
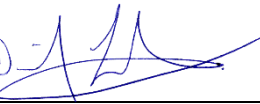




# West Musgrave Copper and Nickel Project

October 2021

## Cultural Heritage Management Plan

## VERSION CONTROL

| Revision | Version  | Authorisation     | Position                                  | Signature  | Date       |
|----------|--|-------------------|---|--|------------|
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Ngaanyatjarra People, and the Ngaanyatjarra Council on their behalf, can rely on the Document as a reflection of the commitments made by OZ Minerals, to be conditioned and regulated by the Government of Western Australia's Environmental Protection Authority under the *Environmental Protection Act, 1986* (WA).

In preparing this Document, OZ Minerals Limited (OZ Minerals) has relied on information provided by specialist consultants, government agencies and other third parties (Other Parties) and does not warrant the information of Other Parties. OZ Minerals has not fully verified the accuracy or completeness of that information, except where expressly acknowledged in this Document.

## NOTE ON CURRENCY

Where possible, information contained in this Document is up to date as at October 2021. This was not possible for all supporting appendices, and information based on those appendices, which were prepared by third parties (as discussed in the second paragraph in the Disclaimer above) prior to the Document being finalised.

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## FOREWORD

This Cultural Heritage Management Plan (CHMP) has been developed to meet the requirements of the *Environmental Protection Act, 1986* (WA) (EP Act). It is noteworthy, that while this CHMP is intended to meet the requirements of a CHMP under the EP Act, an operational CHMP has been developed by the Ngaanyatjarra Council in collaboration with OZ Minerals for implementation. The implementation of the Ngaanyatjarra Council CHMP is considered a central mitigative measure to protect and manage Ngaanyatjarra cultural heritage and impacts on social surroundings.

It is noteworthy that the Ngaanyatjarra Council have requested that should there be a discrepancy between actions stated in this West Musgrave CHMP and the Ngaanyatjarra CHMP (as amended from time to time) that the requirements of the Ngaanyatjarra Council CHMP should take precedent.

This CHMP has been developed in consultation with the Ngaanyatjarra Council and takes into consideration:

- The outcomes of discussion with Ngaanyatjarra People as formalised through Heritage Survey Reports issued to OZ Minerals by the Ngaanyatjarra Council to support the West Musgrave Project (WMP).
- Acknowledgement, and reference to the Ngaanyatjarra Council CHMP – West Musgrave Project 2021 (Appendix A; Ngaanyatjarra Council, 2021), (which may be amended from time to time) as a central mitigative measure to protect and manage Ngaanyatjarra Tjukurrpa (cultural heritage) and impacts to social surroundings.
- Considerations for cultural heritage protection as detailed in the Exploration Deed of Agreement between the Ngaanyatjarra Land Council (Aboriginal Corporation) (the lessee of the Aboriginal Reserves), Yarnangu Ngaanyatjarraku Parna (Aboriginal Corporation) (YNP) RNTBC (the registered native title body corporate in respect of the Ngaanyatjarra Lands) and OZ Minerals.
- Numerous discussions between OZ Minerals, the Ngaanyatjarra Council and subject matter experts relating to the content of this CHMP (Appendix C and OZ Minerals, 2021; Appendix A5).
- Ngaanyatjarra Council have undertaken multiple discussions and reviews relating to the content of this CHMP, including substantive contribution to its content.
- A detailed independent peer review of the CHMP by Gavin Jackson Cultural Management Services (GJCMS) (Appendix B). All feedback from the Ngaanyatjarra Council and GJCMS, as it pertains to the requirement of the EPA, has been considered in the development of this CHMP.

## SUMMARY

A summary of the key Environmental Management Plan (EMP) information is presented in Table 1.

