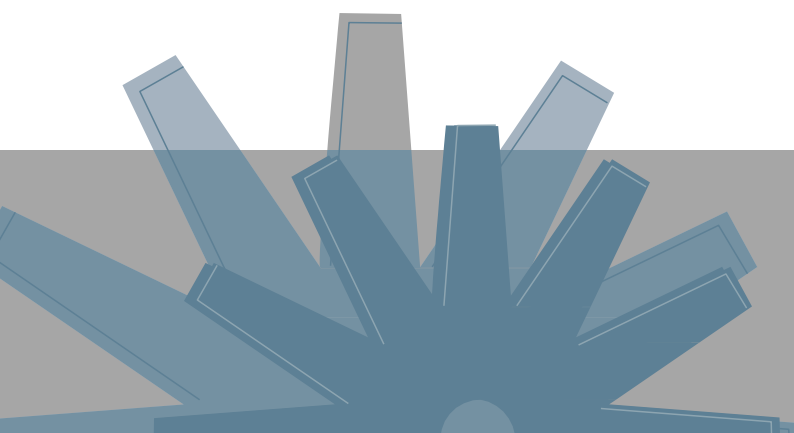




ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

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Aboriginal Cultural Heritage Management Plan

Table of Contents

1	Introduction	4
1.1	Background	4
1.2	Purpose and Scope	4
1.3	Objectives.....	5
2	Planning	5
2.1	Regulatory Requirements	5
2.2	Maxwell Project EIS and Supporting Document Commitments	5
2.3	Preparation and Consultation.....	5
2.4	Extraction Plan	6
2.5	Previous Archaeological Assessments	6
3	Implementation.....	8
3.1	Impacts.....	8
3.2	Management Measures	9
3.2.1	Ground Disturbance Permit	9
3.2.2	Due Diligence Assessment.....	9
3.2.3	Archaeological Salvage Program	9
3.2.3.1	Surface Collection	10
3.2.3.2	Open Area Excavation.....	10
3.2.3.3	Geomorphological Assessment	11
3.2.3.4	Post-Salvage Analyses and Reporting.....	11
3.2.3.5	Care, Control and Storage of Aboriginal Objects	12
3.2.4	Previously Unrecorded Aboriginal Objects and Places	12
3.2.5	Management of Subsidence Impacts	13
3.2.6	Conservation of Non-Impacted Aboriginal Objects and Places	14
3.2.7	Aboriginal Objects and Places Outside the Disturbance Boundary	14
3.2.8	Management of Potential Human Remains	14
3.2.9	Reasonable Access.....	15
4	Aboriginal Community Engagement	15
4.1	Principles of RAP engagement	15
4.2	Welcome to Country and Acknowledging Traditional Owners	15
4.3	Assessment Consultation	15
4.4	ACHMP Consultation.....	16
4.5	Ongoing RAP Consultation	16
5	Measurement and Evaluation	17
5.1	Subsidence Monitoring	17
5.2	Three Yearly Inspections	17

5.3	Heritage Database and AHIMS Register.....	17
5.4	Incidents, Non-Compliances and Exceedances	18
5.5	Adaptive Management and Contingency	18
5.6	Complaints Handling.....	19
6	Audit, Review and Improvement.....	19
6.1	Review Schedule	19
6.2	Reporting.....	20
6.3	Auditing	20
6.4	Access to Information	21
6.5	Records Management.....	21
6.6	Continuous Improvement.....	21
6.7	Document Review History.....	21
7	Information, Training and Instruction	22
7.1	Competent persons	22
7.2	Training	22
8	Responsibilities	22
9	Document Information	23
9.1	References	23
9.2	Definitions and abbreviations	24
	Appendix 1 – Figures.....	25
	Appendix 2 – Regulatory Requirements	32
	Appendix 3 – Maxwell Project EIS and Supporting Document Commitments	36
	Appendix 4 – Planning Secretary Endorsement.....	40
	Appendix 5 – Consultation with RAP’s, Aboriginal Affairs NSW and Heritage NSW	41
	Appendix 6 – AHIMS Sites (managed under SSD 9526)	54
	Appendix 7 – AHIMS Sites (previously managed under PA 06_0202)	65
	Appendix 8 – Planning Secretary Approval.....	66

1 INTRODUCTION

1.1 Background

Maxwell Ventures (Management) Pty Ltd (Maxwell), a wholly owned subsidiary of Malabar Resources Limited (Malabar) owns and operates the Maxwell Underground Project (the site). The site is located in the Upper Hunter Valley of New South Wales (NSW), east-southeast of Denman and south-southwest of Muswellbrook. The site is approved to extract a maximum of 8 million tonnes of run-of-mine coal per year over a period of 26 years. The site boundary is shown in **Figure 1**.

The site consists of the following areas:

- Underground area comprising the proposed area of underground mining operations and the mine entry area (MEA) to support underground mining and coal handling activities and provide for personnel and materials access;
- Maxwell Infrastructure (formerly Drayton mine) comprising previous open cut mining areas, existing coal handling and preparation plant (CHPP), train load-out facilities and rail loop, Antiene rail spur and other infrastructure and services; and
- Transport and services corridor between the underground area and Maxwell Infrastructure comprising the proposed site access road, covered overland conveyor, power supply and other ancillary infrastructure and services.

The area within and surrounding the site, which has previously been known as Mt Arthur South, Saddlers Creek and Drayton South, has long been identified as having a significant in-situ coal resource. Prospecting for coal commenced in the late 1940s, with exploration intensifying during the 1960s and 1970s. Open cut coal extraction and mining activities commenced at Maxwell Infrastructure in 1983 and ceased in October 2016. The previous open cut mining area is currently in the rehabilitation phase of the mine operations.

The Development Consent for State Significant Development 9526 (SSD 9526) was granted on 22 December 2020 under clause 8A of the *State Environmental Planning Policy (State and Regional Development) 2011* and section 4.5(a) of the *Environmental Planning and Assessment (EP&A) Act 1979*. The development consent was modified on 19 November 2021 (Maxwell MOD1) to allow for the repositioning of infrastructure primarily at the MEA and realignment of a section of the site access road. The development consent was further modified (Maxwell MOD2) on 19 October 2022 to allow for the following:

- Re-orientation of the longwall panels in the Woodlands Hill, Arrowfield and Bowfield Seams resulting in a minor increase in the approved underground mining extent.
- Reduction in the width of some of the longwall panels in the Woodlands Hill Seam.
- Repositioning of the upcast ventilation shaft site and associated infrastructure.
- Other minor works and ancillary infrastructure components (e.g. access road and ancillary water management infrastructure for the repositioned ventilation shaft site).

The site also incorporates the development formerly authorised under the Maxwell Infrastructure Project Approval (PA) 06_0202. Development Consent DA 106-04-00 for the existing rail loop and Antiene Rail Spur was granted on 2 November 2000 under Section 76(A)9 and 80 of the EP&A Act. DA 106-04-00 was modified on 18 September 2023 (Antiene MOD1) to align with the approved operating life of the Maxwell Underground Project (i.e. until 2047).

1.2 Purpose and Scope

The purpose of this Aboriginal Cultural Heritage Management Plan (ACHMP) is to detail the statutory requirements and provide a framework for the management of Aboriginal cultural heritage associated with the site and accompanying offset areas. This ACHMP is one of a series of Environmental Management Plans that together form the Environmental Management System for the site.

This ACHMP applies to all activities within the SSD 9526 development application area and accompanying offset areas, and the Antiene Rail Spur Development Consent DA 106-04-00 boundary.

There are no specific requirements regarding the management of Aboriginal cultural heritage within the Antiene Rail Spur Development Consent DA 106-04-00 or within Environment Protection Licence 1323.

In accordance with Schedule 2, Condition B58 of Development Consent SSD 9526, Maxwell will not commence construction until the ACHMP is approved by the Planning Secretary. On 22 April 2022 Maxwell gave written notice to the Department of Planning and Environment (DPE) of the date of commencement of construction, in accordance with Condition A13(b), Schedule 2 of Development Consent SSD 9526. In accordance with Schedule 2, Condition B59 of Development Consent SSD 9526, Maxwell will implement this ACHMP, following approval by the Planning Secretary.

1.3 Objectives

The objectives of this ACHMP are to:

- Detail all relevant statutory requirements.
- Provide protocols to protect, monitor and manage Aboriginal objects and places.
- Detail measures to be implemented if any new Aboriginal objects, places or potential human skeletal remains are found.
- Detail the archaeological salvage program required as part of the conditions of consent prior to the commencement of any ground disturbance.
- Provide a strategy for the care, control and storage of Aboriginal objects salvaged during the life of the mine.
- Provide a protocol for ongoing consultation with the Aboriginal community.
- Provide a protocol for reasonable access to Aboriginal objects and places (outside of the approved disturbance area).
- Detail the Aboriginal cultural heritage training requirements for relevant personnel.
- Detail the procedure for reporting Aboriginal cultural heritage related incidents and non-compliances to relevant stakeholders.
- Manage complaints related to Aboriginal cultural heritage in a timely and effective manner.

2 PLANNING

2.1 Regulatory Requirements

This ACHMP describes the management of Aboriginal cultural heritage to meet relevant statutory requirements within SSD 9526. The various conditions that relate to the management of Aboriginal cultural heritage and where they are addressed in this document are detailed in **Appendix 2**.

The *National Parks and Wildlife (NP&W) Act 1974*, administered by the Minister for Energy and Environment and the Special Minister of State, Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, is the primary legislation for the protection of Aboriginal cultural heritage in NSW. As detailed in Section 4.41 of the EP&A Act, an Aboriginal Heritage Impact Permit under Section 90 of the NP&W Act is not required for SSD's authorised by a development consent granted under Division 4.7 of Part 4. In these cases, Aboriginal cultural heritage is managed in accordance with the conditions of consent which requires the preparation of an ACHMP.

2.2 Maxwell Project EIS and Supporting Document Commitments

Commitments in the Maxwell UG Project Environment Impact Statement (EIS) (published on 14 August 2019) and supporting documents that relate to the management of Aboriginal cultural heritage, and where they are addressed in this document are detailed in **Appendix 3**.

2.3 Preparation and Consultation

Schedule 2, Condition B57(a) of SSD 9526, requires that this plan be prepared by a suitably qualified and experienced person/s whose appointment has been endorsed by the Planning Secretary. Maxwell

has engaged Geordie Oakes (Principal Heritage Specialist at AECOM) to assist with the preparation of this plan. A copy of the endorsement by the Planning Secretary is included in **Appendix 4**.

In accordance with Schedule 2, Condition B57(b) of SSD 9526, this plan has been prepared in consultation with Registered Aboriginal Parties (RAPs), Aboriginal Affairs NSW and Heritage NSW. Outcomes of the consultation are presented in **Appendix 5**.

2.4 Extraction Plan

In accordance with Schedule 2, Condition C8 of SSD 9526, an Extraction Plan will be prepared for all second workings to the satisfaction of the Planning Secretary. The Extraction Plan will include a Heritage Management Plan which must address the requirements under conditions B54 to B57 inclusive and have regard to the subsidence impact performance measures in Table 9 of SSD 9526. Conditions B54 to B57 have been addressed in this ACHMP. Subsidence monitoring and performance measures have also been included in **Section 5.1** of this ACHMP.

2.5 Previous Archaeological Assessments

Numerous Aboriginal archaeological investigations incorporating survey and/or test excavation have been undertaken within or directly adjacent to the site. Summaries of these assessments are provided below.

In 1980, Dyall undertook a survey of an area immediately south of the Bayswater Colliery and partially within the Maxwell Infrastructure site. Three Aboriginal sites, all artefact scatters, were recorded on the banks of Saddlers Creek however these were located outside of the Drayton Mine site. The sites comprised flakes, cores and backed blades of chert, rhyolite (tuff) and quartz.

In 1985, Koettig and Hughes undertook archaeological surveys and excavations within three separate development areas in the Hunter Valley. The areas included the Plashett Reservoir site and water storage area on Saltwater Creek, a coal mine development on Mount Arthur North and a coal mine development on Mount Arthur South. Within the Plashett Reservoir area, a total of 86 open campsites consisting of stone artefacts scatters were recorded. The sites were concentrated along creeklines, especially Saltwater Creek, with artefacts recorded on bare, eroded exposures. Six of these sites were excavated. Within the Mount Arthur South study area, a total of 136 archaeological sites were located and recorded. These comprised 135 open campsites with stone artefact scatters and one site consisting of grinding grooves. The survey focused on areas adjacent to Saddlers Creek. The artefact scatters were identified eroding out of the A soil horizon. The general pattern of site distribution was one of higher numbers of sites along major creeklines, with numbers decreasing along tributaries. Artefact densities along the whole of Saddlers Creek were typified by sites of high average densities, with a marked increase in the lower section of the creek. Indurated mudstone/tuff and silcrete were the most frequently recorded raw material. Survey of the Mount Arthur North area identified 93 open campsites consisting of stone artefact scatters. A program of excavation and collection was carried out. The survey focused on areas adjacent to Whites Creek. Very few sites were recorded on hill slopes, ridges or along the upper portions of some creeklines where there were large areas of eroded ground.

In 2000, Mills undertook an archaeological survey to identify Aboriginal sites, and areas of potential archaeological sensitivity within the proposed mine and haul road areas for the Saddlers Creek Mine. The focus of the survey was Saddlers Creek however, several of its tributaries were also surveyed. Forty Aboriginal sites were identified, including seven isolated artefacts, 29 artefact scatters (nine with potential archaeological deposit (PAD)), two quarry sites, and two scarred trees. The two quarry sites Aboriginal Heritage Information Management System (AHIMS) site 37-3-1954 assessed as having high significance and AHIMS site 37- 2-1955 which was also assessed as having high significance but could not be located during surveys in 2012 and 2018. Most artefact scatters and isolated finds were identified along ephemeral feeder creeks of Saddlers Creek. Mills found that evidence of Aboriginal activity was associated with the full length of these creeklines from their headwaters to the floodplain. In addition, at least two sites were identified on ridges and eight sites were identified at least 200 metres from creeklines. A total of 238 artefacts were recorded, including 127 flakes, 41 block fracture fragments, 28

cores, 19 flake fragments, seven scrapers, five manuports, four hammerstones, three backed blades, one sharpening stone, one millstone, one anvil and one pebble axe. Indurated mudstone/tuff was the dominant material, followed by silcrete, quartzite, chert, quartz, porcellanite, siltstone, sandstone, basalt, fossilised wood and glass.

In 2002, HLA Envirosiences completed an archaeological survey for the Drayton Mine Extension. A total of 14 artefact scatters were located during the survey, all of which were located outside of the Drayton Mine site. Indurated mudstone/tuff was the dominant material, followed by silcrete, quartz and porcellanite. Artefacts comprised flakes, flaked pieces, cores and backed blades. All sites were located along creeklines, ridgelines or crests.

In 2006, ARAS was engaged to undertake an assessment of the Aboriginal archaeology and cultural heritage values associated with the proposed Drayton Extension Project. The assessment located and recorded a total of 480 Aboriginal objects. The Aboriginal objects were recorded against 39 sites consisting of 22 stone artefact scatters and 17 stone artefact isolated finds. Most sites contained less than 10 artefacts, though five sites had over 50 artefacts and were associated with drainage lines or gullies. Of the 480 artefacts identified, 38 per cent were complete flakes, 31 per cent broken flakes, 26 per cent flaked pieces and 5 per cent cores. Most artefacts were of indurated mudstone/tuff, followed by silcrete, porcellanite and quartz.

In 2010, ARAS undertook a program of salvage excavation for 26 Aboriginal sites proposed to be impacted by the Drayton Mine Extension. The salvage included surface collection of artefacts at 22 sites, mechanical grader scrapes at 11 locations and hand excavations at three locations. A total of 8,505 artefacts were recovered as part of the works. Of these, 7,500 artefacts were recovered from three distinct knapping locations at Ramrod Creek, identifying the creek as archaeologically sensitive. Optically stimulated luminescence dating of deposits at Ramrod Creek and Delpah returned dates of 3-1.4 thousand years ago, placing them in the Late Holocene. Raw materials utilised included porcellanite, silcrete, tuff and chert.

At Ramrod Creek, porcellanite was the dominant raw material, while at Delpah, silcrete and tuff were dominant. ARAS (2010) proposed that two main site types, reflecting two differing site functions, were present within the study area: fringe sites representing short-term occupation, and sites principally focused on the manufacture of backed artefacts. On the basis of site size (i.e., number of artefacts) and the ratio of discarded tools to waste material, ARAS (2010) proposed that sites adjacent to ridgelines and overlooking ephemeral water systems were the result of 'short term settlement'. Conversely, ARAS (2010) found that sites associated with Ramrod Creek were specific to stone tool manufacturing activities, with particular emphasis on producing Bondi points from porcellanite.

