on the status of a tree. This decision will be binding on all parties; and
- g. the verification team will also provide management recommendations specific to each tree based upon traditional customary knowledge, the Yancoal Scarred Tree Management Procedures, technical advice provided from time to time by Technical Advisors, qualified Arborists, Tree Surgeons or Conservators engaged for this purpose, Project Health and Safety requirements, and taking account of the proposed development plan for the location in question.

#### **10.2.4 - Scarred Trees Removal and Relocation**

A process will be implemented for the removal, relocation, storage and conservation of scarred trees where this is required to accommodate development activities authorised under the SSD-6464 project approval. The Yancoal Scarred Tree Relocation Procedures will provide guidance for the work procedures and to accommodate any specific management requirements as detailed in the Scarred Trees Verification pro-forma for each tree (see process in Schedule 5).

Relocated scarred trees will be stored in a manner consistent with the Yancoal Scarred Tree Relocation Procedures and through application of the management requirements outlined within this Plan of Management, as agreed by the CHWG.

#### **10.2.5 - Hearths Verification and Management**

The cultural heritage assessment survey process has operated on a precautionary principle and all places identified as being potential hearths have been so recorded. A process will be implemented to verify the cultural status of all such sites. The purpose of the verification process is to determine whether or not the

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features recorded as hearths are of traditional Aboriginal cultural origin so that appropriate management measures can be implemented. The verification process will include the following provisions:

- a. the CHWG may nominate up to three (3) representatives to assess each potential hearth for its cultural status (or more than three where circumstances require and with the agreement of Yancoal);
- b. the CHWG may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to assist them with their cultural assessment, with Yancoal's agreement not unreasonably withheld;
- c. Yancoal may also nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to provide advice to Yancoal on the cultural status of hearths;
- d. a pro-forma assessment sheet will be completed for each hearth and signed by the CHWG representatives and Technical Advisors (if in attendance);
- e. the pro-forma assessment sheet will note the outcome of the assessment and denote the cultural status of the hearth, being either of Aboriginal cultural or not of Aboriginal cultural origin;
- f. In the event that a consensus is not reached on the cultural status of the hearth, an independent Technical Advisor agreeable to all parties will be engaged to make a determination on the status of the potential hearth. This decision will be binding on all parties; and
- g. the verification team will also provide management recommendations specific to each hearth including whether or not the hearth should be excavated, and where viable, if carbon material samples can be collected for possible radiocarbon or other suitable dating analysis.

#### **10.2.6 - Sub-Surface Investigation Areas**

Sub-surface investigations will be limited to sites and areas specifically identified in Schedule 2 of this Plan of Management as locations where such material is expected to be found (i.e. recorded Potential Archaeological Deposits) or where development activities lead to the identification of sub-surface cultural materials. Specific sub-surface investigation methodologies will be formulated for each site or area requiring this work as identified in Schedule 2 of this Plan of Management but will be consistent with Requirement 16 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.

Sub-surface investigation methodologies may include any of the following measures:

- a. test pitting at defined locations;
- b. trench pitting at defined locations;
- c. grader or other mechanical scrapes at defined locations;
- d. ground penetrating radar (GPR) at defined locations;
- e. where test pits are required, initial test pitting will be limited to test pits of no more than 5m<sup>2</sup> per 100m<sup>2</sup> of the site or area identified for sub-surface investigations, unless otherwise specified for a particular site in Schedule 2 of this Plan of Management;

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f. results of test pits, trenches, scrapes and GPR may necessitate further sub-surface investigations. In these circumstances, the additional work is to be consistent with the provisions of the Plan of Management and details will be specified in a ToR for the work; and/or

g. the number, dimensions, depth, distribution, length and/or width of sub-surface excavations or scrapes for each nominated area will be consistent with the agreed mitigation methodology specified in the Schedule 2 of this Plan of Management and as defined in a ToR.

#### **10.2.7 - Material Resource Areas (e.g. quarries for stone or ochre)**

As a general principle material resource areas will be subject to a controlled collection methodology unless otherwise specified in Schedule 2 of this Plan of Management (e.g. if located within a Restricted Access area; if it is recommended that controlled collection is unnecessary). A controlled collection methodology may include any of the following measures but are to be specifically defined for each material resource area to suit the collection requirements of each site:

a. where collection does not require a grid collection methodology, collection will be conducted in such a manner as the parties agree is appropriate to ensure all cultural materials are collected from the site;

b. where the controlled collection methodology involves a grid collection methodology, the extent and boundary of the material resource area collection will be delineated by marker pegs and string lines;

c. if the material resource area is to be sub-divided into grid cells for collection then an alpha numeric grid numbering system will be adopted;

d. the material resource area extent collection boundary and grid cell dimensions will be those determined by agreement between Yancoal and the Technical Advisor engaged to assist with the controlled collection, taking account of data about the area contained in any report or Schedule 2 of this Plan of Management; and

e. materials will be collected in a manner that is consistent with the agreed mitigation methodology specified in Schedule 2 of this Plan of Management and as defined in a ToR, with this to include a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or

f. materials will be stored in conformance with the conditions of a valid consent as may be required and approved from time to time by OEH. Additionally, any Aboriginal objects (to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.