**Table 1: Summary of Key EMP Information**

| Project Information                              | Description   |
|--|---|
| Proposal Name                                    | West Musgrave Copper and Nickel Project   |
| Proponent Name                                   | OZ Minerals   |
| Ministerial Statement No/s and Condition/Clauses | <p>The Proposal is currently being assessed by the Government of Western Australia's Environmental Protection Authority (EPA). The EPA has proposed that a Cultural Heritage Management Plan (CHMP) will be a condition of approval of the proposed project.</p> <p>A Ministerial Statement and associated conditions are yet to be issued.</p>   |
| Purpose of the EMP                               | <ul style="list-style-type: none"> <li>To support the assessment, approval and implementation of the Proposal under Part IV of the <i>Environmental Protection Act, 1986</i> (WA) (EP Act).</li> <li>The Proposal is being assessed by the EPA under Part IV of the EP Act, through Assessment of Referral Information (ARI). A CHMP was requested as part of the ARI s40(2)(a) notice requiring additional information.</li> <li>This CHMP has been prepared to provide management, mitigations and monitoring actions to ensure there are no incidents of unauthorised land disturbance or access to identified cultural heritage sites.</li> </ul> |
| Key Environmental Factor                         | Social Surroundings   |
| Objective  | <p><i>To protect social surroundings from significant harm.</i></p> <p>The social surroundings of people are their aesthetic, cultural, economic and social surroundings to the extent that those surroundings directly affect or are affected by their physical or biological surroundings (EPA, 2020b)</p>  |
| Key Provisions of the MP                         | See Section 2   |
| Proposed Construction Timing                     | Commencing 2022, progressing to 2024  |
| EMP Required Pre-construction?                   | Yes, prior to issuing of Ministerial Statement  |
| Proposed Operations Timing                       | 26 years from date of commissioning   |



## TABLE OF CONTENTS

|          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>SCOPE, CONTEXT, AND RATIONALE</b>                                   | <b>8</b>  |
| 1.1      | Scope  | 8         |
| 1.2      | Context and Rationale  | 11        |
| 1.3      | OZ Minerals Corporate Governance                                       | 12        |
| 1.4      | Proposal   | 13        |
| 1.5      | Key Environmental Factor   | 17        |
| 1.5.1    | Proposal Activities that May Affect the Key Environmental Factor       | 17        |
| 1.5.2    | Site Specific Environmental Values                                     | 18        |
| 1.6      | Condition Requirements   | 19        |
| 1.7      | Rationale and Approach   | 19        |
| 1.7.1    | Survey and Study Findings  | 19        |
| 1.7.2    | Key Assumptions and Uncertainties                                      | 30        |
| 1.7.3    | Management Approach  | 32        |
| 1.7.4    | Rationale for Choice of Management Targets                             | 32        |
| <b>2</b> | <b>MANAGEMENT ACTIONS AND MONITORING</b>                               | <b>33</b> |
| <b>3</b> | <b>METHODS FOR HERITAGE SURVEYS AND CULTURAL MANAGEMENT STRATEGIES</b> | <b>37</b> |
| 3.1      | Methods for Pre-Clearance Surveys                                      | 38        |
| 3.2      | Cultural Heritage Management Strategies                                | 40        |
| 3.2.1    | Register of Sites  | 40        |
| 3.2.2    | Land Disturbance Permit and Permit to Work Process                     | 40        |
| 3.2.3    | Ngaanyatjarra Monitors   | 41        |
| 3.2.4    | Chance Find Protocol (Including Skeletal Remains)                      | 41        |
| 3.2.5    | Training and Competency  | 42        |
| 3.2.6    | Demarcation of Sites   | 43        |
| 3.2.7    | Incidents, Issues, Complaints and Grievance                            | 43        |
| 3.2.8    | Accountability   | 44        |
| 3.2.9    | Compliance Register  | 44        |
| 3.2.10   | Information Management   | 44        |
| 3.2.11   | Continuous Improvement   | 45        |
| 3.2.12   | Support for Cultural Maintenance Activities                            | 45        |
| 3.3      | Framework for Ongoing Consultation                                     | 45        |
| 3.3.1    | General  | 46        |
| 3.3.2    | Consultation Register  | 46        |
| 3.3.3    | CHMP Consultation  | 47        |
| <b>4</b> | <b>ADAPTIVE MANAGEMENT</b>   | <b>49</b> |
| 4.1      | Overview   | 49        |
| 4.2      | Cultural Heritage Management Plan Review                               | 49        |
| 4.3      | Independent Peer Review  | 50        |
| <b>5</b> | <b>STAKEHOLDER CONSULTATION</b>  | <b>51</b> |
| 5.1      | Consultation Outcomes  | 51        |
| <b>6</b> | <b>UPDATES TO THE EMP</b>  | <b>53</b> |
| <b>7</b> | <b>GLOSSARY OF TERMS</b>   | <b>54</b> |
| <b>8</b> | <b>REFERENCES</b>  | <b>56</b> |

## List of Appendices

|  |    |
|--|----|
| Appendix A. Ngaanyatjarra Council CHMP .....     | 58 |
| Appendix B. Peer Review of OZ Minerals CHMP..... | 59 |
| Appendix C. Consultation Register .....          | 60 |

## List of Figures

|   |    |
|---|----|
| Figure 1: Tenements for the WMP .....   | 10 |
| Figure 2: Site Location.....  | 15 |
| Figure 3: Location of Key Physical and Operational Elements .....             | 16 |
| Figure 4: Cultural Heritage Survey Extent for the West Musgrave Project ..... | 21 |