In 2012, AECOM completed an archaeological survey of the Drayton South study area. A total of 205 discrete sites were identified during the assessment, including both the existing AHIMS sites and newly recorded sites. Sites comprised 143 artefact scatters, eight of which have associated areas of PAD, 59 isolated artefact sites and three stone quarries. High significance was attributed to four sites, based on their rarity and research potential. Moderate significance was attributed to 18 sites and low significance to 183 sites. Complete flakes dominated the assemblage, accounting for 50.2 per cent of the combined survey assemblage, followed by broken flakes and flake shatter fragments. Raw material most commonly associated with both complete flakes and flake debitage consisted of indurated mudstone/tuff.

In 2015, AECOM were engaged to undertake an updated archaeological survey for the Drayton South Coal Project with the study area comprising the original area assessed as part of the previous Drayton South mine application. As a result of a reduced project disturbance footprint, the survey found that there was an 11 per cent reduction in the number of sites that would be impacted due to the project.

In 2019, AECOM completed an Aboriginal Cultural Heritage Assessment (ACHA) for the proposed Maxwell Underground Project. The study area overlapped with the survey area completed for the Drayton South project in 2012 so only the areas not previously surveyed were subject to survey as part of the Project. During the survey, a total of 47 new Aboriginal archaeological sites, comprising artefact scatters and isolated artefacts, were identified. Combined, a total of 275 Aboriginal archaeological sites,

comprising 274 open artefact sites and one stone quarry were identified within the study area. A total of 545 individual stone surface artefacts were recorded during the archaeological survey. In addition, a Cultural Values Report (CVR) was prepared. For the CVR, RAPs indicated that the study area sits within a broader cultural landscape that has cultural significance for Aboriginal people. Forming part of this cultural landscape were important landscape features such as Mount Arthur, the Hunter River, and Saddlers Creek which as well as the Aboriginal objects (i.e., stone artefacts) identified during the archaeological survey for the Project.

In 2021, AECOM completed an ACHA for the Maxwell UG Project Mine Entry Area Modification (referred to as MOD1). Consideration of previously recorded “valid” Aboriginal sites based on AHIMS site coordinates and associated site cards/reports indicated four AHIMS sites were located within or partially within the areas associated with Modification 1, with all four comprising open artefact sites (i.e., isolated artefacts and artefact scatters).

In 2022, AECOM completed an ACHA for the Maxwell UG Project MOD2. The ACHA showed that three Aboriginal sites would be directly impacted by the proposed modification, including two open artefact scatter sites that will be wholly impacted and one artefact scatter site that will be partially impacted. There is one Aboriginal site located within the Modification Underground Extension Area that would potentially be indirectly impacted by subsidence.

3 IMPLEMENTATION

3.1 Impacts

An ACHA was undertaken as part of the EIS for SSD 9526. The assessment indicated that although the site is situated within a broader landscape of high historical significance for contemporary Aboriginal people, the site itself is assessed as having a low historical significance, with no evidence of post-contact Aboriginal occupation identified within the area.

The ACHA completed for SSD 9526 identified 39 open artefact sites (i.e., isolated artefact or artefact scatters containing Aboriginal objects) that would be wholly or partially disturbed (i.e., direct impact) within the surface development area (shown in **Figure 4**). Following the completion of the ACHA, it was determined that two of these artefact sites (AHIMS sites 37-2-2329 and 37-2-2330) were in fact located within the existing Maxwell Infrastructure Northern Offset area and will not be disturbed. However, two new artefact sites (AHIMS sites 37-2-6042 and 37-2-6041) were identified during an Aboriginal due diligence assessment and will be disturbed by the proposed surface development works. Avoidance of impacts to all previously and newly identified Aboriginal objects within the surface development area was not feasible given the respective locations of these objects in relation to the Maxwell UG Project. However, potential impacts have been reduced through critical placement of surface infrastructure.

Surface collection of these 39 open artefact sites was completed in July 2021 in accordance with **Section 3.2.3.1** (*Surface Collection*) of this ACHMP. The results of the surface collection will be documented in the broader Archaeological Salvage Report that will be prepared following completion of all salvage activities for the Project. Aboriginal Site Impact Records (ASIR) were submitted to Heritage NSW’s AHIMS register in 2021.

In August 2021, following the surface collection described above, AECOM completed an ACHA for Modification 1. Consideration of the location of Aboriginal sites in relation to the proposed Modification indicated a total loss of value for two additional open artefact sites (37-2-4359 and 37-2-0415) that were recommended for surface collection. Surface collection of these sites was completed on 2 March 2022.

A further 232 Aboriginal objects or places comprising 231 open artefact sites and one stone quarry, are located directly above the underground area (shown in **Figure 2**). In accordance with the ACHA, these artefact sites may potentially be affected by cracking of the surface soils due to the effects of mining-induced subsidence from secondary workings (i.e., indirect impact). Stone quarry sites including AHIMS site 3-37-2-1954 and the previously recorded location of AHIMS site 37- 2-1955 will not be directly impacted and are not expected to experience any measurable subsidence. Impacts to Aboriginal objects

from underground mining activities will be minimal, with soil cracking as a result of subsidence expected to be typically between 25 millimetres (mm) and 50 mm across much of the area where the Aboriginal objects are present. In accordance with the Subsidence Assessment undertaken as part of the Maxwell UG Project EIS, based on experience at similar operations, less than 0.02 per cent of the surface area above the underground will be affected by surface cracking (Mine Subsidence Engineering Consultants, 2019). The direct and indirect impacts discussed above have been predicted in the documents/s listed in Schedule 2, Condition A2(c) of SSD 9526.

A list of all AHIMS sites within the SSD 9526 development application area is provided in **Appendix 5** and shown in **Figure 3**.

3.2 Management Measures

The following management measures have been prepared in consultation with RAPs to ensure that the Maxwell UG Project does not cause any direct or indirect impact on any identified heritage item beyond those predicted in the documents/s listed in Schedule 2, Condition A2(c) of SSD 9526. These measures are also detailed in **Section 11** of the ACHA.

3.2.1 Ground Disturbance Permit

Ground disturbance is defined as any activity that will result in disturbance to land, including but not limited to vegetation removal, topsoil stripping, fencing relocation, change to drainage, impact to cultural heritage sites and disturbance to previously rehabilitated areas.

Prior to ground disturbance occurring within the development application area (including within the surface development area, outside the approved disturbance area and within any offset area), an approved Ground Disturbance Permit (GDP) will be obtained from the Maxwell Environment department in accordance with Maxwell's *Ground Disturbance Permit Procedure*.

The GDP will assess any impacts to Aboriginal objects and places resulting from the proposed activity and specify any further works or controls required to mitigate any potential unapproved disturbance. Further works or controls will be prepared on a case-by-case basis and may include measures such as additional fencing and signage whilst disturbance works are being undertaken or the installation of sediment fencing to reduce the movement of soil from a disturbed area.

3.2.2 Due Diligence Assessment

An Aboriginal archaeological due diligence assessment may be required to identify any Aboriginal heritage constraints prior to a proposed activity occurring. All Aboriginal archaeological due diligence assessments will be prepared in accordance with the *NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW 2010* (New South Wales Minerals Council Ltd, 2010). Due diligence inspections will be undertaken by a person with expertise in locating and identifying Aboriginal objects. Recommendations from the Aboriginal archaeological due diligence assessment will be included as conditions under the relevant GDP.

3.2.3 Archaeological Salvage Program

An archaeological salvage program will be undertaken for all Aboriginal objects within the approved disturbance area (identified in accordance with Schedule 2, Condition A12 of SSD 9526) prior to the commencement of any ground disturbance within the area. This will involve the surface collection of 39 open artefact sites, as well as open area salvage excavation of AHIMS sites 37-2-0004 and 37-2-0505. The salvage program will be undertaken progressively and in line with the progression of surface disturbance. Additionally, in accordance with the ACHA recommendations, if subsidence monitoring indicates significant impacts have occurred to the ground surface within the boundary of a known Aboriginal object/s, including instances where soil remediation is required, archaeological salvage of the impacted Aboriginal object/s will be undertaken. The management measures required for each AHIMS site is detailed in Appendix 6.

The overarching objectives of the salvage program are to:

- To record and collect all visible surface Aboriginal objects impacted by the project.
- Salvage a representative and statistically viable subsurface assemblage from subsurface salvaged sites including AHIMS sites 37-2-0004 and 37-2-0505 and the area of archaeological sensitivity impacted by the ventilation shaft and access track.
- To undertake post-excavation analyses of salvaged sites that will produce and conserve knowledge of past Aboriginal occupation.

All archaeological salvage programs will be undertaken in accordance with the subsections detailed below.

3.2.3.1 Surface Collection

The objective of the surface collection component of a salvage program is to systematically record and recover all visible Aboriginal objects (i.e., surface artefacts). Surface collection will be undertaken in accordance with the following procedure:

- A qualified archaeologist and RAPs will be engaged to complete the salvage.
- Surface artefacts will be flagged in situ.
- The locations of flagged artefacts will be appropriately recorded.
- Flagged artefacts will be numbered and collected into a bag labelled with the site number, date and collection details.
- Artefacts will be retained for recording purposes and report preparation.
- Basic attributes of collected artefacts will be recorded including, but not limited to, raw material, technological type, implement type, weight and maximum dimension.
- Some artefacts may be subject to further analysis such as use-wear and residue analysis. This will be discussed with RAPs in the field.

3.2.3.2 Open Area Excavation

Based on the subsurface potential of AHIMS sites 37-2-0004 and 37-2-0505 and the area of archaeological sensitivity impacted by the ventilation shaft and access track, open area excavation will be undertaken. The extent of the open plan excavation will be driven by observed lithic distributions and the presence/absence of inset archaeological features such as raw material deposits, hearths and heat treatment pits. This will be undertaken in consultation with RAPs in the field.

The placement of the open area excavation will be guided by a program of test excavation with a series of 1 m² pits generally placed on a 20-metre grid within the portion of the site boundaries impacted by the project. The exact placement of pits will be discussed with RAPs in the field. The indicative test pit locations are shown in **Figure 5**. The open area excavation will be centred on one or more locations where higher counts of artefacts, archaeological features, or the test pit with high richness values are intercepted (i.e., triggers for excavation).

Open area excavation will be undertaken in accordance with the following procedure:

- A qualified archaeologist and RAPs will be engaged to complete the excavations.
- All excavation will be carried out manually using trowels, shovels and mattocks.
- Test excavation will proceed in 1 m² units placed on a 20-metre grid across the impacted portion of the site.
- Open area excavation will proceed in 1 m² units, each of which will be assigned an alphanumeric identifier.
- All excavation units will be excavated in 10-centimetre splits down to the base of the identified A2 soil horizon.
- Photographic and scale-drawn records of representative soil profiles will be made.
- If specific archaeological features (e.g. hearths or heat treatment pits) are identified, the entire feature will be excavated and recorded prior to the continuation of excavation.
- Features will be photographed and scale plans drawn.
- Where encountered, charcoal deemed suitable for radiocarbon dating will be collected using best practice guidelines (e.g., Burke and Smith 2004).

- Soil samples will be retained for pH testing and soil description.
- Soil samples for optical stimulated luminescence dating will be collected from selected strata using best practice guidelines (e.g., United States Geological Survey 2015).
- All excavated soils will be either dry-sieved through a 5 millimetre gauge sieve or wet sieved through a 3 millimetre gauge sieve.
- Artefact counts would be reviewed throughout each day of excavation and used to guide the excavations.
- Artefacts recovered from sieving will be retained in plastic zip-lock bags and labelled with appropriate provenance data.

3.2.3.3 Geomorphological Assessment

A suitably qualified geomorphologist will be engaged to undertake a geomorphological assessment of excavated soils and soil profiles within excavation areas. The engaged geomorphologist will provide a stand-alone report detailing the results of their assessment. This assessment will involve the following:

- A desktop review of existing soil data and historic aerial photographs for the sites.
- A visual inspection of excavated soils and soil profiles during the salvage excavation.
- Characterisation of extant soils and soil profiles using standard sedimentological techniques and terminology.

3.2.3.4 Post-Salvage Analyses and Reporting

All stone Aboriginal objects recovered during the salvage program will be subject to detailed technological analysis by a qualified lithics specialist with RAPs given the opportunity view the Aboriginal objects and discuss the results of the analysis with the specialist. Contact details for the trained lithics specialist will be provided to all RAPs. Artefacts will be analysed to a level comparable to that achieved in previous analyses of excavated lithic assemblages in the Hunter Valley, so as to facilitate a rigorous and meaningful comparative analysis of intra-regional assemblage composition.

The following general research questions will be used to guide the post-excavation analysis component of the salvage program:

- When and how were the sites being utilised by Aboriginal people?
- Are any sources of silcrete/tuff are located within proximity to sites 37-2- 0004 and 37-2-0505?
- Are there naturally occurring deposits of silcrete/tuff gravels present associated with Saddlers Creek? If so, is there any evidence of quarrying of these materials by Aboriginal people?
- If there is evidence of quarrying, how does that compare to other quarry sites in the Upper Hunter?
- What, if any, evidence exists to indicate that Aboriginal people were deliberately heat treating stone at the sites?
- What types of tools were being produced?
- What raw materials are being utilised and where are they being obtained/quarried?
- What technological and/or typological similarities/differences are apparent between the excavated stone artefact assemblages recovered from these sites and those from other local and sub-regional contexts?
- What are the broader archaeological and cultural contexts of salvaged sites?

A report detailing the results of the archaeological salvage program undertaken (including the results of any post-excavation analyses) will be completed within one year of the fieldwork component of the program. Aboriginal Site Impact Recording (ASIR) forms for all salvaged sites will be submitted to Heritage NSW at the completion of the salvage program.

Reporting will be consistent with the best practice guidelines suggested by the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (NSW Department of Environment Climate Change & Water (DECCW) 2010a) and the *Aboriginal Cultural Heritage Standards & Guidelines Kit* (NSW National Parks and Wildlife Service (NPWS) 1997). Copies of the final salvage report will be provided to all RAPs and Heritage NSW within 14 days of completion.

3.2.3.5 Care, Control and Storage of Aboriginal Objects

Salvaged Aboriginal objects will be moved as soon as practicable to the temporary storage location. The temporary storage location is a locked and fire-proof room within the main administration building at the Maxwell Infrastructure site. The site coordinates for the temporary storage location are provided below in **Table 1**. Access to the temporary storage location is managed by the Maxwell Environment department and is further discussed in **Section 3.2.9**.

All Aboriginal objects will be labelled and contained within a waterproof storage container. All aboriginal objects salvaged as part of the excavation program will be curated in an appropriate manner, as determined through consultations with RAPs, Heritage NSW and the DPE.

A long-term management strategy has not yet been established by Maxwell or the RAPs. As such, salvaged Aboriginal objects will remain in the temporary storage location until a decision is made. Any decisions regarding the long-term management of Aboriginal objects will be made in consultation with RAPs and Heritage NSW. A long-term management strategy will be prepared prior to mine closure.

Temporary off-site storage of salvaged objects will be allowed for the purposes of analysis and recording.

Table 1. Temporary storage location details

Location	Easting (GDA 94 Zone 56)	Northing (GDA 94 Zone 56)
Room number 21	305074	6420000

3.2.4 Previously Unrecorded Aboriginal Objects and Places

Previously unrecorded Aboriginal objects and places identified within the SSD 9526 development application area (including within the surface development area, outside the approved disturbance area and within any offset area), throughout the life of the mine, will be managed in accordance with the protocol detailed below. Management actions will vary according to the type of site identified, its significance and the nature of potential impacts. The unanticipated finds protocol should include the following steps if an Aboriginal site is identified or harmed:

1. All works will cease immediately and the area will be secured to avoid further harm.
2. Notification will be made to the Healthy Safety Environment and Community (HSEC) Manager.
3. A suitably qualified archaeologist and one or more RAPs will be engaged to determine the nature, extent and significance of the find and provide appropriate management advice.
4. Should it be determined that the object is Aboriginal, it will be registered on the AHIMS database as soon as practicable.
5. Details of any new site will be added to the Maxwell Aboriginal Heritage Database and also to **Figure 3** and **Appendix 6** of the ACHMP once it has been registered on the AHIMS database.

