

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

Your reference: AHIP # 1130976
Our reference: AHIMS No. 3426 / SF15/1774
Notice number: C0000789
Contact: Nicole Davis (02) 4908 6825

NOTICE ISSUED TO:

Mr Digby Short
Manager Environment and Community Relations
Aston Coal Operations Pty Limited
PO Box 699
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 1130976

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

BACKGROUND

- A. Aston Coal Operations Limited (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. 1130976 (the AHIP) granted under section 90D of the NPW Act.
- B. The AHIP authorises the carrying out of:
 - Certain Aboriginal objects must not be harmed;
 - Movement of Aboriginal objects, subject to conditions;
 - Archaeological investigation, subject to conditions;
 - Harm to Aboriginal objects through proposed works, subject to conditions.
- C. The applicant has requested for a change to the timeframe outlined in Condition 9 (f) of the AHIP, which currently states that *"If agreement under condition 9(e) cannot be reached within 3 years from the date of commencement of this AHIP, then long-term storage location/s will be determined by OEH."*
- D. The Registered Aboriginal Parties in consultation with the AHIP holder, the applicant, have requested that the long-term storage location/s be determined at the conclusion of all works permitted under the AHIP and that the timeframes be consist with the length of AHIP. OEH supports this decision as it will allow for all collected and salvaged Aboriginal objects to be analysed and managed collectively.
- E. OEH received the application on 16 December 2014.
- F. OEH has considered the matters set out in section 90K of the NPW Act.

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OEH has decided to grant this variation.

By this notice OEH varies AHIP No. 1130976 in the following manner:

Variation

2.1 Changes to timeframes

Operational Conditions

Certain Aboriginal Objects may be harmed or moved (Page 6-7 of the AHIP)

Which states that:

"If agreement under condition 9(e) cannot be reached within 3 years from the date of commencement of this AHIP, then long-term storage location/s will be determined by OEH".

Is replaced by:

"Upon agreement by Registered Aboriginal Parties on the long term storage location of the artefacts, OEH will be notified of the long term management plan for the artefacts. This agreement must be reached prior to the conclusion of the AHIP which is valid until 26 August 2031. Should agreement not be able to be reached between all Registered Aboriginal Parties by 26 August 2031, then long-term storage location/s will be determined by OEH."

You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number AHIP No. 1130976, within 14 days.

A handwritten signature in black ink, appearing to read "R Bath", written over a dotted line.

RICHARD BATH

Senior Team Leader Planning, Hunter Central Coast Region

Regional Operations

(By Delegation)

Date: 6 February 2015

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INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP No. 1130976 issued on 26 August 2011, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

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

Variation of this notice

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

Appeals against this decision

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