## List of Tables

|  |    |
|--|----|
| Table 1: Summary of Key EMP Information.....                                   | 5  |
| Table 2: Tenements for the WMP .....   | 9  |
| Table 3: Key Project Characteristics .....                                     | 14 |
| Table 4: Potential Indirect Impacts to Identified Cultural Heritage Sites..... | 24 |
| Table 5: Mitigation Measures for Indirect Impacts to Cultural Heritage .....   | 26 |
| Table 6: Key Assumptions and Uncertainties Associated with the WMP CHMP .....  | 30 |
| Table 7: Objective-Based EMP for Cultural Heritage .....                       | 34 |

## 1 SCOPE, CONTEXT, AND RATIONALE

### 1.1 Scope

This Cultural Heritage Management Plan (CHMP) has been prepared by OZ Minerals to support the assessment, approval, and implementation of the West Musgrave Project (WMP) Proposal under Part IV of the *Environmental Protection Act, 1986* (WA) (EP Act). The Ngaanyatjarra Council has provided considerable feedback and input to this CHMP. In the interest of co-operation, collaboration, and shared value outcomes all feedback, as it may pertain to the requirements of the Government of Western Australia's Environmental Protection Authority (EPA), provided by the Ngaanyatjarra Council has been incorporated into this CHMP.

Aboriginal Cultural Heritage in Western Australia is primarily governed by the *Aboriginal Heritage Act, 1972* (WA) (AH Act). In addition to the AH Act, the following guidance statements and legislation were considered in the development of this CHMP:

- EPA Statement of Environmental Principles, Factors and Objectives (EPA, 2020b)
- EPA Environmental Factor Guideline – Social Surroundings (EPA, 2016)
- *Aboriginal Affairs Planning Authority Act, 1972* (WA) (AAPA Act)
- *Native Title Act, 1993* (Cth)
- *Aboriginal and Torres Strait Islander Heritage Protection Act, 1984* (Cth) (ATSIHPA)
- *Environment Protection and Biodiversity Conservation Act, 1999* (Cth) (EPBC Act)

To support the assessment of the WMP project the EPA issued OZ Minerals a Section 40(2)(a) Notice Requiring Information for Assessment, received from the EPA on 14 April 2021 (the Notice). The Notice set the following scope relating to the development of CHMP to support their assessment:

*Provide a Cultural Heritage Management Plan detailing the application of the mitigation hierarchy concerning avoidance and minimisation of impact to potential cultural heritage sites. The Plan should include a framework for consultation with relevant stakeholders including Traditional Owners, during the life of the proposal. The Cultural Heritage Management Plan is to be developed on advice of the appropriate knowledge holders and may be reviewed by a suitably qualified independent person. The Plan may include detail of cultural management strategies and methodologies for pre-clearance surveys. The Plan should detail provisions for land access and include management actions to be undertaken where additional heritage sites are identified.*