The following management will apply for previously unrecorded Aboriginal objects and places identified within the approved disturbance area:

- a. Open artefact sites (which includes both isolate artefacts and artefact scatters) subject to impacts or disturbance would be managed in the following way:
 - o Sites assessed of low scientific significance will be subject to surface collection in accordance with **Section 3.2.3**. A qualified archaeologist and RAPs will be engaged to complete the surface collection.
 - o Sites assessed of moderate scientific significance will be subject to surface collection and other forms of mitigation (i.e., detailed recording, test or open area excavation) in accordance with **Section 3.2.3**. This will be undertaken in consultation with RAP's.
 - o Management of sites assessed of high scientific significance will be determined through consultation between Maxwell and RAPs.

- b. Scarred trees subject to impacts or disturbance would be managed through discussions between a qualified archaeologist, Maxwell and RAPs and may include removal and relocation.
- c. Grinding grooves identified within the site and subject to impacts or disturbance would be managed through discussions between a qualified archaeologist, Maxwell and RAPs and may include removal and relocation.
- d. Other sites (i.e. stone quarries, ochre quarries, stone arrangements, engravings) identified within the site and subject to impacts or disturbance would be managed through discussions between a qualified archaeologist, Maxwell and RAPs.

Previously unrecorded Aboriginal objects and places identified within the development application area but not within the approved disturbance area will be managed in accordance with **Sections 0** and **3.2.7** of this ACHMP.

A record of the find and management completed will be included in the Annual Review. Aboriginal archaeological evidence identified within the development application area that will not be impacted or disturbed will be managed in accordance with **Section 3.2.6**.

3.2.5 Management of Subsidence Impacts

Underground mining includes both first and secondary workings. The first workings comprise a network of access roadways (i.e., drifts and main headings) that will be designed to remain stable for the life of the mine (i.e., no subsidence). The secondary workings are associated with the partial pillar extraction and longwalls which will result in subsidence that develops predominately above the area of secondary extraction. The subsidence assessment completed for the Maxwell UG Project EIS suggests that based on the previous longwall mining experience in NSW, surface cracking in the flatter areas above the proposed mining areas is expected to be typically between 25 millimetres (mm) and 50 mm, with some isolated cracking around 100 mm or greater. Surface cracking along the steep slopes is expected to be typically in the order of 50 mm to 100 mm, with isolated cracking around 200 mm or greater.

Surface cracking within the boundary of an existing open artefact site, resulting from subsidence, has the potential to displace soils, including archaeological deposits, and move Aboriginal objects. Moreover, if remediation of the surface is required after mining, these works could potentially impact any Aboriginal objects on the surface.

Subsidence from underground mining operations cannot be prevented however the following mitigation measures, prepared in consultation with RAPs, would be implemented so that there is no greater subsidence impacts or loss of heritage values other than what was predicted in Schedule 2, Condition A2(c) of SSD 9526:

- Subsidence monitoring will be conducted during mining and for a specified period post-mining, with a digital record kept of the nature, location and extent of all subsidence-related surface impacts within the site.
- Where subsidence-related impacts, such as surface cracking, are identified within the boundary of an existing Aboriginal object or place of moderate (or high) scientific significance, or where remediation works (i.e., reshaping, recontouring and revegetation of the land surface) are required to address subsidence impacts, the Aboriginal object or place would be inspected by a qualified archaeologist to determine the nature and extent of impacts, and whether mitigation is required.
- Mitigation measures for subsidence may include further monitoring, surface collection or open area salvage excavation.

Stone quarry AHIMS site 3-37-2-1954 and the previously recorded location of stone quarry AHIMS site 37- 2-1955) may be indirectly impacted by subsidence. Management of AHIMS site 3-37-2-1954 is detailed in the ACHA and includes monitoring (as described in Section 5.1) and if impacted, salvage excavation. No management is proposed for AHIMS site 37- 2-1955 as it was unable to be relocated.

3.2.6 Conservation of Non-Impacted Aboriginal Objects and Places

In accordance with the ACHA, all Aboriginal objects and places within the development application area that will not be impacted (directly or indirectly) by SSD 9526 will be conserved in-situ.

Boundary fencing will be installed along the southern portion of the transport and services corridor and surrounding the mine entry area to restrict any unauthorised access once the permanent road and facilities are constructed. Temporary fencing will be used prior to this. All relevant employees and contractors will be made aware of the nature and location of sites as well as their legal obligations with respect to them. Non-impacted Aboriginal objects and places will be identified on all relevant site plans.

Due to the number of Aboriginal objects and places to remain in-situ, fencing and signage around individual Aboriginal objects and places is not considered practical and was not requested by the RAPs during the development of the ACHA or the ACHMP. Aboriginal objects and places at the Maxwell Infrastructure site that were fenced for conservation under preceding PA 06_0202 will continue to remain fenced. A list of these sites and sites that were salvaged under PA 06_0202 are provided in **Appendix 7**.

3.2.7 Aboriginal Objects and Places Outside the Disturbance Boundary

A check of the Maxwell Aboriginal Heritage Database and the AHIMS register will be undertaken prior to any disturbance outside of the approved disturbance area (identified in accordance with Schedule 2, Part A, Condition A12 of SSD 9526). If there are known Aboriginal objects or places within the area to be disturbed, an Aboriginal archaeological due diligence assessment will be undertaken. If impacts to a site in this area cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) will be prepared and submitted to Heritage NSW.

3.2.8 Management of Potential Human Remains

In the event that potential human skeletal remains are identified, the following standard procedure (New South Wales Police Force 2015; NSW Health 2013) will be followed:

1. All work surrounding the area will cease immediately.
2. The location will be secured - work can continue outside of the surrounding area as long as there is no risk of interference to the remains or the assessment of the remains.
3. Where it is reasonably obvious from the remains that they are human, the HSEC Manager (or a delegate) will immediately notify the NSW Police and Heritage NSW by telephone.
4. Where uncertainty over the origin (i.e. human or non-human) of the remains exists, a physical or forensic anthropologist will be commissioned to inspect the exposed remains in situ and make a determination of origin, ancestry (Aboriginal or non-Aboriginal) and antiquity (pre-contact, historic or modern).
5. If the remains are identified as modern and human, the NSW Police will be notified.
6. If the remains are identified as pre-contact or historic Aboriginal, Heritage NSW and RAPs will be notified.
7. If the remains are identified as historic (non-Aboriginal), Heritage NSW will be notified.
8. Where impacts to exposed Aboriginal skeletal remains cannot be avoided, an appropriate management mitigation strategy will be developed in consultation with Heritage NSW and RAPs.
9. Work will not recommence in the area until authorised by NSW Police Force and Heritage NSW.

An Aboriginal community representative will be present where it is reasonably suspected burials or human remains may be encountered. If human remains are unexpectedly encountered and they are thought to be Aboriginal, the Aboriginal community will be notified.

Recording of Aboriginal ancestral remains must be undertaken by, or be conducted under the direct supervision of, a specialist physical anthropologist or other suitably qualified person.

Archaeological reporting of Aboriginal ancestral remains will be undertaken by, or reviewed by, a specialist physical anthropologist or other suitably qualified person, with the intent of using respectful and appropriate language and treating the ancestral remains as the remains of Aboriginal people rather than as scientific specimens.

3.2.9 Reasonable Access

Members of the Aboriginal community may wish to access Aboriginal objects or places (outside of the approved disturbance area) or visit the temporary storage location for cultural purposes. Maxwell is committed to maintaining reasonable access to Aboriginal objects and Aboriginal places (outside of the approved disturbance area) that is consistent with workplace health and safety requirements. Access will be subject to relevant operational and safety considerations.

A request for access can be made in writing to the Maxwell Environment and Community Coordinator at Private Mail Bag 9, Muswellbrook NSW 2333 or by emailing info@malabarresources.com.au. Alternatively, if a written request is unable to be made, contact can be made by phone by calling (02) 6542 0283. The request for access should be made at least five days in advance and include the following information:

- The proposed time and date of the visit.
- The purpose of the visit.
- The area of interest.
- The name of all persons proposed to take part in the visit.

4 ABORIGINAL COMMUNITY ENGAGEMENT

4.1 Principles of RAP engagement

Maxwell recognises the importance of cultural protocols in the engagement of RAPs and more broadly the Aboriginal community. As such, Maxwell has adopted the principals outlined in the Australian Heritage Commission's guidelines *Ask First: A guide to respecting Indigenous heritage places and values* (Australian Heritage Commission, 2002). These principals require that all parties concerned with identifying, conserving and managing Aboriginal heritage should acknowledge, accept and act on the principles that Aboriginal people:

- Are the primary source of information on the value of their heritage and how this is best conserved;
- Must have an active role in any Aboriginal heritage planning process;
- Must have input into primary decision-making in relation to Aboriginal heritage so they can continue to fulfil their obligations towards this heritage; and
- Have a right to retain control of their cultural knowledge, including intellectual property and other information relating specifically to their heritage.

4.2 Welcome to Country and Acknowledging Traditional Owners

A Welcome to Country is a formal welcome to Aboriginal land given by an Elder or person from the Country the meeting or event is taking place on. It is commonly in the form of a short speech, but also may include a performance. An Acknowledgement of Country can be given by an Indigenous or non-Indigenous person and is a way of paying respect to the Traditional Owners of the Country the meeting or event is taking place on.

Welcome to Country and Acknowledgement of Country are important practices because they continue the longstanding tradition of formally recognising Aboriginal and Torres Strait Islander traditional ownership and connection to Country (NTSCORP Limited, 2013). Maxwell proposes that any meetings and events associated with the preparation of this ACHMP, and with the ongoing management of Aboriginal objects and places associated with this ACHMP, begin with the opportunity for an Elder or Traditional Owner to undertake a Welcome to Country and/or Acknowledgement of Country.

4.3 Assessment Consultation

Consultation with RAPs during completion of the ACHA was undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010b). A total of 28 Aboriginal parties registered their interest. These parties are listed in **Table 2**.

Table 2. Registered Aboriginal Parties involved during the ACHA

Group Name
Didge Ngunawal Clan (DNC)
Wanaruah Local Aboriginal Land Council (WLALC)
Aboriginal Native Title Elders Consultants
Divine Diggers
Wallagan Cultural Services
Culturally Aware
ELM Corp
Wattaka Wonnarua Cultural Consultancy Services
Ungooroo Aboriginal Corporation
Tocomwall Pty Ltd/ Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People (PCWP)
AGA Services
Cacatua
Hunter Valley Aboriginal Corporation
Lower Hunter Wonnarua Cultural Services
Murra Bidgee Mullangari
Ungooroo culture & community service
Gidawaa Walang Cultural Heritage Consultancy
Yinarr Cultural Services
Merrigarn
Muragadi
Wailwan Aboriginal Digging Group
Amanda Hickey Cultural Services
A1 Indigenous Services
Widescope
Kauwul Wonn1
Gomeroy Cultural Consultants
Aliera French Trading
Wonnarua Elders Council

4.4 ACHMP Consultation

The draft ACHMP was distributed to all RAPs listed in **Table 2** on the 4 January 2021, for consultation and comment. RAPs were provided with a minimum 28-day period to provide comments on the plan. Four written responses to the draft ACHMP were received. A copy of the RAP correspondence including written responses and the outcome is provided in **Appendix 5**.

4.5 Ongoing RAP Consultation

Notification will be provided in writing to RAPs in the following instances:

- There are significant changes to approved operations at the site resulting in potential implications for Aboriginal heritage management.

- There is a discovery of a significant Aboriginal site (e.g. burial, grinding groove or scarred tree in accordance with the process described in **Section 3.5**).
- There is an opportunity to participate in Aboriginal archaeological survey or salvage works.
- There are discussions regarding the long-term management of Aboriginal heritage items at the site.

5 MEASUREMENT AND EVALUATION

5.1 Subsidence Monitoring

Subsidence monitoring will be undertaken during and post-secondary workings to measure the subsidence impacts or loss of heritage values against predictions in the document/s listed in condition Schedule 2, Part A, Condition A2(c) of SSD 9526. Monitoring will also be undertaken to determine if any Aboriginal archaeological sites have or will be impacted above the underground mining area. A summary of the monitoring will be provided in the Annual Review.

Monitoring during secondary workings will consist of the following:

- Monthly visual inspections of potentially affected Aboriginal archaeological sites when the longwall face is approaching within 100 metres and continuing until at least 200 metres past that point.
- Records of the nature, location and extent of all subsidence-related surface impacts and a photo of any detected damage.

Monitoring post-secondary workings will consist of the following:

- Visual inspections of potentially affected archaeological sites once the longwall face has retreated at least 500 metres past that point.
- Records of the nature, location and extent of all subsidence-related surface impacts and a photo of any detected damage.

Where subsidence-related impacts are identified within the boundary of an existing site, or where remediation works are required to address subsidence impacts, the following will be undertaken:

- An inspection will be undertaken by a qualified archaeologist and RAP to determine the nature and extent of impacts, and whether mitigation (which may include further monitoring, surface collection or open area salvage excavation).
- If subsidence monitoring identifies cracking or erosion proximal to a site, the site will be salvaged in accordance with **Section 3.4**.
- If a site will be impacted by surface remediation activities, the site will be salvaged in accordance with **Section 3.4**.

5.2 Three Yearly Inspections

An inspection of the Aboriginal archaeological sites surrounding the CHPP and train loading facility that were conserved under preceding PA 06_0202 and stone quarry AHIMS site 3-37-2-1954 and the previously recorded location of stone quarry AHIMS site 37- 2-1955, will be undertaken every three years. The inspection will also check that the boundary fence/temporary fencing installed along the southern portion of the transport and services corridor and mine entry area to restrict any unauthorised access is adequate and functional. The inspection will be completed by a qualified archaeologist and a RAP representative and include a review of the condition of the sites, potential impacts and condition of any associated fencing and signage. Results will be documented in a short conditions report and reported in the Annual Review.

5.3 Heritage Database and AHIMS Register

A comprehensive Aboriginal Heritage Database has been developed for the site. The database includes as a minimum the name, type, size (where applicable), status and coordinates of all known Aboriginal

objects and places on the site and within any offset area. The database will be reviewed on a regular basis and updated as required. Printed site lists and maps will be made available to RAPs upon request.

In accordance with Schedule 2, Condition B56 of SSD 9526, Aboriginal objects and places on the site and within any offset area will be properly recorded and kept up to date in the AHIMS Register.

5.4 Incidents, Non-Compliances and Exceedances

An incident is defined in SSD 9526 and DA 106-04-00 as an occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance.

In accordance with Schedule 2, Part E, Condition E9 of SSD 9526 and Schedule 2, Part C, Condition C5 of DA 106-04-00, Maxwell shall notify RAP's, DPE and any other relevant agencies, immediately after it becomes aware of an incident regarding Aboriginal cultural heritage. The notification to DPE shall be in writing via the Department's Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident. RAP's will be notified by email or phone of the incident.

In accordance with Schedule 2, Part E, Condition E10 of SSD 9526 and Schedule 2, Part C, Condition C6 of DA 106-04-00, Maxwell shall notify DPE within seven days of becoming aware of a non-compliance regarding Aboriginal cultural heritage. The notification shall be in writing via the Department's Major Projects Website and identify the development (including the development application number and name), set out the condition of SSD 9526 that the Project is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

The following protocol will be implemented to manage any incidents, non-compliances and exceedances of performance criteria related to Aboriginal heritage:

1. All works will cease immediately (where required), and the area will be secured to avoid further harm.
2. Notification will be made to the Healthy Safety Environment and Community (HSEC) Manager.
3. A suitably qualified archaeologist and one or more RAPs will be engaged (if required) to determine the nature and extent of any impacts and whether remedial and or mitigation work is required (i.e., salvage, excavation or installation of additional fencing).
4. Any relevant permits will be prepared prior to undertaking any remedial and or mitigation works.
5. The management of potential human remains will be managed in accordance with **Section 3.2.8**.
6. Previously unrecorded Aboriginal objects and places will be managed in accordance with **Section 3.2.4**.
7. A final report will be provided to RAP's, DPE and any other relevant agencies once the mitigation work is completed.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

5.5 Adaptive Management and Contingency

In accordance with Schedule 2, Condition E4 of SSD 9526 and Schedule 2, Part C, Condition C2 of DA 106-04-00, where any exceedance of performance measures has occurred (i.e., an unauthorised impact to an Aboriginal object or Aboriginal Place or a direct or indirect impact beyond those predicted in the documents/s listed in Schedule 2, Condition A2(c) of the development consent), Maxwell shall, at the earliest opportunity:

- Take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur. Steps may include (where appropriate):
 - A review of the *Ground Disturbance Permit Procedure*.
 - A review of the Aboriginal Heritage Database and updating of AHIMS register.
 - Additional Aboriginal cultural heritage management training for personnel.

- Additional fencing to show the limits of disturbance or to protect Aboriginal objects or places to be conserved in situ.
- Implementation of additional monitoring
- Archaeological salvage programs
- Consider all reasonable and feasible options for remediation (where relevant) and submit a report to DPE describing those options and any preferred remediation measures or other course of action; and
- Implement reasonable remediation measures as directed by the Planning Secretary.