#### **10.2.8 - Controlled Collection of Artefact Scatters**

As a general principle stone artefact scatters will be subject to a controlled collection methodology unless otherwise specified in Schedule 2 of this Plan of Management. A controlled collection methodology may include any of the following measures but which are to be specifically defined for each artefact scatter to suit the collection requirements of each site. For example, the overall

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dimensions of the collection area and dimensions of the grid collection cells will vary from site to site:

- a. the extent and boundary of the artefact scatter to be the subject of controlled collection will be delineated by marker pegs and string lines;
- b. if the scatter area is to be sub-divided into grid cells for collection then an alpha numeric grid numbering system will be adopted;
- c. the scatter extent collection boundary and grid cell dimensions will be those determined by agreement between Yancoal and the Technical Advisor engaged to assist with the controlled collection, taking account of data about the area contained in any report or Schedule 2 of this Plan of Management; and
- d. materials will be collected in a manner that is consistent with the agreed mitigation methodology specified in Schedule 2 of this Plan of Management and as defined in a ToR. These are to include a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or
- e. materials will be stored in conformance with the conditions of a valid consent as may be required and approved from time to time by OEH. Additionally, any Aboriginal objects (to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.

#### **10.2.9 - Salvage Collection of Isolated Artefacts**

As a general principle isolated stone artefacts will be subject to a salvage collection methodology unless otherwise specified in Schedule 2 of this Plan of Management. A salvage collection methodology may include any of the following measures:

- a. each isolated artefact or designated site group of isolated artefacts will be collected in a manner that is consistent with the agreed mitigation methodology specified in Schedule 2 of this Plan of Management and as defined in a ToR. The ToR is to include a procedure for the recording, bagging, tagging and storage of mitigated materials; and/or
- b. materials will be stored in conformance with the conditions of a valid consent as may be required and approved from time to time by OEH. Additionally, any Aboriginal objects (to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.

#### **10.2.10 - Activity Area Monitoring**

As a general principle activity monitoring will be limited to sites, places or areas where:

- a. activity monitoring is specified for a particular site, place or area in Schedule 2 of this Plan of Management; or
- b. sub-surface investigations indicate that activity area monitoring is required and agreed upon by all parties to the Plan of Management; or
- c. ground disturbance activities reveal Aboriginal Cultural Heritage sites, places or areas that warrant activity area monitoring.

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Activity area monitoring will only be conducted after initial vegetation clearing has occurred and before top soil stripping, where these operations are not carried out simultaneously. Where vegetation clearing and top soil stripping do not occur simultaneously, and where it is safe to do so, activity area monitoring may occur after the vegetation clearing operations have been completed. These conditions are required to comply with mine site health and safety procedures.

Activity area monitoring will consist of the following:

- a. the CHWG may nominate up to three (3) representatives to conduct activity area monitoring for specified area/s (or more than three where circumstances require and with the agreement of Yancoal);
- b. Yancoal may nominate a Technical Advisor such as a suitably qualified and experienced archaeologist to participate in the activity area monitoring process;
- c. an activity area monitoring pro-forma assessment sheet will be completed for each area and signed by the CHWG representatives and Technical Advisors (if in attendance);
- d. The pro-forma assessment sheet will note the outcome of the activity area monitoring, and note any further management actions required to be undertaken or as concurrently implemented such as salvage collection; and
- e. materials will be stored in conformance with the conditions of a valid consent as may be required and approved from time to time by OEH. Additionally, any Aboriginal objects (to the extent that they are stone artefacts) will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' in the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.

#### **10.2.11 - Fencing and Barricading Cultural Heritage Sites, Places and Areas**

Temporary barricading (e.g. star picket and hi-viz poly-tag line/flag bunting or hi-viz mesh or similar) of cultural heritage sites, places and areas will occur where sites are not already hard fenced and:

- a. the cultural heritage site, place or area is designated as a Significant Area or Restricted Access Area; or
- b. the cultural heritage site, place or area is located within 50m of a active conservation management area; or
- c. the cultural heritage site, place or area is located within an area where barricading is required to protect sites from active conservation management activities or until such time as any necessary mitigation measures (e.g. salvage) have been implemented at the site); or
- d. the cultural heritage site, place or area may be adversely impacted upon by access, activity, or other human, livestock or natural process; or
- e. as otherwise determined as an appropriate precautionary measure at the discretion of Yancoal.