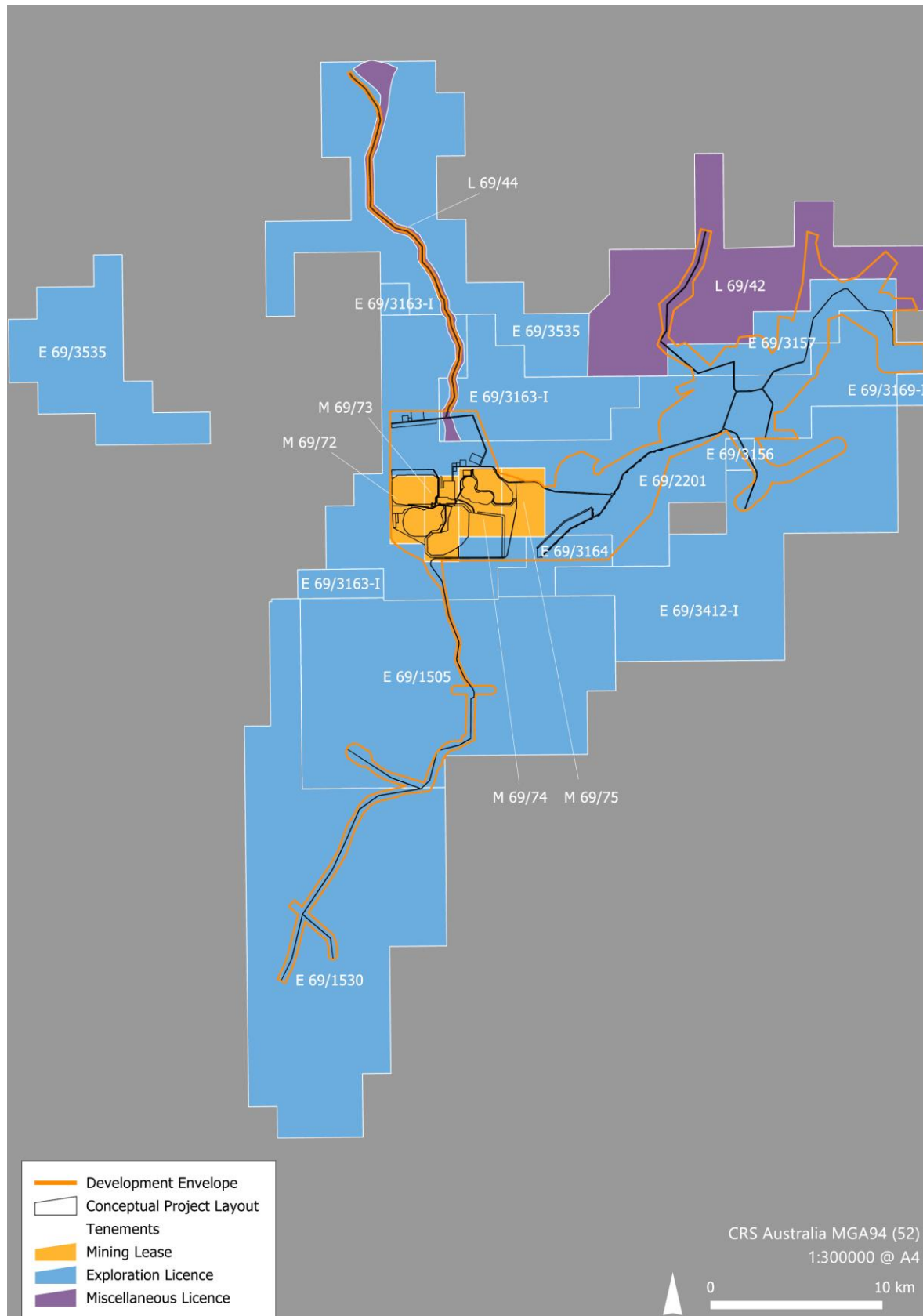
This CHMP applies to all works undertaken by OZ Minerals within the Development Envelope. The Development Envelope encompasses a number of tenements as shown in Table 2 and Figure 1, and may include additional tenements in the future.

**Table 2: Tenements for the WMP**

| Tenement  | Area (ha) | Grant Date | Expiry Date |
|-----------|-----------|------------|-------------|
| M 69/72   | 790       | 30/11/2001 | 29/11/2022  |
| M 69/73   | 1,000     | 30/11/2001 | 29/11/2022  |
| M 69/74   | 1,000     | 30/11/2001 | 29/11/2022  |
| M 69/75   | 1,000     | 30/11/2001 | 29/11/2022  |
| L 69/42   | 13,539    | 24/07/2019 | 23/07/2040  |
| L 69/44   | 1,467     | 8/05/2019  | 7/05/2040   |
| E 69/1505 | 17,834    | 20/04/2000 | 19/04/2022  |
| E 69/1530 | 21,601    | 8/09/2000  | 07/09/2021* |
| E 69/2201 | 21,455    | 13/04/2007 | 12/04/2023  |
| E 69/3163 | 30 (BL)   | 15/12/2014 | 14/12/2024  |
| E 69/3164 | 1,480     | 14/05/2014 | 13/05/2024  |
| E 69/3412 | 44 (BL)   | 01/11/2016 | 31/10/2021* |
| E 69/3535 | 26,185    | 19/02/2019 | 18/02/2024  |
| E 69/3169 | 1 (BL)    | 15/12/2014 | 14/12/2024  |
| E 69/3157 | 11 (BL)   | 22/08/2019 | 21/08/2024  |
| E 69/3165 | 2 (BL)    | 14/05/2014 | 13/05/2024  |

\*Renewal applications under assessment, expiry dates will be updated upon granting of renewal application

An independent peer review of this CHMP has been undertaken (Appendix B), of which all feedback as it may pertain to the requirements of the EPA has been addressed and incorporated into this CHMP.



### Figure 1: Tenements for the WMP

## 1.2 Context and Rationale

The WMP currently operates under an Exploration Deed of Agreement. The Exploration Deed of Agreement was agreed approximately twenty years ago and does not reflect the Ngaanyatjarra Council's current expectations regarding the management and protection of cultural heritage nor the manner in which OZ Minerals, the Ngaanyatjarra Council and the Ngaanyatjarra People currently manage culture heritage. The Ngaanyatjarra Council and OZ Minerals will continue to comply with the Exploration Deed of Agreement until such time that it is replaced by a Mining Agreement. Prior to the commencement of mining, the Exploration Deed of Agreement, that defines the terms of land access including heritage protection, will be replaced by a Mining Agreement, which is currently being developed.