In accordance with Schedule 2, Part E, Condition E5 (f) of SSD 9526, the following contingency plan is used to manage any unpredicted impacts and their consequences:

- Review the unpredicted impact with consideration of any relevant activities and monitoring data;
- Identify the most likely source of the unpredicted impact;
- Review the existing process and current controls; and
- Implement appropriate mitigation measures.

5.6 Complaints Handling

The Maxwell UG Project maintains a 24-hour community hotline (1800 653 960) for any issues or enquiries. In addition to the community hotline, the site can also be contacted by emailing info@malabarresources.com.au.

If a complaint or enquiry is received regarding Aboriginal cultural heritage, it is investigated as soon as reasonably practicable and managed in accordance with Maxwell's *Community Complaints and Enquiries Procedure*. Details such as complainant name, contact details, nature of concern, date, time and method of receipt are recorded. While details of the enquiry vary depending on the nature and source of the enquiry, the following actions may result:

- Confirmation of whether the complainant would like the matter raised as a complaint or an enquiry.
- Identify further details which may assist in determining the cause of the complaint.
- Carry out an inspection of the site or conduct an assessment of monitoring results to identify the source.
- Identify if there is an exceedance or non-compliance with any consent or licence condition.
- Identify, where necessary and practical, methods to manage the source of the complaint and minimise the chance of a recurrence or the potential to generate further complaints.

All enquiries and/or complaints are recorded in an enquiries database. A summary of complaints is presented to the CCC and included in the Annual Review and EPL Annual Return.

6 AUDIT, REVIEW AND IMPROVEMENT

6.1 Review Schedule

The suitability of this ACHMP will be reviewed in accordance with Schedule 2, Part E, Condition E7 of SSD 9526 and Schedule 2, Part C, Condition C3 of DA 106-04-00, that is within three months of:

- the submission of an incident notification under condition E9/C5;
- the submission of an Annual Review under condition E11;
- the submission of an Independent Environmental Audit under condition E13/C7;
- the approval of any modification of the conditions of SSD 9526 or DA 106-04-00; or
- notification of a change in development phase under condition A13.

In accordance with Schedule 2, Part E, Condition E8 of SSD 9526 and Schedule 2, Part C, Condition C4 of DA 106-04-00, if necessary, to improve the environmental performance of the site, cater for a modification or comply with a direction, this plan will be revised. The revised plan will be submitted to DPE for approval within six weeks of the review. If any significant modifications to the plan are required

as an outcome of the review, relevant government agencies and RAPs will be consulted regarding the changes prior to the plan being submitted to DPE for approval.

6.2 Reporting

In accordance with Schedule 2, Part E, Condition E11 of SSD 9526, by the end of March in each year after the commencement of the development, or other timeframe agreed by the Planning Secretary, an Annual Review report will be submitted to DPE. The Annual Review will include the following:

- A description of the development that was carried out in the previous calendar year and the development proposed to be carried out over the current calendar year.
- A comprehensive review of any Aboriginal cultural heritage activities and complaints over the previous calendar year.
- A description of non-compliances which occurred in the previous calendar year and actions that were (or are being) taken to rectify the non-compliance and avoid reoccurrence.
- Evaluation of the effectiveness of the Aboriginal cultural heritage management measures.
- Trends in monitoring data and any discrepancies between predicted and actual impacts.
- Measures to be implemented over the next calendar year to improve the environmental performance of the development.

In accordance with Schedule 2, Part E, Condition E12 of SSD 9526 copies of the Annual Review shall be submitted to Muswellbrook Shire Council and made available to the CCC and any interested person upon request.

In accordance with Schedule 2, Part E, Condition E17(a) of SSD 9526, the Annual review will be publicly available on Malabar's website at <https://malabarresources.com.au/corporate-governance/>.

6.3 Auditing

In accordance with Schedule 2, Part E, Condition E13 of SSD 9526 and Schedule 2, Part C, Condition C7 of DA 106-04-00, within one year of commencement of development under SSD 9526 and within one year of approval of Antiene MOD1, and every three years after, unless the Planning Secretary directs otherwise, Maxwell will commission and pay the full cost of an Independent Environmental Audit of the development. The audit shall:

- (a) be led by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Planning Secretary;
- (b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;
- (c) be carried out in consultation with the relevant agencies and the CCC;
- (d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);
- (e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;
- (f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and
- (g) be conducted and reported to the satisfaction of the Planning Secretary.

In accordance with Schedule 2, Part E, Condition E14 of SSD 9526 and Schedule 2, Part C, Condition C8 of DA 106-04-00, within three months of commencing an Independent Environmental Audit, or other timeframe agreed by the Planning Secretary. Maxwell shall submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the

recommendations. The recommendations shall be implemented to the satisfaction of the Planning Secretary.

6.4 Access to Information

In accordance with Schedule 2, Part E, Condition E17 of SSD 9526 9526 and Schedule 2, Part C, Condition C11 of DA 106-04-00, before the commencement of construction and within 3 months of the approval of Antiene MOD1 until the completion of all rehabilitation required under SSD 9526 and DA 106-04-00, Maxwell will make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of SSD 9526 and DA 106-04-00) that are relevant to this plan publicly available on Malabar’s website (<https://malabarresources.com.au/corporate-governance/>):

- this ACHMP;
- the proposed staging plans for the development if the construction, operation or decommissioning of the development is to be staged;
- minutes of CCC meetings;
- regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent;
- a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
- a summary of the current phase and progress of the development;
- contact details to enquire about the development or to make a complaint;
- a complaints register, updated monthly;
- the Annual Reviews of the development; and
- audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant’s response to the recommendations in any audit report.

This information shall be kept up to date, to the satisfaction of the Planning Secretary.

6.5 Records Management

In accordance with Schedule 2, Part B, Condition B56 of SSD 9526 records will be kept up to date in the AHIMS Register of all known Aboriginal objects or Aboriginal places on site and within any offset area.

6.6 Continuous Improvement

Maxwell will continuously investigate and implement Aboriginal cultural heritage management measures on site. Feedback from RAPs, monitoring results and any complaints may be used to assess impacts and determine where improvements or mitigation measures are required. These measures will be reviewed and reported on in the Annual Review.

6.7 Document Review History

A summary of the document history is outlined in **Table 3**.

Table 3. Document Revision Status

Issue	Issue Date	Review Team	Details of Change / Communication
1	Feb 2021	Geordie Oakes Robyn Skinner Donna McLaughlin	Document prepared following approval of SSD Consent 9526 for the Maxwell UG Project.
1.1	May 2021	Geordie Oakes Robyn Skinner Donna McLaughlin	Document updated following review by DPIE.

Issue	Issue Date	Review Team	Details of Change / Communication
2	Feb 2022	Geordie Oakes Donna McLaughlin	Document updated following approval of Modification 1 and to reflect the surface collection undertaken in July 2021.
3	Jun 2022	Robyn Skinner	Document updated following AEMR submission and notification of construction commencement date.
4	November 2022	Robyn Skinner Donna McLaughlin	Document updated following approval of Modification 2.
5	November 2023	Donna McLaughlin Alex Newton	Document updated following approval of Modification 1 of development consent DA 106-04-00 for the Drayton Rail Loop and Antiene Rail Spur.

7 INFORMATION, TRAINING AND INSTRUCTION

7.1 Competent persons

Suitably qualified, competent and experienced persons shall be involved in the design, planning and implementation of this plan and related procedures.

7.2 Training

Generic Aboriginal cultural heritage management training is provided to all employees and contractors through the site induction process. Employees and contractors will also be made aware of the ground disturbance permit process and their legal responsibilities under the NP&W Act 1974. From time to time, workforce communication and toolbox talks allow for discussion of the objectives and requirements of this and any other relevant Management Plans.

All employees, contractors and supervisors carrying out any activities that may cause impacts to an Aboriginal object or Aboriginal place will undertake a more detailed awareness training package prior to the commencement of their work, to avoid any inadvertent impacts. Where possible, Wonnarua knowledge holders would be used to facilitate awareness training. Training packages will be updated regularly to be relevant to the type of works being completed. Records of training will be kept and maintained in a site database.

8 RESPONSIBILITIES

Responsibilities associated with this management plan are outlined **Table 4**.

Table 4. Responsibilities

Position	Responsibilities
General Manager	<ul style="list-style-type: none"> Provide adequate resources for the implementation of this Plan.
HSEC Manager	<ul style="list-style-type: none"> Oversee the implementation of this Plan Notify regulatory authorities and affected stakeholders of incidents in accordance with this Plan. Coordinate ongoing RAP consultation. Coordinate periodic reviews of this Plan. Facilitate training of all employees and contractors in accordance with this Plan.

Position	Responsibilities
Environment and Community Coordinator	<ul style="list-style-type: none"> • Assist the HSEC Manager as required in the implementation of this Plan. • Review GDP's. • Coordinate archaeological salvage programs. • Coordinate inspections of relevant Aboriginal heritage sites. • Manage and coordinate reasonable access for the Aboriginal community. • Coordinate investigations of Aboriginal cultural heritage related incidents or complaints. • Coordinate the management of records required under this Plan. • Provide training to all relevant personnel.
Supervisors	<ul style="list-style-type: none"> • Participate in awareness training when working near Aboriginal heritage sites. • Assist the Environment and Community Coordinator with investigations into non-compliances, incidents or complaints.
All Personnel	<ul style="list-style-type: none"> • Undertake works in accordance with the objectives and principles of this Plan. • All workers prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal Places will receive suitable Aboriginal cultural heritage training.

9 DOCUMENT INFORMATION

9.1 References

Archaeological Risk Assessment Services (2006) Aboriginal Archaeology & Cultural Heritage Assessment Report on Drayton Mine Extension

Archaeological Risk Assessment Services (2010) Cultural Heritage Management Report on Drayton Mine Extension Project Open Cut & Services Corridor Areas

Australian Heritage Commission (2002) Ask First: A guide to respecting Indigenous heritage places and values

Community Complaints and Enquiries Procedure

Dyall (1980) Aboriginal Relics on the Drayton Coal Lease, Muswellbrook

Ground Disturbance Permit Procedure

HLA - Envirosiences Pty Ltd (2002) - Archaeological Assessment of Proposed Drayton Mine Extension Supplementary Report. Prepared for Drayton Coal Pty Ltd.

Mine Subsidence Engineering Consultants (2019) - Environment Impact Statement - Subsidence Assessment

National Parks and Wildlife Service (1997) Aboriginal Cultural Heritage Standards & Guidelines Kit

NSW Minerals Council Ltd (2010) - NSW Minerals Due Diligence Code of Practice for the Protection of Aboriginal Objects.

NSW Department of Environment Climate Change & Water (2010a) Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales

NSW Department of Environment Climate Change & Water (2010b) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010

NSW Office of Environment & Heritage (2011) Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW.

9.2 Definitions and abbreviations

Term	Definition
Antiene MOD1	Drayton Rail Loop and Antiene Rail Spur (DA 106-04-00) Modification 1
ACHA	Aboriginal Cultural Heritage Assessment
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System
ASIR	Aboriginal Site Impact Recording
BCD	Biodiversity and Conservation Division
CCC	Community Consultative Committee
CVR	Cultural Values Report
DA	Development Approval
DPE	NSW Department of Planning and Environment
DPIE	NSW Department of Planning, Industry and Environment (now NSW Department of Planning and Environment)
EIS	Environmental Impact Statement
EP&A	Environmental Planning and Assessment
EPL	Environment Protection Licence
GDP	Ground Disturbance Permit
HSEC	Health, Safety, Environment and Community
Maxwell MOD1	Maxwell Underground Project (SSD 9526) Modification 1
Maxwell MOD2	Maxwell Underground Project (SSD 9526) Modification 2
MEA	Mine Entry Area
NPW	National Parks and Wildlife
NSW	New South Wales
PAD	Potential Archaeological Deposit
RAP	Registered Aboriginal Party
SSD	State Significant Development
Toolbox Talk	A forum where information is presented to the crews