As a general principle, hard fencing (e.g. star picket/timber post and wire) of cultural heritage sites, places and areas will only occur where:

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- a. the cultural heritage site, place or area is designated as a Significant Area or Restricted Access Area; or
  - b. the cultural heritage site, place or area is located within 50m of an ongoing active work area; or
  - c. the cultural heritage site, place or area may be adversely impacted upon by access, activity, or other human or natural process; and
  - d. hard fencing of the site/s is specified in Schedule 2 of this Plan of Management.

The following provisions shall apply in relation to cultural heritage sites, places or areas where hard fencing or barricading is required:

- except where otherwise specified in Schedule 2 of this Plan of Management and/or Ground Disturbance Management Buffers (Section 23), a minimum 5m buffer around the defined site extent will apply for the purposes of defining the alignment of the fence/barricade (i.e. 10m diameter around an isolated artefact);
- the minimum 5m buffer is defined as the distance between the greatest extent of the site in any particular direction and the fence/barricade line;
- where specific site conditions or project requirements do not allow space sufficient for a minimum 5m buffer, for example where an existing track, fence, or other physical constraint intersects with the buffer alignment, then the buffer distance will be that which is the greatest practical distance available;
- Sites may be hard fenced or barricaded individually or collectively (i.e. several sites within a single hard fenced or barricaded area);
- Hard fencing is considered fencing of a permanent nature constructed using timber posts or steel pickets and three or more strands of wire, or other fencing materials;
- Barricading is considered fencing of a temporary nature constructed using steel pickets and hi-viz poly-tag line/flag bunting or hi-viz mesh or similar;
- In areas where continuous grazing of livestock occurs stock-proof hard fencing is to be installed, for sites where this is specified in the Plan of Management Schedule 2.
- Temporary and permanent barricading or fencing will be regularly inspected (and if necessary maintained and repaired) by cultural heritage staff at the following times:
  - i. Prior to approving any GDPs located in the vicinity of barricaded or fenced ACH sites;
  - ii. During Plan of Management Compliance Inspections; and
  - iii. During regular informal inspections by cultural heritage staff in the course of their normal fieldwork duties.

#### **10.2.12 – Management of Human Skeletal Remains**

Where human skeletal remains are discovered within the Plan of Management Area the NSW Government sanctioned process for management of skeletal remains (as specified in Requirement 25 'Aboriginal Ancestral Remains' in the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW) will be implemented. The following actions are to be implemented immediately in the event that identifiable or possible human skeletal remains are discovered.

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#### Step 1.

Any ground disturbance works occurring in the immediate vicinity of the human skeletal remains must cease immediately. The immediate area is to be secured to ensure no one interferes with the skeletal remains (it may be a crime scene).

#### Step 2.

The person who made the discovery of identifiable or possible human skeletal remains is to immediately contact their supervisor and report the find. The supervisor will contact the General Manager (GM) - MTW (or most senior manager available on site) to report the find and advise that the find must be reported to the NSW Police (Singleton police station). The GM (or delegate) will determine who will report the find to the police.

#### Step 3.

Once the discovery of identifiable or possible human skeletal remains has been reported to the police, the supervisor, or another person nominated by the GM, will implement any measures required by the police to secure the area. Unless otherwise advised by the police, the immediate area surrounding the human skeletal remains is then to be cordoned off at an appropriate distance with suitable barricading materials (such as hi-viz tagged polyline or mesh barricading).

#### Step 4.

The police will determine if the identifiable or possible human skeletal remains are associated with a crime scene, or are possible Aboriginal or historical archaeological remains. If determined by police to be Aboriginal or historical archaeological remains, the police will contact OEH to provide written confirmation of the archaeological status of the find. If it is determined to be a police matter, personnel are to follow the instructions of the police.

#### Step 5.

If OEH confirms that the remains are believed to be Aboriginal or historical archaeological in origin then the supervisor who reported the find is to notify either the Yancoal Specialist Cultural Heritage or the Manager Environment and Communities (Yancoal Hunter Valley Services). The Specialist Cultural Heritage or Manager Environment and Communities will advise the supervisor on any further management actions to be implemented and whether or not works can recommence in the area, depending upon the written advice received from OEH. Any resulting cultural heritage management activities associated with the skeletal remains will be subject to consultation with, and endorsement by, the CHWG, in accordance with section 32.3 of this Plan of Management. At the same time as notification is made to OEH, the C&A Manager Environment and Communities (or delegate) will notify and consult with Aboriginal community stakeholders as soon as it is practical and possible to do so (nominally within two business days) through the auspices of the CHWG.

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10.3 Letter from OEH (28/7/17) endorsing this plan