The Exploration Deed of Agreement is, and the Mining Agreement (once in effect), will be between the Ngaanyatjarra Land Council (Aboriginal Corporation) (the lessee of the Aboriginal Reserves), Yarnangu Ngaanyatjarraku Parna (Aboriginal Corporation) (YNP) RNTBC (the registered native title body corporate in respect of the Ngaanyatjarra Lands) and OZ Minerals. Ngaanyatjarra Council acts as agent for the Ngaanyatjarra Land Council and Yarnangu Ngaanyatjarraku Parna, including in future for the purposes of the Mining Agreement. The Mining Agreement, once in effect, will form the legally binding agreement between these parties and defines the conditions and requirements of the parties to conduct business within the defined mining area, in particular the Mining Agreement will define processes for cultural heritage protection and pre-clearance surveys (either within, or as an annexure). Further context relating to the unique set of legal protections afforded to the Ngaanyatjarra People are provided in a briefing note that has been provided to the EPA separately.

In addition to the conditions for cultural heritage protection that will be outlined in the Mining Agreement, the Ngaanyatjarra Council has prepared a Cultural Heritage Management Plan (Ngaanyatjarra Council, 2021) which will form part of the Mining Agreement (either through inclusion as a schedule or by reference). The Ngaanyatjarra Council CHMP (which may be amended from time to time) discussed and referred to in this CHMP is considered a central mitigative measure to protect and manage Ngaanyatjarra Tjukurrpa (cultural heritage) and impacts to social surroundings (see Appendix A). Significant content from the Ngaanyatjarra Council CHMP has therefore been incorporated into this CHMP. A key principle of the Ngaanyatjarra Council CHMP is the four overarching 'Golden Rules' that must be complied with by project personnel to manage potential risks to cultural heritage sites, these include:

1. Do not start ground disturbing or non-ground disturbing work without an approved Land Disturbance Permit (LDP) (for ground disturbing activities) or Permit to Work (PTW) (for non-ground disturbing activities) as issued by the Ngaanyatjarra Council.
2. Never leave designated work areas, accommodation areas or transport areas, unless in the case of an emergency.

3. If you are unsure about whether you're operating or traversing through an approved work area, or if you think you've found cultural heritage material or skeletal remains, stop all works within a 50 m radius and tell your supervisor.
4. In the case of a breach of the 'Golden Rules', or what is thought may be a breach, tell your supervisor immediately. OZ Minerals and the Ngaanyatjarra Council must be notified as soon as practicable to determine next steps.

While the Ngaanyatjarra Council and Ngaanyatjarra People have noted their preference not to publicly disclose the location of sites and exclusions zones, a map showing the location of heritage exclusion zones has been provided to the EPA in commercial confidence to support the EPA with any proposed Ministerial Statement Conditions relating to the avoidance of exclusion zones. Spatial data pertaining to the locations of exclusion zones can be provided to the EPA with permission from the Ngaanyatjarra Council.

### 1.3 OZ Minerals Corporate Governance

Sustainability management including social performance and cultural heritage protection is integrated into OZ Minerals' Corporate Governance framework. This framework consists of OZ Minerals':

- Strategy
- Performance Standards, that set the minimum benchmarks and expectations of performance for global assets
- Process Standards, that support the operation of the business
- company policies, that show the overarching intent within the business and enable our stakeholders to hold us to account
- the annual business planning process, which sets priorities.

Further details relating to OZ Minerals' governance framework can be found at [www.ozminerals.com/about/corporate-governance](http://www.ozminerals.com/about/corporate-governance).

OZ Minerals' Social Performance Standards directly relate to this CHMP and can be found at [www.ozminerals.com/sustainability/performance-standards/Social-Performance](http://www.ozminerals.com/sustainability/performance-standards/Social-Performance). These performance standards are updated regularly in accordance with emerging good practice. OZ Minerals' performance against corporate governance is reported in our Annual and Sustainability Reports, which can be found at [www.ozminerals.com/media/reports/annual](http://www.ozminerals.com/media/reports/annual).