APPENDIX 1 – FIGURES

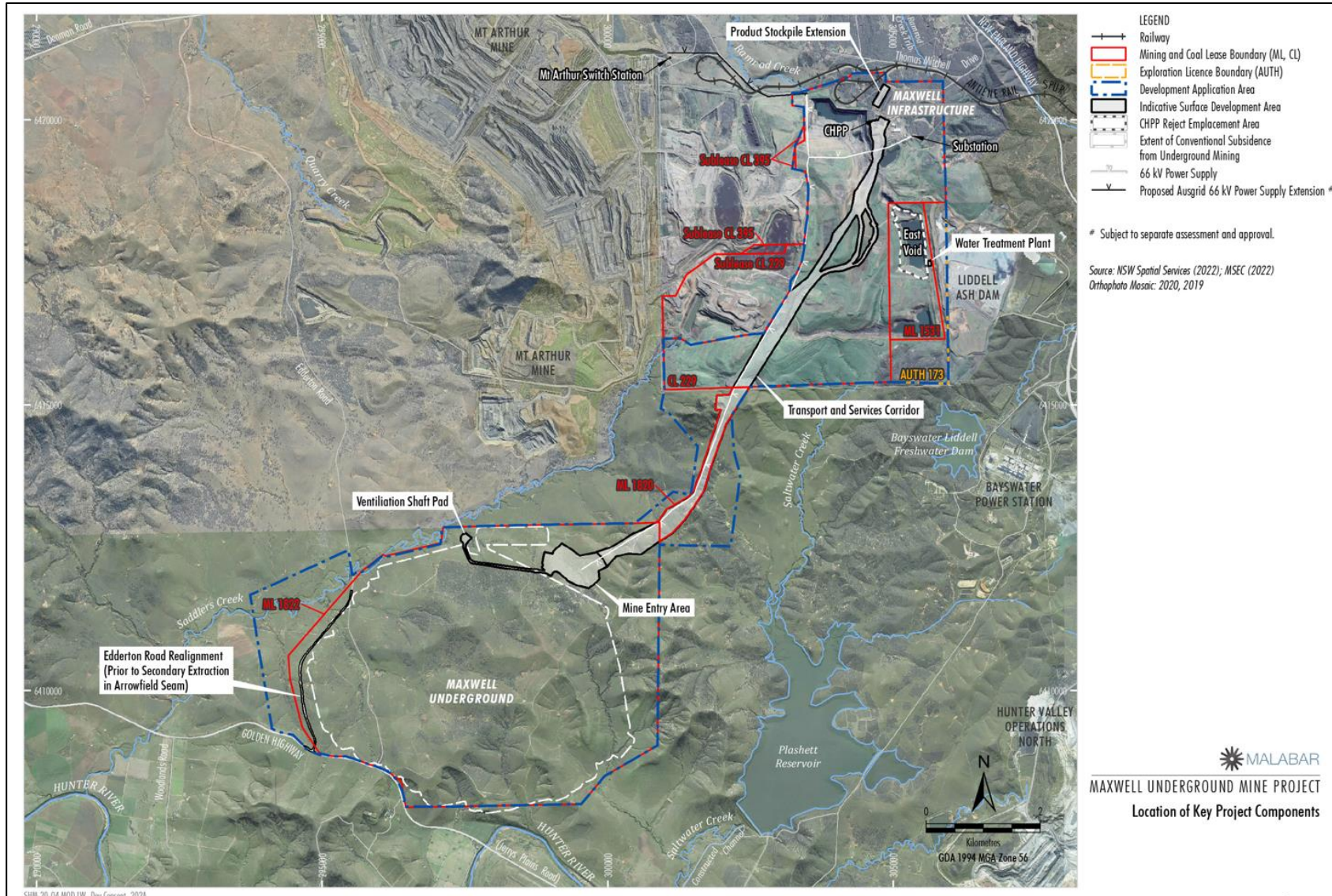


Figure 1. Maxwell Underground Project

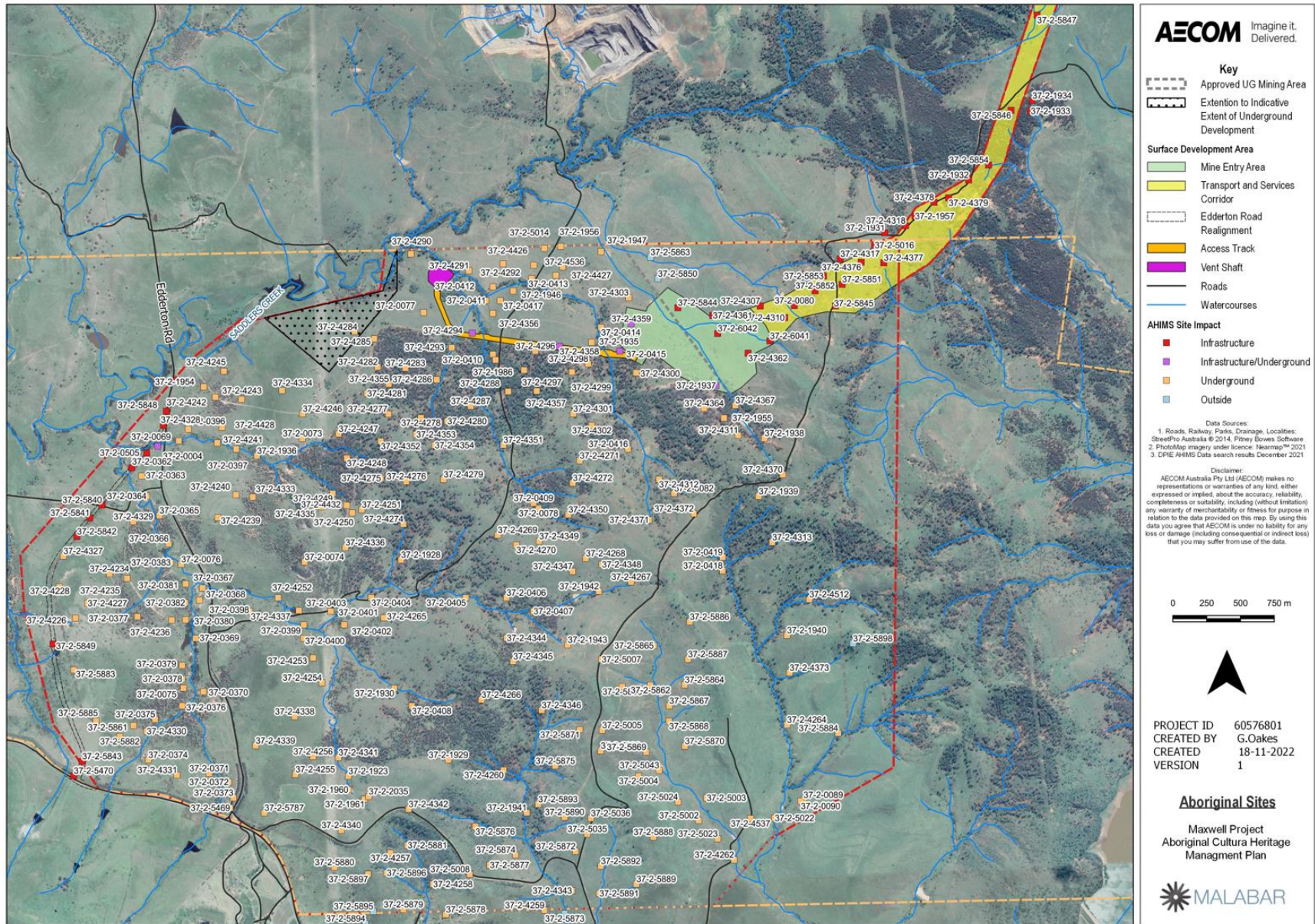


Figure 2. AHIMS sites by area

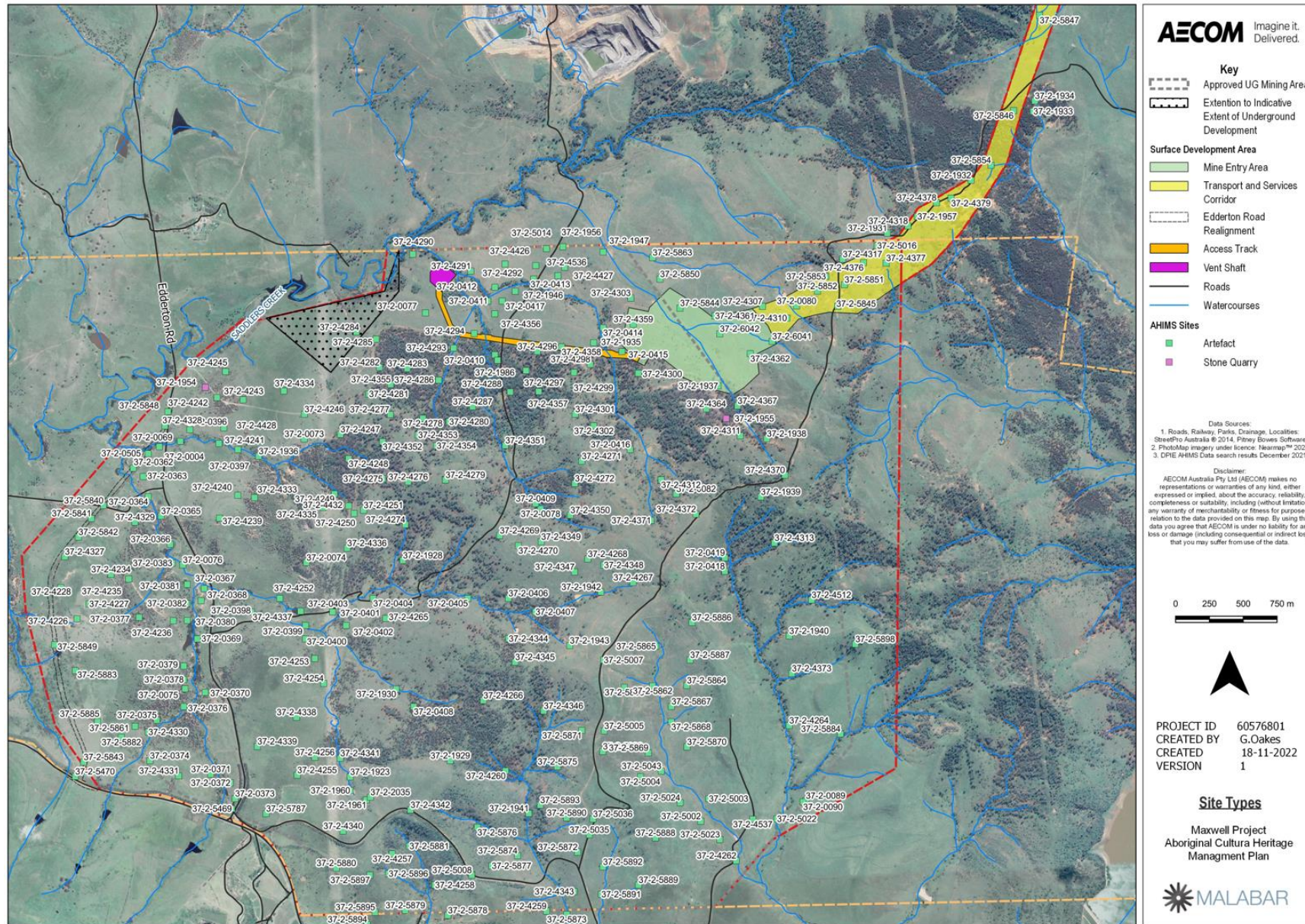


Figure 3. AHIMS sites by type

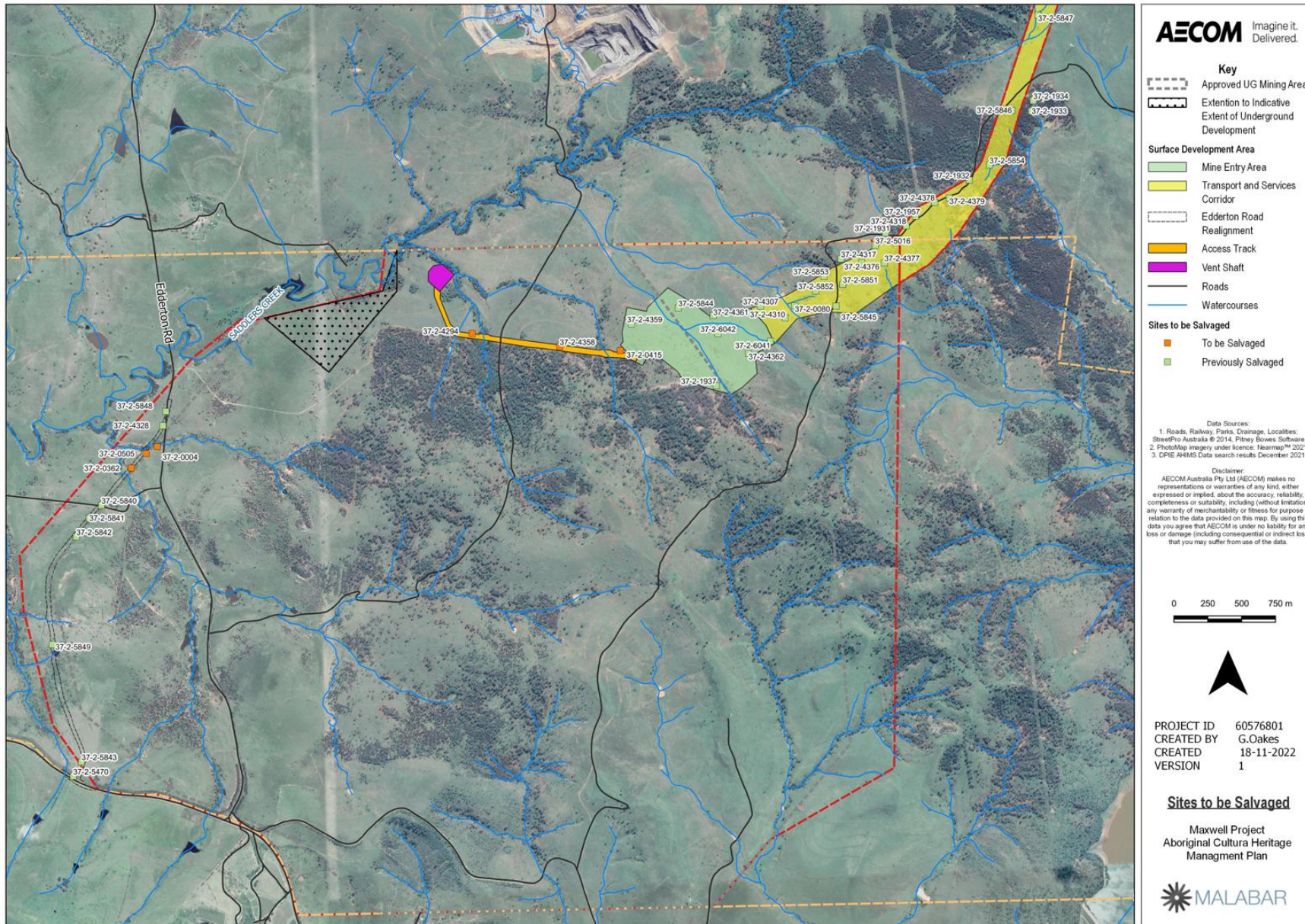


Figure 4. AHIMS sites to be salvaged



Figure 5. Indicative test pit locations for Edderton Road realignment



Figure 6. Indicative test pit locations for the upcast ventilation shaft and access

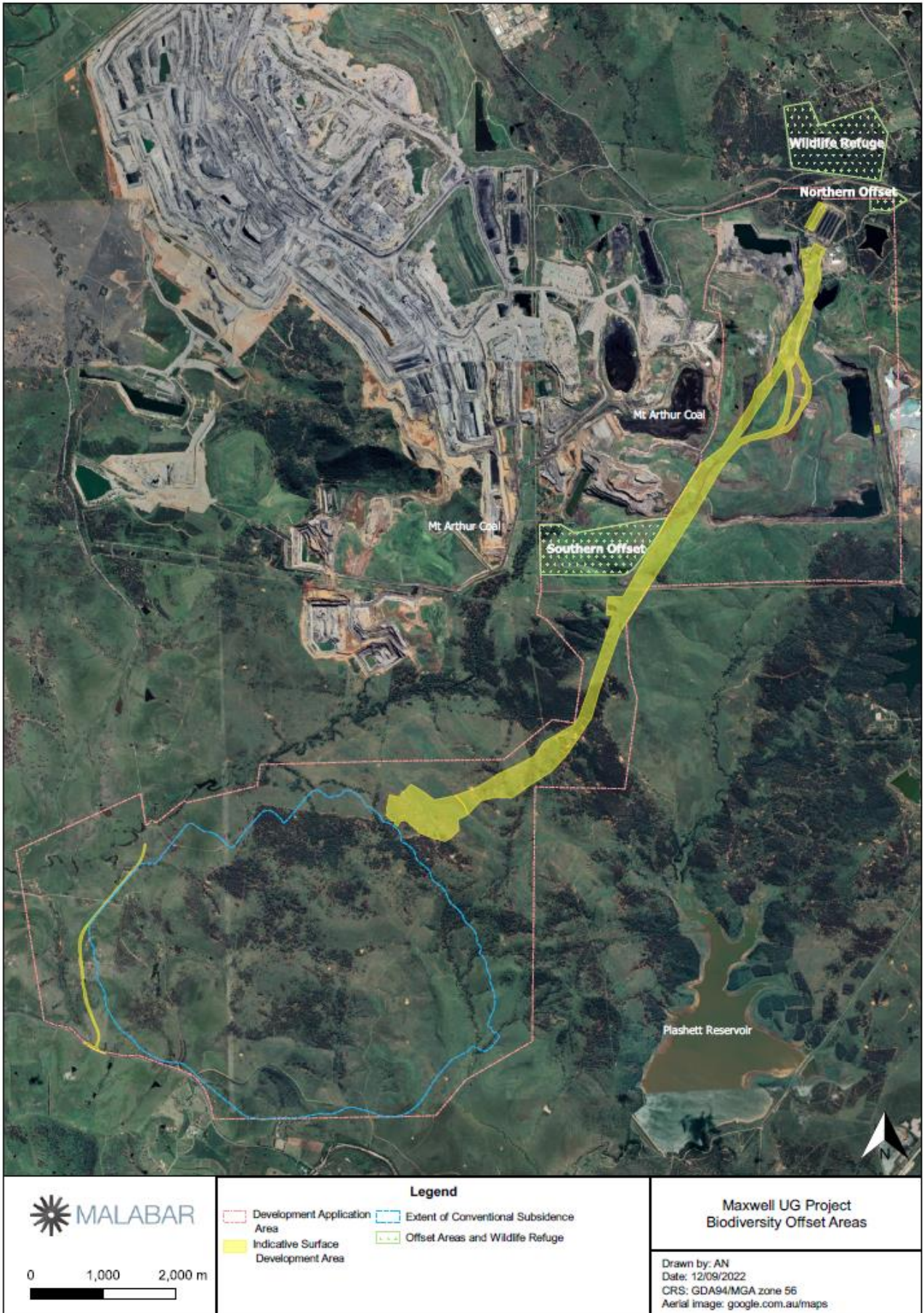


Figure 7. Biodiversity Offset Areas

APPENDIX 2 – REGULATORY REQUIREMENTS

State Significant Development Consent 9526

Clause	Requirement	Section of Plan
B54	<p>Protection of Aboriginal Heritage</p> <p>The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage item, beyond those predicted in the document/s listed in condition A2(c).</p> <p>Note: Identified heritage items are shown in Figure 8 in Appendix 4</p>	3.2
B55	If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and Heritage NSW, and work must not recommence in the area until authorised by NSW Police Force and Heritage NSW.	3.2.8
B56	The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.	5.3
B57	<p>Aboriginal Cultural Heritage Management Plan</p> <p>The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:</p> <ul style="list-style-type: none"> (a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Planning Secretary; (b) be prepared in consultation with Aboriginal Affairs NSW, Heritage NSW and Registered Aboriginal Parties; (c) describe the measures to be implemented on the site or within any offset area to: <ul style="list-style-type: none"> (i) comply with conditions B54 to B55 of this Schedule; (ii) ensure all workers receive suitable Aboriginal cultural heritage training/inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions; (iii) protect, monitor and manage identified Aboriginal objects and Aboriginal places (including AHIMS Site #37-2-1954 and the previously recorded location of AHIMS Site #37-2-1955) in accordance with the commitments made in the document/s listed in condition A2(c); (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development; (v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to visit Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and (d) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term. 	<p>Appendix 4</p> <p>4.4 and Appendix 5</p> <p>3.2</p> <p>7.2</p> <p>3.2.3, 3.2.5, 3.2.6 and 3.2.7</p> <p>3.2.7</p> <p>3.2.4 and 3.2.8</p> <p>3.2.9</p> <p>4.5</p> <p>3.2.3.5</p>

Clause	Requirement	Section of Plan						
B58	The Applicant must not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary.	1.2						
B59	The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	1.2						
C1	<p>The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 9.</p> <p>Table 9: Subsidence impact performance measures – natural and heritage features etc</p> <table border="1"> <thead> <tr> <th>Feature</th> <th>Performance Measure</th> </tr> </thead> <tbody> <tr> <td colspan="2"><i>Heritage sites</i></td> </tr> <tr> <td>Aboriginal cultural heritage sites shown in Figure 7 in Appendix 4</td> <td> <ul style="list-style-type: none"> No greater subsidence impacts or loss of heritage values than predicted in the document/s listed in condition A2(c) </td> </tr> </tbody> </table> <p>Notes:</p> <ul style="list-style-type: none"> These performance measures apply to all mining taking place after the date of this consent. The Applicant is required to define more detailed performance indicators (including impact assessment criteria) for each of these performance measures in the various management plans that are required under this consent (see condition C8). 	Feature	Performance Measure	<i>Heritage sites</i>		Aboriginal cultural heritage sites shown in Figure 7 in Appendix 4	<ul style="list-style-type: none"> No greater subsidence impacts or loss of heritage values than predicted in the document/s listed in condition A2(c) 	3 and 5.1
Feature	Performance Measure							
<i>Heritage sites</i>								
Aboriginal cultural heritage sites shown in Figure 7 in Appendix 4	<ul style="list-style-type: none"> No greater subsidence impacts or loss of heritage values than predicted in the document/s listed in condition A2(c) 							
E5	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>(a) a summary of relevant background or baseline data;</p> <p>(b) details of:</p> <p>(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);</p> <p>(ii) any relevant limits or performance measures and criteria; and</p> <p>(iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;</p> <p>(c) any relevant commitments or recommendations identified in the document/s listed in condition A2(c);</p> <p>(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>(e) a program to monitor and report on the:</p> <p>(i) impacts and environmental performance of the development; and</p> <p>(ii) effectiveness of the management measures set out pursuant to condition E5(c);</p> <p>(f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>(g) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>(h) a protocol for managing and reporting any:</p>	<p>2.5</p> <p>2.1 and Appendix 2</p> <p>2.1 5</p> <p>3, 4 and 5</p> <p>3, 4 and 5</p> <p>5 5</p> <p>5.5</p> <p>6.6</p> <p>5.4</p>						

Clause	Requirement	Section of Plan
	<ul style="list-style-type: none"> (i) incident, non-compliance or exceedance of any impact assessment criterion or performance criterion); (ii) complaint; or (iii) failure to comply with other statutory requirements; (i) public sources of information and data to assist stakeholders in understanding environmental impacts of the development; and (j) a protocol for periodic review of the plan. <p>Note: <i>The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i></p>	<p>5.6</p> <p>5.4</p> <p>6.4</p> <p>6.1</p>
E6	The Applicant must ensure that management plans prepared for the development are consistent with the conditions of this consent and any EPL issued for the site.	Section 1.2 and Appendix 2
E7	<p>Revision of Strategies, Plans and Programs</p> <p>Within three months of:</p> <ul style="list-style-type: none"> (i) the submission of an incident report under condition E9; (ii) the submission of an Annual Review under condition E11; (iii) the submission of an Independent Environmental Audit under condition E12; (iv) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); or (v) notification of a change in development phase under condition A13; <p>The suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.</p>	6.1
E8	<p>If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p>Note: <i>This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i></p>	6.1
E9	The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name) and set out the location and nature of the incident	5.4
E10	<p>Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing to compliance@planning.nsw.gov.au and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p> <p>Note: <i>A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i></p>	5.4

Development Consent DA 106-04-00

Clause	Requirement	Section of Plan
C2	<p>The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent.</p> <p>Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <ul style="list-style-type: none"> (a) Take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) Consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) Implement reasonable remediation measures as directed by the Planning Secretary. 	5.5
C3	<p>Within three months of:</p> <ul style="list-style-type: none"> (a) the submission of an incident report under condition C5 or C6; (b) the submission of an Independent Environmental Audit under condition C7; (c) the approval of any modification of the conditions of this consent (unless the conditions require otherwise); <p>the suitability of existing strategies, plans and programs required under this consent must be reviewed by the Applicant.</p>	6.1
C4	<p>If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p>Note: <i>This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i></p>	6.1
C5	<p>The Applicant must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing via the Department’s Major Projects Website and identify the development (including the development application number and name) and set out the location and nature of the incident</p>	5.4
C6	<p>Within seven days of becoming aware of a non-compliance, the Applicant must notify the Department of the non-compliance. The notification must be in writing via the Department’s Major Projects Website and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p> <p>Note: <i>A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</i></p>	5.4
C7	<p>Within one year of approval of Mod 1, and every three years after, unless the Planning Secretary directs otherwise, the Applicant must commission and pay the full cost of an Independent Environmental Audit of the development. The audit must:</p> <ul style="list-style-type: none"> (a) be led by a suitably qualified, experienced and independent auditor 	6.3

Clause	Requirement	Section of Plan
	<p>whose appointment has been endorsed by the Planning Secretary;</p> <p>(b) be conducted by a suitably qualified, experienced and independent team of experts (including any expert in field/s specified by the Planning Secretary) whose appointment has been endorsed by the Planning Secretary;</p> <p>(c) be carried out in consultation with the relevant agencies;</p> <p>(d) assess the environmental performance of the development and whether it is complying with the relevant requirements in this consent, water licences and mining leases for the development (including any assessment, strategy, plan or program required under these approvals);</p> <p>(e) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals and this consent;</p> <p>(f) recommend appropriate measures or actions to improve the environmental performance of the development and any assessment, strategy, plan or program required under the abovementioned approvals and this consent; and</p> <p>be conducted and reported to the satisfaction of the Planning Secretary.</p>	
C8	<p>Within three months of commencing an Independent Environmental Audit the Applicant must submit a copy of the audit report to the Planning Secretary, and any other NSW agency that requests it, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.</p>	6.3
C11	<p>Within 3 months of the approval of Mod 1, until the completion of all rehabilitation required under this consent, the Applicant must: (a) make the following information and documents (as they are obtained, approved or as otherwise stipulated within the conditions of this consent) publicly available on its website:</p> <ul style="list-style-type: none"> (i) the documents listed in condition A2(c) of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (iv) a summary of the current phase and progress of the development; (v) contact details to enquire about the development or to make a complaint; (vi) a complaints register, updated monthly following the receipt of any complaints; (vii) audit reports prepared as part of any Independent Environmental Audit of the development and the Applicant's response to the recommendations in any audit report; (viii) any other matter required by the Planning Secretary; and <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary</p>	6.4

APPENDIX 3 – MAXWELL PROJECT EIS AND SUPPORTING DOCUMENT COMMITMENTS

Clause	Requirement	Section of Plan
EIS Section 6.12.4	<p>Surface Development</p> <p>An archaeological salvage program would be documented in the ACHMP to manage potential impacts to Aboriginal heritage from surface disturbance, including:</p> <ul style="list-style-type: none"> • Creation and maintenance of an Aboriginal Site Database for known Aboriginal heritage sites within the Project area and surrounds. • Progressive surface collection of Aboriginal objects/sites potentially impacted by surface development. • A program of open area salvage excavation for sites AHIMS #37-2-0004 and AHIMS #37-2-0505, representing the only sites assessed of moderate scientific significance that would be directly impacted by the Project (these sites lie within 100 m of each other and essentially comprise a single archaeological site). • Involvement of a qualified archaeologist and field representative(s) from registered Aboriginal parties in salvage works. • Submission of Aboriginal Site Impact Recording forms for all salvaged sites. 	<p>3.2.3</p> <p>5.3</p> <p>3.2.3</p> <p>3.2.3</p> <p>3.2.3</p> <p>3.2.3.4</p>
EIS Section 6.12.4	<p>Sites assessed of moderate significance would be subject to surface collection and other forms of mitigation (such as detailed recording, test or open area excavation).</p>	<p>3.2.4</p>
EIS Section 6.12.4	<p>During the development of the ACHMP, registered Aboriginal parties would be requested to provide advice on the curation of all the Aboriginal objects salvaged as part of the excavation program.</p>	<p>3.2.3.5</p>
EIS Section 6.12.4	<p>Potential Impacts from Subsidence</p> <p>The following measures would be undertaken to manage potential impacts to Aboriginal heritage from subsidence throughout the life of the Project:</p> <ul style="list-style-type: none"> • Subsidence monitoring would be conducted during mining and for a specified period post-mining, with a digital record kept of the nature, location and extent of all subsidence-related surface impacts within the Project area. • Where subsidence-related impacts, such as surface cracking, are identified within the boundary of an existing site of moderate (or high) scientific significance, or where remediation works are required to address subsidence impacts, the site would be inspected by a qualified archaeologist to determine the nature and extent of impacts, and whether mitigation is required. • Mitigation measures for subsidence may include further monitoring, surface collection or open area salvage excavation. 	<p>3.2.5</p> <p>3.2.5</p> <p>3.2.5</p>
	<p>General Mitigation Measures</p> <p>In addition to the above, Maxwell would implement the following general measures that have been formulated in consultation with the registered Aboriginal parties:</p> <ul style="list-style-type: none"> • An Aboriginal cultural heritage awareness package would be developed, and all relevant contractors and staff engaged on the Project who may have interactions with Aboriginal heritage would receive awareness training prior to commencing work on-site. • Sites would be identified on relevant site plans, with details for the care of sites that would be conserved in-situ incorporated into the ACHMP. • AHIMS site cards would be lodged in a timely manner with the DPIE for any previously unidentified Aboriginal heritage site(s) that are discovered during the course of Project operations and/or further heritage assessments. 	<p>7.2</p> <p>3.2.6</p> <p>3.2.4</p>

Clause	Requirement	Section of Plan
	<ul style="list-style-type: none"> The ACHMP would outline provisions to guide the management of any previously unrecorded Aboriginal heritage sites that may be identified during future investigations or works consistent with the protocol in the ACHA (Appendix G). Should any skeletal remains be identified during the course of the Project, work in that location would cease immediately and the find would be notified to the relevant authorities (including the NSW Police). Subject to the NSW Police requiring no further involvement, the management of any Aboriginal skeletal remains would be determined in consultation with the DPIE and the registered Aboriginal parties. 	<p>3.2.4</p> <p>3.2.8</p>
Maxwell Project Submissions Report, Section 6.1.7	Notwithstanding, Maxwell would manage potential impacts on Aboriginal heritage sites through consultation with the Aboriginal community, salvage of sites and other management measures.	3, 4.1 and 4.5
Maxwell Project Submissions Report, Section 6.1.8	Notwithstanding, Maxwell would manage potential impacts on Aboriginal heritage sites through consultation with the Aboriginal community, salvage of sites and other management measures.	3, 4.1 and 4.5
EIS Appendix G – Aboriginal Cultural Heritage Assessment, Appendix N	<p>Open Area Excavation</p> <p>In view of the demonstrated subsurface potential of sites 37-2-0004/37-2-0505 up to 100 m² of open area excavation will be undertaken at the site. The extent of open plan excavation at the sites will be driven by observed lithic distributions and the presence/absence of inset archaeological features such as raw material deposits, hearths and heat treatment pits.</p> <p>The placement of the open area excavation within the site will be guided by a program of test excavation with a series of 1 m² pits placed on a 20 m grid within the portion of the site boundaries impacted by the project. The open area excavation will be centred on one or more locations where higher counts of artefacts, archaeological features, or the test pit with high richness values are intercepted.</p> <p>The proposed excavation methodology is as follows:</p> <ul style="list-style-type: none"> All excavation will be carried out manually using trowels, shovels and mattocks; Test excavation will proceed in 1 m² units placed on a 20 m grid across the impacted portion of the site; Open area excavation will proceed in 1 m² units, each of which will be assigned an alphanumeric identifier; All excavation units will be excavated in 10 cm spits down to the base of the identified A2 soil horizon; Photographic and scale-drawn records of representative soil profiles will be made; If specific archaeological features (e.g., hearths, heat treatment pits) are identified, the entire feature will be excavated and recorded prior to the continuation of excavation. Features will be photographed and scale plans drawn; Where encountered, charcoal deemed suitable for radiocarbon dating will be collected using 'best practice' guidelines (e.g., Burke and Smith 2004: 154); Soil samples will be retained for pH testing and soil description; Soil samples for OSL dating will be collected from selected strata using best practice guidelines (e.g., United States Geological Survey 2015); All excavated soils will be wet-sieved through 5 mm gauge sieves; 	3.2.3.2

Clause	Requirement	Section of Plan
	<ul style="list-style-type: none"> Artefacts recovered from sieving will be retained in plastic zip-lock bags and labelled with appropriate provenance data; and All excavation units will be backfilled upon conclusion of excavation. The proponent will be responsible for arranging and undertaking this. 	
EIS Appendix G – Aboriginal Cultural Heritage Assessment, Appendix N	<p>Geomorphological Assessment</p> <p>A suitably qualified geomorphologist will be engaged to undertake a geomorphological assessment of excavated soils and soil profiles within excavation areas. This assessment will, at a minimum, involve the following:</p> <ul style="list-style-type: none"> A desktop review of existing soil data and historic aerial photographs for the sites; A visual inspection of excavated soils and soil profiles during the salvage excavation; and Characterisation of extant soils and soil profiles using standard sedimentological techniques and terminology. <p>The engaged geomorphologist will provide a stand-alone report detailing the results of their assessment.</p>	3.2.3.3
EIS Appendix G – Aboriginal Cultural Heritage Assessment, Appendix N	<p>Post-Salvage Analyses & Reporting</p> <p>All stone artefacts recovered during the salvage program will be subject to detailed technological analysis by a qualified archaeologist. Artefacts will be analysed to a level comparable to that achieved in previous analyses of excavated lithic assemblages in the Hunter Valley so as to facilitate a rigorous and meaningful comparative analysis of intra-regional assemblage composition.</p> <p>A report detailing the results of the archaeological salvage program undertaken (including the results of any post-excavation analyses) will be completed within one year of the fieldwork component of the program. Reporting will be consistent with the best practice guidelines suggested by the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010b) and the Aboriginal Cultural Heritage Standards & Guidelines Kit (NSW NPWS 1997). Copies of the final salvage report will be provided to all RAPs and the OEH within 14 days of completion.</p>	3.2.3.4
EIS Appendix G – Aboriginal Cultural Heritage Assessment, Appendix N	<p>Care & Control of Recovered Artefacts</p> <p>All Aboriginal objects salvaged as part of the excavation program should be curated in an appropriate manner, as determined through consultation with RAPs, the OEH and the DP&E during preparation of the ACHMP. Temporary off-site storage of salvaged objects should be allowed for the purposes of analysis and recording.</p>	3.2.3.5



Planning,
Industry &
Environment

Ms Donna McLaughlin
HSE and Community Manager
Thomas Mitchell Drive
Muswellbrook, NSW, 2333

19/02/2021

Dear Ms McLoughlin

**Maxwell Underground (SSD-9526-PA-3)
Aboriginal Cultural Heritage Management Plan (ACHMP)**

I refer to your request (SSD-9526-PA-3) for the Planning Secretary's approval of suitably qualified persons to prepare the ACHMP for the Maxwell Underground (SSD-9526-PA-3).

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Planning Secretary approves the appointment of Geordie Oakes to prepare the ACHMP.

If you wish to discuss the matter further, please contact Charissa Pillay on 02 99955944.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Sprott'.