## 1.4 Proposal

The WMP is located in the West Musgrave Ranges of Western Australia. The WMP is located approximately 1,300 km north-east of Perth near to the border of South Australia and the Northern Territory. The WMP is within the Ngaanyatjarra Native Title determination, and Class A Reserve No. 17614 (for the Use and Benefit of Aboriginal Inhabitants). The nearest towns include the Indigenous Communities of Jameson (Mantamaru) 26 km north, Blackstone (Papulankutja) 50 km east, and Warburton (Milyirrtjarra) 110 km west of the project (Figure 2).

The project, with a current expected life of approximately 26 years, will consist of:

- Mining of copper and nickel ore from two open cut mine pits using conventional blast, load and haul methods
- Placement of mine waste into permanent waste rock dumps (WRDs) and dedicated tailings storage facility (TSF) adjacent to mine pit voids
- Milling and processing of ore using floatation to produce two separate copper and nickel concentrates
- On-site power supply using a combination of renewable power infrastructure (photovoltaic solar panels, wind turbines and battery storage) supported by backup thermal power generation
- Development of a process/potable water supply borefield that may include a combination of overland and/or underground pipelines for use during construction and operations
- Miscellaneous infrastructure, including stormwater management infrastructure (bunds and drains), internal roads and service tracks, a dedicated site access road, accommodation village (approximately 450 beds during operations and 1,200 during construction), airstrip, wastewater treatment, landfill and other supporting infrastructure including offices, warehouses and workshops
- Concentrate will be transported via existing roads and rail networks.

A summary of the key project characteristics is presented in Table 3.

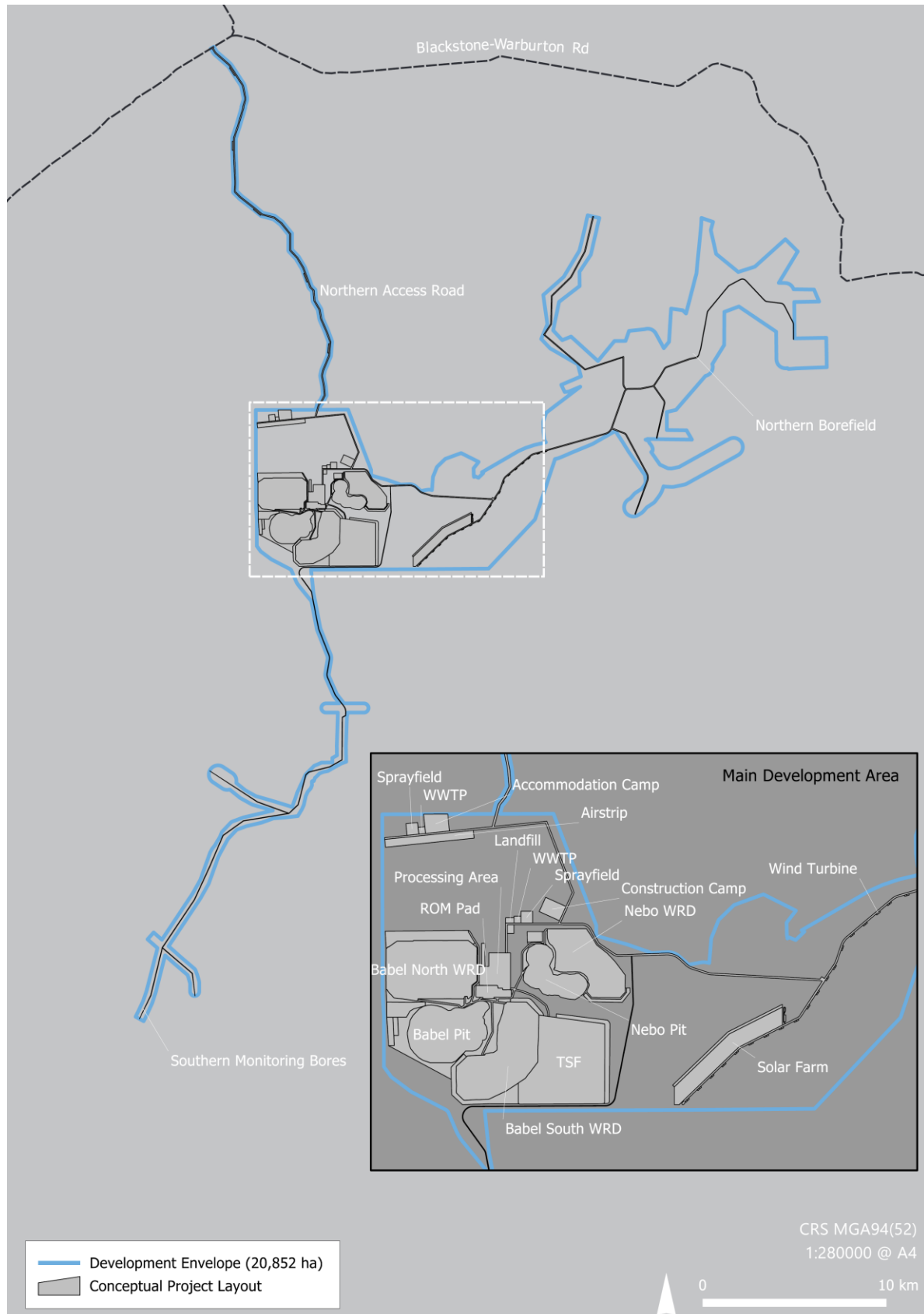
**Table 3: Key Project Characteristics**