Matthew Sprott
Director
Resource Assessments (Coal & Quarries)

As nominee of the Planning Secretary

APPENDIX 5 – CONSULTATION WITH RAP'S, ABORIGINAL AFFAIRS NSW AND HERITAGE NSW

Raised By	Consultation Feedback	Outcome
Arthur Fletcher (Kauwul Wonn1)	As far as this D A C H M P we are ready to support it. Our concern at this point in time is who and or whom should and or will be delivering said Cultural inductions for the workers-employees etc. We would hope that proposed instructors would be Wonnarua Knowledge Holders etc.	Additional text has been added to section 7.2 noting that, where possible, Wonnarua knowledge holders would be used to facilitate awareness training.
Tracey Skene (Culturally Aware)	3.4 Archaeological Salvage Program	
	The value being spoken about is the scientific value only, it mentions collection of a representative sample. Given these items are being removed due to complete destruction, the cultural value should be considered. All Aboriginal objects hold significant value for the Wanarruwa people, it is therefore important that all of the Aboriginal objects located within 37-2-0004 and 37-2-0505 are collected during the surface collection.	<p>Cultural values information provided by RAPs during the salvage program will be captured in the final salvage report. A copy of the final salvage report will be provided to all RAPs.</p> <p>The surface collection will recover all surface artefacts associated with AHIMS sites 37-2-0004 and 37-2-0505, as well as all other surface sites impacted by the project.</p> <p>Up to 100m² of open area excavation will be undertaken across AHIMS sites 37-2-0004 and 37-2-0505. The extent of open area excavation will be driven by observed lithic distributions and the presence or absence of inset archaeological features, such as raw material deposits, hearths and heat treatment pits. Additional text has been added to section 3.2.3.2 noting that the above process will be undertaken in consultation with RAPs in the field.</p>
	The survey should include identification of any sensitive landscapes within the Malabar Mine.	A full coverage archaeological survey was completed for the ACHA. In addition, an Aboriginal Cultural Values Report (CVR) was also prepared (this is Appendix A of the ACHA). The CVR documents the results of AECOM's consultation with RAPs as well as background historical research. Cultural landscapes are discussed in section 3.1 of the CVR.
	3.4.1 Surface Collection	
	Community is to be included in the analysis of Aboriginal objects.	<p>Additional text has been added to section 3.2.3.4 noting that a trained lithics specialist will be engaged to undertake the post-salvage analysis and that the contact details of the trained lithics specialist will be provided to all RAPs so that they can discuss the analysis being undertaken.</p> <p>Furthermore, should RAPs wish to view the artefacts and discuss the results with the trained lithics specialist this would be arranged.</p>
Residue and usewear analysis of Aboriginal objects is to be determined in	Additional text has been added to section 3.2.3.1 noting that the requirement to complete	

Raised By	Consultation Feedback	Outcome
	consultation with Aboriginal community (RAPs).	use-wear and residue analysis will be discussed with RAPs in the field.
3.4.2 Open Area Excavation		
	Fine for it to be done loosely on a 20 metre grid, if objects are on the surface or the area is a culturally sensitive landscape then the pit locations should be determined with Aboriginal community (RAPs).	Additional text has been added to section 3.2.3.2 noting that while test pits will be generally placed on a 20 metre grid the exact location of pits will be guided by consultation with RAPs in the field.
	The 1mx1m pits should be excavated in quadrants to provide more accurate locations of the Aboriginal objects.	<p>This level of archaeological detail is not considered appropriate for open artefact sites that lack a deeply stratified deposit.</p> <p>Open artefact sites in texture contrast soils located adjacent to watercourses will have been heavily bioturbated resulting in vertical and horizontal movement of artefacts over time. A large body of archaeological literature for the Hunter Valley region has demonstrated that 1 m² test pits provide sufficient information for identifying and analysing past use of past activity areas.</p>
	No triggers are listed to setout parameters for further investigation need to be setout with clear methodology. Eg. If Aboriginal objects are located within the pits (triggers should be determined in consultation with community) need to have methodology to open more pits. For example if a pit has a specialised Aboriginal object this should instantly trigger another 4 pits around the outside of the pit. To further determine pit locations around the salvaged pits these pits should be excavated in quadrants and artefact counts done daily to determine where the artefacts are coming from to chase the artefacts.	<p>As discussed in Section 3.2.3.2, a systematic sampling strategy will be undertaken initially to guide the location of open area excavations.</p> <p>The triggers for open area excavation are defined in section 3.2.3.2 where it states, “open area excavation will be centred on one or more locations where higher counts of artefacts, archaeological features, or the test pit with high richness values are intercepted”.</p> <p>Additional text has been added to section 3.2.3.2 to further highlight the triggers and note that locations for further excavation will be selected through discussions with RAPs in the field.</p> <p>Additional text has been added to section 3.2.3.2 noting that artefact counts would be continuously assessed throughout each day.</p>
	Wet sieving will mean that residue analysis can not be done, should be dry sieved unless there is no other option	Text within section 3.2.3.2 has been amended to indicate dry sieving only.
3.4.4 Post Salvage Analysis and Reporting		
	Analysing temporal data should be part of the methodology, soils can be dated.	Section 3.2.3.2 includes provisions for radiocarbon and optical stimulated luminescence dating using best practice guidelines.
3.5 Previously Unrecorded Aboriginal Archaeological Evidence		
	These protocols do not include Aboriginal community (RAPs) early enough! Protocol 3 should be contact the local	Additional text has been added to section 3.2.4 noting that in addition to a qualified archaeologist, a RAP will also be engaged to

Raised By	Consultation Feedback	Outcome
	LALC to provide a LALC representative and a qualified Archaeologist. Protocol 4 not good enough, Aboriginal community (RAPs) are to be included in the determination of Aboriginal objects.	determine the nature, extent and significance of the find.
	<i>Specific to Open Artefact Site</i> - All Aboriginal object collection should be determined in consultation with Aboriginal community (RAPs).	Additional text has been added to section 3.2.4 noting that: <ul style="list-style-type: none"> • A qualified archaeologist and RAP's will be engaged to complete the surface collection of sites assessed of low scientific significance; and • The assessment of moderate scientific significant sites will be undertaken in consultation with RAP's.
Other		
	Every time an archaeologist goes out to site to do survey of any kind Aboriginal community (RAPs) should also be present, this should be part of the methodology.	In accordance with this plan, RAP's will be included in any salvage program for the Maxwell UG Project. In addition, RAP's will also be included in any survey works to extend mining operations (beyond what is approved under SSD 9526). Due diligence inspections will be undertaken by a person with expertise in locating and identifying Aboriginal objects. This may include, a RAP experienced in locating and identifying Aboriginal objects or a qualified Archaeologist with appropriate qualifications or training in locating and identifying Aboriginal objects.
	Also any economic benefits the community should be offered contract eg: fencing, vegetation management, employment & Training opportunities and community funding /Grants for community to apply for for business opportunities etc.	As discussed in the Social Impact Assessment for the Maxwell UG Project, Maxwell would target employment of 10 percent of the Project's operational workforce that are new to the underground mining sector being of Aboriginal and/or Torres Strait Islander descent. To maximise access to employment for local Indigenous residents, Maxwell would also promote employment and business opportunities through Indigenous community leaders, existing Indigenous employment agencies and organisations. In addition, Maxwell would also promote available services to assist Indigenous candidates in preparing their applications and supporting documentation.
Lilly Carroll (DNC)	DNC is happy with the ACHA for the Maxwell Underground Project.	Noted - no further action required.

Raised By	Consultation Feedback	Outcome
<p>Phillip Boney (Wailwan Aboriginal Digging Group)</p>	<p>I do not have a problem with the methodology on this project or measures to be taken on treatment of aboriginal artefacts. Overall, I am happy with your approach to this project.</p>	<p>Noted - no further action required.</p>
<p>Aboriginal Affairs NSW</p>	<p>Regarding the plan, it should be based on the principles of OCHRE – as should any preliminary or implementations actions:</p> <ul style="list-style-type: none"> • Government working with Aboriginal communities differently <ul style="list-style-type: none"> ○ Address trust deficit ○ Trauma informed ○ Healing and Truth Telling ○ Timing and design of engagement to take account of community needs and timeframes ○ Government learning from past policy/program/funding/legislative failures ○ Positive narrative, not deficit focus, outcome focus • Governments, peak bodies, NGOs and private sector engaging with Aboriginal communities, not just “consulting” • Co-design the basis of engagement, service/policy design and agreement making (also see Close the Gap) • Co-delivery where possible • Co-design/co-delivery if done properly can only be done on the basis of an agreement with Aboriginal people. <p>AANSW also recommends detailed consultations with Heritage NSW.</p>	<p>Maxwell Understands that OCHRE is a commitment from the NSW Government to a different way of working with, and in support of, Aboriginal communities by building strong working partnerships that have at their heart respect for local Aboriginal culture, leadership and decision making.</p> <p>Where possible Maxwell has tried to incorporate aspects of OCHRE into the ACHMP by:</p> <ul style="list-style-type: none"> • Engaging with all RAPs in the preparation of this plan. • Providing access to members of the Aboriginal community to visit Aboriginal archaeological sites or the temporary storage location for cultural purposes. • Recognising the importance of cultural protocols in the engagement of RAPs and more broadly the Aboriginal community. • Involving RAPs in the management of Aboriginal cultural heritage and cultural awareness training. <p>In addition, Maxwell has established targets for indigenous employment of the operational workforce. Maxwell also supports and promotes cultural awareness and activities in the local community through the funding of programs with local schools.</p> <p>Heritage NSW have been consulted during the preparation of the plan. Evidence of consultation is included in Appendix 5.</p>
<p>Heritage NSW</p>	<p>Section 3.4.2 Open Area Excavation – the methodology procedures in the ACHMP should include an option for wet sieving and 3 millimetre gauge sieves to be used if required.</p>	<p>Additional text has been added to section 3.4.2 to include wet sieving with a 3 millimetre gauge sieve.</p>

Raised By	Consultation Feedback	Outcome
	<p>Section 3.5 Previously Unrecorded Aboriginal Archaeological Sites - an additional step (Step 5) in the unanticipated finds protocol in the ACHMP is required. Details of any new sites identified must be added to Appendix 6, and Figure 3 should be amended to show the location of the site, once the new site has been registered with AHIMS. HNSW notes that the site will also be recorded on the Maxwell Aboriginal Site Database (Section 5.3).</p>	<p>Additional text has been added to section 3.2.4 to include to include an additional step 5 in the unanticipated finds protocol.</p>
	<p>Provision in the ACHMP must include an Extraction Plan in accordance with Consent Condition C8 which requires that an approved Extraction Plan for Second Mine Workings must be prepared. The Extraction Plan must include a Heritage Management Plan for the management of potential impacts and/or environmental consequences of the proposed second working on Aboriginal cultural heritage values and include all requirements under conditions B54 to B57 and subsidence performance measures.</p>	<p>Additional text has been added to section 2.4 to include provision of an Extraction Management Plan.</p>

From: Arthur Fletcher <wonn1sites@gmail.com>

Sent: Friday, 8 January 2021 4:54 PM

To: Oakes, Geordie <Geordie.Oakes@aecom.com>

Subject: [EXTERNAL] Re: Maxwell Underground Project - Draft Aboriginal Cultural Heritage Management Plan

Ala Geordie. We hope all is well with you guys. As far as this D A C H M P we are ready to support it. Our concern at this point in time is who and or whom should and or will be delivering said Cultural inductions for the workers-employees etc. We would hope that proposed instructors would be Wonnarua Knowledge Holders etc. Ps Stay Safe and will catch up with you soon. Regards Arthur- Kauwul Wonnarua Elder.

Sent from my iPad

On 8 Jan 2021, at 9:33 am, Oakes, Geordie <Geordie.Oakes@aecom.com> wrote:

Dear RAP,

Please find attached the draft Aboriginal Cultural Heritage Management Plan (ACHMP) for the Maxwell Underground Project for your review and comment. Should you have any comments on the draft please provide these by email, mail or fax to Geordie Oakes via the contact details on this email. Please note that the closing date for comments is Saturday 6 February 2021.

All the best,

Geordie

Geordie Oakes

Principal Heritage Specialist

D +61 2 8934 0610 M 0410 513 509

Geordie.Oakes@aecom.com

AECOM

Level 21, 420 George Street, Sydney, NSW 2000

PO Box Q410, QVB PO, Sydney, NSW, 1230

T 0410 513 509 F +61 2 8934 0001

www.aecom.com

Please consider the environment before printing this email.

<210106 Maxwell UG Project - ACHMP (Draft).pdf>

From: Tracey Skene <tracey@marrung-pa.com.au>
Sent: Tuesday, 12 January 2021 5:33 PM
To: Oakes, Geordie <Geordie.Oakes@aecom.com>
Subject: [EXTERNAL] Re: Maxwell Underground Project - Draft Aboriginal Cultural Heritage Management Plan

Hi Geordie,

I have read through the ACHA and have made the following recommendations

3.4 Archaeological Salvage Program

- The value being spoken about is the scientific value only, it mentions collection of a representative sample. Given these items are being removed due to complete destruction, the cultural value should be considered. All Aboriginal objects hold significant value for the Wanarruwa people, it is therefore important that all of the Aboriginal objects located within 37-2-0004 and 37-2-0505 are collected during the surface collection.

- The survey should include identification of any sensitive landscapes within the Malabar Mine.

3.4.1 Surface Collection

- Community is to be included in the analysis of Aboriginal objects.

- Residue and usewear analysis of Aboriginal objects is to be determined in consultation with Aboriginal community (RAPs).

3.4.2 Open Area Excavation

- Fine for it to be done loosely on a 20 metre grid, if objects are on the surface or the area is a culturally sensitive landscape then the pit locations should be determined with Aboriginal community (RAPs).

- The 1mx1m pits should be excavated in quadrants to provide more accurate locations of the Aboriginal objects.

- No triggers are listed to setout parameters for further investigation need to be setout with clear methodology.

Eg. If Aboriginal objects are located within the pits (triggers should be determined in consultation with community) need to have methodology to open more pits. For example if a pit has a specialised Aboriginal object this should instantly trigger another 4 pits around the outside of the pit. To further determine pit locations around the salvaged pits these pits should be excavated in quadrants and artefact counts done daily to determine where the artefacts are coming from to chase the artefacts.

- Wet sieving will mean that residue analysis can not be done, should be dry sieved unless there is no other option.

3.4.4 Post Salvage Analysis and Reporting

- Analysing temporal data should be part of the methodology, soils can be dated.

3.5 Previously unrecorded Aboriginal Archaeological Evidence

These protocols do not include Aboriginal community (RAPs) early enough!

Protocol 3 should be contact the local LALC to provide a LALC representative and a qualified Archaeologist.

Protocol 4 not good enough, Aboriginal community (RAPs) are to be included in the determination of Aboriginal objects.

Open Artefact Sites

- All Aboriginal object collection should be determined in consultation with Aboriginal community (RAPs).

Every time an archaeologist goes out to site to do survey of any kind Aboriginal community (RAPs) should also be present, this should be part of the methodology.

Also any economic benefits the community should be offered contract eg: fencing, vegetation management, employment & Training opportunities and community funding /Grants for community to apply for for business opportunities etc.

Thanks

Tracey Skene

Culturally Aware

On Fri, 8 Jan 2021 at 9:33 am, Oakes, Geordie <Geordie.Oakes@aecom.com> wrote:

Dear RAP,

Please find attached the draft Aboriginal Cultural Heritage Management Plan (ACHMP) for the Maxwell Underground Project for your review and comment. Should you have any comments on the draft please provide these by email, mail or fax to Geordie Oakes via the contact details on this email. Please note that the closing date for comments is Saturday 6 February 2021.

All the best,

Geordie

Geordie Oakes
Principal Heritage Specialist
D +61 2 8934 0610 M 0410 513 509
Geordie.Oakes@aecom.com

AECOM
Level 21, [420 George Street, Sydney](#), NSW 2000
PO Box Q410, QVB PO, Sydney, NSW, 1230
T 0410 513 509 F +61 2 8934 0001
www.aecom.com

Please consider the environment before printing this email.

From: lilly carroll <didgengunawalclan@yahoo.com.au>
Sent: Tuesday, 12 January 2021 9:32 PM
To: Oakes, Georgie
Subject: [EXTERNAL] Re: Maxwell Underground Project - Draft Aboriginal Cultural Heritage Management Plan

Hi Georgie

DNC is happy with the ACHA for the Maxwell Underground Project and it's still going in my Spam grrrrrrrrr

Thanks Georgie

[Sent from Yahoo Mail for iPhone](#)

On Friday, January 8, 2021, 9:34 am, Oakes, Georgie <Geordie.Oakes@aecom.com> wrote:

Dear RAP,

Please find attached the draft Aboriginal Cultural Heritage Management Plan (ACHMP) for the Maxwell Underground Project for your review and comment. Should you have any comments on the draft please provide these by email, mail or fax to Georgie Oakes via the contact details on this email. Please note that the closing date for comments is Saturday 6 February 2021.

All the best,

Geordie

Geordie Oakes
Principal Heritage Specialist
D +61 2 8934 0610 M 0410 513 509
Geordie.Oakes@aecom.com

AECOM
Level 21, 420 George Street, Sydney, NSW 2000
PO Box Q410, QVB PO, Sydney, NSW, 1230
T 0410 513 509 F +61 2 8934 0001
www.aecom.com

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From: Phillip Boney <Waarlan12@outlook.com>
Sent: Tuesday, 12 January 2021 10:40 PM
To: Oakes, Geordie
Subject: [EXTERNAL] Re: Maxwell Underground Project - Draft Aboriginal Cultural Heritage Management Plan

Hi Geordie,

Phil Boney here. I do not have a problem with the methodology on this project or measures to be taken on treatment of aboriginal artefacts. Overall, I am happy with your approach to this project.

Regards, Phil Boney
Wailwan Aboriginal Group

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From: Oakes, Geordie <Geordie.Oakes@aecom.com>
Sent: Friday, January 8, 2021 9:32:28 AM
To: Oakes, Geordie <Geordie.Oakes@aecom.com>
Subject: Maxwell Underground Project - Draft Aboriginal Cultural Heritage Management Plan

Dear RAP,

Please find attached the draft Aboriginal Cultural Heritage Management Plan (ACHMP) for the Maxwell Underground Project for your review and comment. Should you have any comments on the draft please provide these by email, mail or fax to Geordie Oakes via the contact details on this email. Please note that the closing date for comments is Saturday 6 February 2021.

All the best,

Geordie

Geordie Oakes
Principal Heritage Specialist
D +61 2 8934 0610 M 0410 513 509
Geordie.Oakes@aecom.com

AECOM
Level 21, 420 George Street, Sydney, NSW 2000
PO Box Q410, QVB PO, Sydney, NSW, 1230
T 0410 513 509 F +61 2 8934 0001
www.aecom.com

Please consider the environment before printing this email.

From: Cameron White <Cameron.White46@aboriginalaffairs.nsw.gov.au>
Sent: Tuesday, 23 March 2021 10:00 AM
To: Donna McLaughlin
Subject: FW: URGENT Maxwell UG Project - ACHMP for review and comment

Hi Donna, regarding the plan, it should be based on the principles of OCHRE – as should any preliminary or implementations actions:

- Government working with Aboriginal communities differently
 - Address trust deficit
 - Trauma informed
 - Healing and Truth Telling
 - Timing and design of engagement to take account of community needs and timeframes
 - Government learning from past policy/program/funding/legislative failures
 - Positive narrative, not deficit focus, outcome focus
- Governments, peak bodies, NGOs and private sector *engaging* with Aboriginal communities, not just “consulting”
- Co-design the basis of engagement, service/policy design and agreement making (also see Close the Gap)
- Co-delivery where possible
- Co-design/co-delivery if done properly can only be done on the basis of an *agreement* with Aboriginal people.

AANSW also recommends detailed consultations with Heritage NSW.

Cameron White | Manager Land, Planning and Heritage | Aboriginal Affairs
Level 6, 201 Coward Street Mascot NSW 2000 (PO Box 207 Mascot NSW 1460)
☎: 02 8362 6659 | M: 0439 316 334 | ✉: Cameron.white46@aboriginalaffairs.nsw.gov.au



Aboriginal
Affairs



Dharawal

Njunaliin ngaralanga dharawalwulawala nguradhanhay ngaliya
We respect Aboriginal peoples as the first peoples and custodians of NSW



Donna McLaughlin
Health, Safety, Environment and Community Manager
Malabar Resources
Maxwell Ventures (Management) Pty Ltd
Thomas Mitchell Drive (PMB 9)
Muswellbrook NSW 2333

Submitted via the Major Projects Website

Dear Ms McLaughlin,

RE: Maxwell Underground Coal Mine Project SSD-9526 – Review of ACHMP

Thank you for your referral dated 23 February 2021 requesting Heritage NSW (HNSW) review the Aboriginal Cultural Heritage Management Plan (ACHMP) in relation to the State Significant Development (SSD) at Maxwell Underground Coal Mine Project (Maxwell Underground) SSD-9526 in the Muswellbrook Local Government Area.

Maxwell Underground SSD-9526 was approved by the Independent Planning Commission of New South Wales. Maxwell Ventures (Management) Pty Ltd (Maxwell) are required to prepare an ACHMP in accordance with Schedule 2, Part B, Condition B57 of SSD 9526 of the Development Consent for Maxwell Underground SSD-9526.

HNSW has reviewed the ACHMP and associated documents and additional information supplied for the Maxwell ACHMP including:

- *Malabar Aboriginal Cultural Heritage Management Plan V1* dated 22 February 2021
- *Development Consent SSD-9526 Maxwell Underground Coal Project* approved by the Independent Planning Commission of NSW on 22 December 2020

HNSW Recommended ACHMP Updates

1. Section 3.4.2 Open Area Excavation – the methodology procedures in the ACHMP should include an option for wet sieving and 3 millimetre gauge sieves to be used if required.
2. Section 3.5 Previously Unrecorded Aboriginal Archaeological Sites - an additional step (Step 5) in the unanticipated finds protocol in the ACHMP is required. Details of any new sites identified must be added to Appendix 6, and Figure 3 should be amended to show the location of the site, once the new site has been registered with AHIMS. HNSW notes that the site will also be recorded on the Maxwell Aboriginal Site Database (Section 5.3).
3. Provision in the ACHMP must include an Extraction Plan in accordance with Consent Condition C8 which requires that an approved Extraction Plan for Second Mine Workings must be prepared. The Extraction Plan must include a Heritage Management Plan for the management of potential impacts and/or environmental consequences of the proposed second working on Aboriginal cultural heritage values and include all requirements under conditions B54 to B57 and subsidence performance measures.

The inclusion of the above recommendations will ensure that the Aboriginal Cultural Heritage Management Plan provides for the management of Aboriginal cultural heritage in accordance with the Conditions of Consent.

If you require any further information regarding this matter. Please contact Gillian Goode on 0499 588 790.

Yours sincerely



Dr Samantha Higgs
Senior Team Leader – Aboriginal Cultural Heritage Regulation - North
Heritage NSW
Department of Premier and Cabinet

15 April 2021

APPENDIX 6 – AHIMS SITES (MANAGED UNDER SSD 9526)

Site	Type	Significance	Impacts	Management
37-2-1954	Quarry	High	Potential subsidence	Monitoring. If impacted, salvage excavation
37-2-1955	Quarry	High	n/a	Not relocated
37-2-0004	Artefact scatter + PAD	Moderate	Direct	Surface collection completed. Salvage excavation required
37-2-0069	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0073	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0074	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0075	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0076	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0077	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0078	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0080	Artefact scatter	Low	Direct	Surface collection completed
37-2-0082	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0089	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0090	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0362	Artefact scatter + PAD	Low	Direct	Surface collection completed
37-2-0363	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0364	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0365	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0366	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0367	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0368	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0369	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0370	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0371	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0372	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-0373	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0374	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0375	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0376	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0377	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0378	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0379	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0380	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0381	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0382	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0383	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0396	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0397	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0398	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0399	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0400	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0401	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0402	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0403	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0404	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0405	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0406	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0407	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0408	Artefact scatter	Low	Potential subsidence	Monitoring. If impacted, surface collection
37-2-0409	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0410	Artefact scatter	Low	Potential subsidence	Monitoring. If impacted, surface collection

Site	Type	Significance	Impacts	Management
37-2-0411	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0412	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0413	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0414	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0415	Artefact scatter + PAD	Low	Direct	Surface collection
37-2-0416	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0417	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0418	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-0419	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-0505	Artefact scatter + PAD	Moderate	Direct	Surface collection completed. Salvage excavation required
37-2-1923	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1928	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-1929	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1930	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-1931	Artefact scatter	Low	Direct	Surface collection completed
37-2-1932	Artefact scatter	Low	Direct	Surface collection completed
37-2-1933	Artefact scatter + PAD	Low	Direct	Surface collection completed
37-2-1934	Artefact scatter + PAD	Low	Direct	Surface collection completed
37-2-1935	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1936	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted, surface collection
37-2-1937	Artefact scatter	Low	Direct	Surface collection completed
37-2-1938	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1939	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1940	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1941	Artefact scatter + PAD	Moderate	Potential subsidence	Surface collection if soil remediation required
37-2-1942	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-1943	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1946	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1947	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1956	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1957	Artefact scatter	Low	Direct	Surface collection completed
37-2-1960	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1961	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-1986	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-2035	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-2329	Artefact scatter	Low	Not impacted	Conservation
37-2-2330	Artefact scatter	Low	Not impacted	Conservation
37-2-4226	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4227	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4228	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4234	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4235	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4236	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4239	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4240	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4241	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4242	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4243	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4245	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4246	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4247	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4248	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4249	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-4250	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4251	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4252	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4253	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4254	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4255	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4256	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4257	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4258	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-4259	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4260	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4262	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4264	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4265	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4266	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4267	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4268	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4269	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4270	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4271	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4272	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4274	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4275	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4276	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4277	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4278	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4279	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-4280	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4281	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4282	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4283	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4284	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4285	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4286	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4287	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4288	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4290	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4291	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4292	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4293	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4294	Artefact scatter	Low	Direct	Surface collection
37-2-4296	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4297	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4298	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4299	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4300	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4301	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4302	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4303	Artefact scatter + PAD	Moderate	Potential subsidence	Surface collection if soil remediation required
37-2-4307	Artefact scatter	Low	Direct	Surface collection completed
37-2-4310	Artefact scatter	Low	Direct	Surface collection completed
37-2-4311	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4312	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4313	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-4317	Artefact scatter	Low	Direct	Surface collection completed
37-2-4318	Artefact scatter	Low	Direct	Surface collection completed
37-2-4327	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4328	Artefact scatter	Low	Direct	Surface collection completed
37-2-4329	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4330	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4331	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4333	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4334	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4335	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4336	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4337	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4338	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4339	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4340	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4341	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4342	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4343	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4344	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4345	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4346	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4347	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4348	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4349	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4350	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4351	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4352	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-4353	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4354	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4355	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4356	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4357	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4358	Artefact scatter	Low	Direct	Surface collection
37-2-4359	Artefact scatter	Low	Direct	Surface collection
37-2-4361	Artefact scatter	Low	Direct	Surface collection completed
37-2-4362	Artefact scatter	Low	Direct	Surface collection completed
37-2-4364	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4367	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4370	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4371	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4372	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4373	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4376	Artefact scatter	Low	Direct	Surface collection completed
37-2-4377	Artefact scatter	Low	Direct	Surface collection completed
37-2-4378	Artefact scatter	Low	Direct	Surface collection completed
37-2-4379	Artefact scatter	Low	Direct	Surface collection completed
37-2-4426	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4427	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4428	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4432	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4512	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4536	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-4537	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5002	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-5003	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5004	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5005	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5006	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5007	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5008	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5014	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5016	Artefact scatter	Low	Direct	Surface collection completed
37-2-5022	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5023	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5024	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5035	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5036	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5043	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5469	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5470	Artefact scatter	Low	Direct	Surface collection completed
37-2-5787	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5848	Isolated artefact	Low	Direct	Surface collection completed
37-2-5849	Isolated artefact	Low	Direct	Surface collection completed
37-2-5883	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5861	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5897	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5896	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5893	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5891	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5892	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5890	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-5889	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5888	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5886	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5887	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5868	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5884	Isolated artefact	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5851	Isolated artefact	Low	Direct	Surface collection completed
37-2-5852	Isolated artefact	Low	Direct	Surface collection completed
37-2-5854	Isolated artefact	Low	Direct	Surface collection completed
37-2-5853	Isolated artefact	Low	Direct	Surface collection completed
37-2-5840	Artefact scatter	Low	Direct	Surface collection completed
37-2-5841	Artefact scatter	Low	Direct	Surface collection completed
37-2-5842	Artefact scatter	Low	Direct	Surface collection completed
37-2-5885	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5882	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5843	Artefact scatter	Low	Direct	Surface collection completed
37-2-5881	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5880	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5879	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5878	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5877	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5876	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5875	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5874	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5872	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5871	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5869	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required

Site	Type	Significance	Impacts	Management
37-2-5870	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5867	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5866	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5865	Artefact scatter + PAD	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5864	Artefact scatter	Low	Potential subsidence	Surface collection if soil remediation required
37-2-5844	Artefact scatter	Low	Direct	Surface collection completed
37-2-5845	Artefact scatter	Low	Direct	Surface collection completed
37-2-5846	Artefact scatter	Low	Direct	Surface collection completed
37-2-5847	Artefact scatter	Low	Direct	Surface collection completed
37-2-5862	Artefact scatter + PAD	Moderate	Potential subsidence	Monitoring. If impacted surface collection and potential salvage excavation
37-2-6042	Artefact scatter	Low	Direct	Surface collection completed
37-2-6041	Artefact scatter	Low	Direct	Surface collection completed

APPENDIX 7 – AHIMS SITES (PREVIOUSLY MANAGED UNDER PA 06_0202)

AHIMS No.	Site Name	Site Type	Easting (GDA 94 Zone 56)	Northing (GDA 94 Zone 56)	Status
37-2-2325	D1	Artefact Scatter	305074	6416069	Salvaged
37-2-2320	D2	Isolated Find	305176	6460550	Salvaged
37-2-2321	D3	Artefact Scatter	305279	6416047	Salvaged
37-2-2322	D4	Artefact Scatter	305230	6415960	Salvaged
37-2-2326	D5	Artefact Scatter	305215	6415891	Salvaged
37-2-2327	D6	Isolated Find	305583	6416460	Salvaged
37-2-2328	D7	Isolated Find	304469	6416633	Salvaged
37-2-2348	D8	Artefact Scatter	305350	6415942	Salvaged
37-2-2349	D9	Artefact Scatter	305504	6415960	Salvaged
37-2-2350	D10	Artefact Scatter	305660	6415981	Salvaged
37-2-2351	D11	Artefact Scatter	305421	6416050	Salvaged
37-2-2352	D12	Isolated Find	305283	6415888	Salvaged
37-2-2353	D13	Isolated Find	305337	6415875	Salvaged
37-2-2354	D14	Artefact Scatter	305781	6415786	Salvaged
37-2-2355	D15	Artefact Scatter	306003	6415415	Salvaged
37-2-2356	D16	Artefact Scatter	304942	6415925	Salvaged
37-2-2357	D17	Isolated Find	304809	6415854	Salvaged
37-2-2358	D18	Isolated Find	304847	6415798	Salvaged
37-2-2359	D19	Artefact Scatter	304940	6415628	Salvaged
37-2-2360	D20	Artefact Scatter	305054	6415475	Salvaged
37-2-2361	D21	Artefact Scatter	304680	6415390	Salvaged
37-2-2362	D22	Artefact Scatter	304491	6415684	Salvaged
37-2-2338	R1	Artefact Scatter	303622	6420533	Salvaged
37-2-2339	R2	Isolated Find	303676	6420568	Salvaged
37-2-2340	R3	Artefact Scatter	303739	6420466	Salvaged
37-2-2341	R4	Artefact Scatter	303691	6420285	Salvaged
37-2-2342	R5	Isolated find	305541	6420814	Conserved in-situ (fenced)
37-2-2343	R6	Artefact scatter	305781	6420794	Conserved in-situ (fenced)
37-2-2344	R7	Isolated find	305340	6420804	Conserved in-situ (fenced)
37-2-2345	R8	Isolated find	305423	6420729	Conserved in-situ (fenced)
37-2-2346	R9	Isolated find	305387	6420827	Conserved in-situ (fenced)
37-2-2347	R10	Isolated find	305655	6420655	Conserved in-situ (fenced)
37-2-2329	R11	Artefact scatter	305309	6420861	Conserved in-situ (fenced)
37-2-2330	R12	Artefact scatter	305256	6420814	Conserved in-situ (fenced)
37-2-2331	R13	Isolated find	304190	6420593	Conserved in-situ (fenced)
37-2-2332	R14	Isolated find	304197	6420635	Conserved in-situ (fenced)
37-2-2333	R15	Isolated find	304350	6420584	Conserved in-situ (fenced)
37-2-2323	R16	Isolated find	304353	6420590	Conserved in-situ (fenced)
37-2-2324	R17	Isolated find	304333	6420486	Conserved in-situ (fenced)

Department of Planning and Environment



Our ref: SSD-9526-PA-114

Donna McLaughlin
HSEC Manager
Maxwell Ventures (Management) Pty Ltd
Thomas Mitchell Drive
Muswellbrook NSW 2333

05/12/2023

Subject: Approval of Aboriginal Cultural Heritage Management Plan

Dear Ms McLaughlin

I refer to the revised Aboriginal Cultural Heritage Management Plan submitted in accordance with Condition B57 of Schedule 2 of the development consent for the Maxwell Underground Coal Mine Project (SSD 9526). I note the plan has also been prepared to address the relevant requirements of the development consent for the Drayton Rail Loop and Antiene Rail Spur (DA 106-04-00).

The Department has carefully reviewed the document and is satisfied that it meets the requirements of the relevant conditions in SSD 9526 and DA 106-04-00, noting the changes were mostly administrative in nature.

Accordingly, as nominee of the Planning Secretary, I approve the revised Aboriginal Cultural Heritage Management Plan (version 5, dated November 2023).

You are reminded that if there are any inconsistencies between the Aboriginal Cultural Heritage Management Plan and the conditions of approval, the conditions prevail.

Please ensure you make the document publicly available on the project website at the earliest convenience.

If you wish to discuss the matter further, please contact me on (02) 4908 8696.

Yours sincerely

A handwritten signature in black ink, appearing to read "Joe Fittell".

Joe Fittell
Team Leader
Resource Assessments
As nominee of the Planning Secretary