| Elements                           | Location | Proposed Extent Authorised   |
|------------------------------------|----------|--|
| <b>Physical Element</b>            |          |  |
| Mine and associated infrastructure | Figure 3 | Clearing of up to 3,830 ha of native vegetation within a Development Envelope of 20,852 ha   |
| <b>Operational Element</b>         |          |  |
| Mining voids                       | Figure 3 | Below water table mining<br>Nebo pit void to be backfilled above water table post-closure<br>Babel pit void to be a permanent and episodic pit lake post-closure                               |
| Mining waste (waste rock)          | Figure 3 | Placement of waste rock into permanent WRDs  |
| Ore processing waste (tailings)    | Figure 3 | Disposal of tailings into a TSF and/or Nebo pit void   |
| Power supply                       | Figure 3 | Up to 60 MW (instantaneous load requirement) of fossil fuel electricity generation<br>Up to 100 MW of photovoltaic solar electricity generation<br>Up to 100 MW of wind electricity generation |
| Water supply                       | Figure 3 | Abstraction of up to 7.5 GL/a of groundwater from the Borefield and through mine pit dewatering  |





**Figure 2: Site Location**



**Figure 3: Location of Key Physical and Operational Elements**

## 1.5 Key Environmental Factor

This CHMP specifically relates to the Social Surroundings factor guidelines. The EPA's Statement of Environmental Principles, Factors and Objectives (EPA, 2020b) lists the following as their objective for Social Surroundings:

*To protect social surroundings from significant harm*

### 1.5.1 Proposal Activities that May Affect the Key Environmental Factor

In compliance with the Notice provided by the EPA, this management plan applies to the avoidance and minimisation of impact to potential cultural heritage sites, to the extent that the interaction of the project may negatively impact cultural heritage sites such that the EPA objective may not be achieved. To this end the following credible events were identified<sup>1</sup> with the potential to result in negative impacts to cultural heritage sites, specifically:

- Project activities result in direct and unauthorised impacts to cultural heritage sites (i.e., Tjukurrpa sites) and archaeological sites (including dreaming sites, waterholes, important stands of trees, isolated outcrop features, human remains/grave sites or artefacts/artefact scatters) as a result of project-related land disturbance and clearing of ground
- Project layout or activities, constrain or otherwise change the nature of land access to cultural heritage sites, or areas of the landscape used for customary uses by Traditional Owners
- Project activities result in indirect impacts to cultural heritage sites (and other social surroundings values) through:
  - The deposition of unacceptable levels of dust
  - Reduced amenity associated with noise
  - Changes to visual amenity and aesthetics
  - Disturbance as a result of the introduction of project-related night-time lighting
- Drawdown of groundwater negatively impacts sensitive receptors including, Linton Bore, Mantamaru (Jameson) water supply and/or vegetation species that are culturally important; two

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<sup>1</sup> The following risk evaluation tools were used to assess potential risks to cultural heritage sites and social surroundings:

- A source pathway receptor (SPR) risk evaluation was done for all potential impact pathways related to project activities (See OZ Minerals 2021; Appendix A2).
- An EIA framework was developed for the consistent application of impact assessment for each identified credible SPR (See OZ Minerals 2021; Appendix A3) and presented these risk evaluations throughout referral (see OZ Minerals 2021, Sections 6 and 7).
- A standalone assessment of indirect impacts to social surroundings was undertaken (see OZ Minerals 2021, Appendix J3)

specific areas of vegetation have been identified including a stand of desert oaks, and a specific stand of Mulga. Also, general reduction in the health of trees outside of known ethnographic sites (particularly within, or in proximity to dreaming trails) may also be perceived as a potential impact due to the all-encompassing nature of the way Traditional Owners value the landscape. This particular risk event is covered by the WMP Groundwater Monitoring and Management Plan (GMMP) and is not discussed further in this CHMP.

- Loss of access to, or reduction in abundance of culturally important fauna. This particular risk event is discussed in the Terrestrial Fauna Management Plan and is not discussed further in this CHMP.

The Ngaanyatjarra Council CHMP (Appendix A; Ngaanyatjarra Council, 2021) identifies four risks to be managed through the implementation of this CHMP, specifically:

- Non-compliance with OZ Minerals' commitments pertaining to the protection and management of Aboriginal heritage
- Non-compliance with conditions/recommendations arising from the outcome of heritage surveys and negotiations/consultations with Ngaanyatjarra about the project
- Impacting Tjukurrpa and other heritage sites in the conduct of the project
- Non-compliance with Ngaanyatjarra's rules and expectations pertaining to the protection and management of their cultural heritage.

### 1.5.2 Site Specific Environmental Values

The project is situated in the remote Ngaanyatjarra Lands of Western Australia within the Shire of Ngaanyatjarraku. Ngaanyatjarra Traditional Owners and traditional knowledge holders maintain deep, and serious cultural obligations to care for country and to protect cultural heritage sites. Arising from these obligations is a requirement from Ngaanyatjarra People that OZ Minerals, in seeking to use Ngaanyatjarra Lands, foster a culture of compliance, cooperation and collaboration in relation to the management of cultural heritage.

The key environmental values relevant to this CHMP are cultural heritage sites, and the broader landscape in which these sites reside (including the degree to which aesthetic and cultural associations may be affected at these sites)

Significant cultural heritage survey effort has been undertaken in and near to the project's Development Envelope, in partnership with the Ngaanyatjarra Traditional Owners and Ngaanyatjarra Council, to identify cultural heritage sites. These sites have been documented in cultural heritage reports developed by the Ngaanyatjarra Council anthropologists and issued to OZ Minerals (OZ Minerals, 2021; Appendix J1 and Appendix J2). Adherence to cultural heritage survey report recommendations relating to cultural

heritage protections is a contractual condition between OZ Minerals, the Ngaanyatjarra People and the Ngaanyatjarra Council. Cultural Heritage survey effort is described further in Section 1.7.1.

## 1.6 Condition Requirements

A Ministerial Statement and associated conditions are yet to be issued.

## 1.7 Rationale and Approach

This CHMP details how the mitigation hierarchy will be used to avoid and mitigate impacts to potential cultural heritage sites (and to the degree possible other social surroundings values including aesthetic and cultural associations). In addition, this CHMP outlines a mechanism to ensure ongoing consultation with relevant Ngaanyatjarra People and Ngaanyatjarra Council relating to cultural heritage management throughout the project life, and details of cultural heritage management strategies for pre-clearance surveys. The approach to cultural heritage management detailed in this plan recognises:

- The legally binding contractual conditions and requirements of the relevant parties operating within the defined lease area, including the Mining Agreement (once in effect)
- The Ngaanyatjarra Council CHMP (Ngaanyatjarra Council, 2021) which sets the minimum standards for the protection of cultural heritage at the WMP
- OZ Minerals' Global Performance Standards, which enable the effective management of material sustainability risks that are common across OZ Minerals (Section 1.3)
- OZ Minerals' significant focus during project design to avoid and minimise impacts by carefully designing the Development Envelope to avoid cultural heritage sites where possible, and through careful siting of project infrastructure.

This CHMP outlines management objectives, actions and processes that apply to all OZ Minerals' personnel, including contractors.

### 1.7.1 Survey and Study Findings

#### 1.7.1.1 Cultural Heritage Surveys

Dedicated project-specific cultural heritage surveys and associated consultation activities have been undertaken since April 2018, to identify cultural heritage sites in the Project Area (OZ Minerals, 2021; Appendix J1 and Appendix J2). These cultural heritage surveys were coordinated by the Ngaanyatjarra Council and included up to 50 Ngaanyatjarra Traditional Owners, male and female Ngaanyatjarra Council anthropologists (with over 40 years collective experience in the Ngaanyatjarra Lands), and participants from OZ Minerals. The project-specific cultural heritage surveys covered an area of over 70,000 ha, including most of the Development Envelope (Figure 4). In addition, many smaller area clearances have occurred as part of historical and ongoing exploration and project studies. While these exploration and

project study area clearances have contributed to knowledge of the locations of cultural heritage in the area, and the broader cultural heritage context, these clearances were not specific to the proposed mining activities and have therefore not been directly considered as part of the current assessment. It is noted that one small gap in the Northern Borefield is yet to be surveyed for cultural heritage sites (Figure 4). No works in this area will progress without appropriate pre-clearances and issuing of a cultural heritage survey report from the Ngaanyatjarra Council.

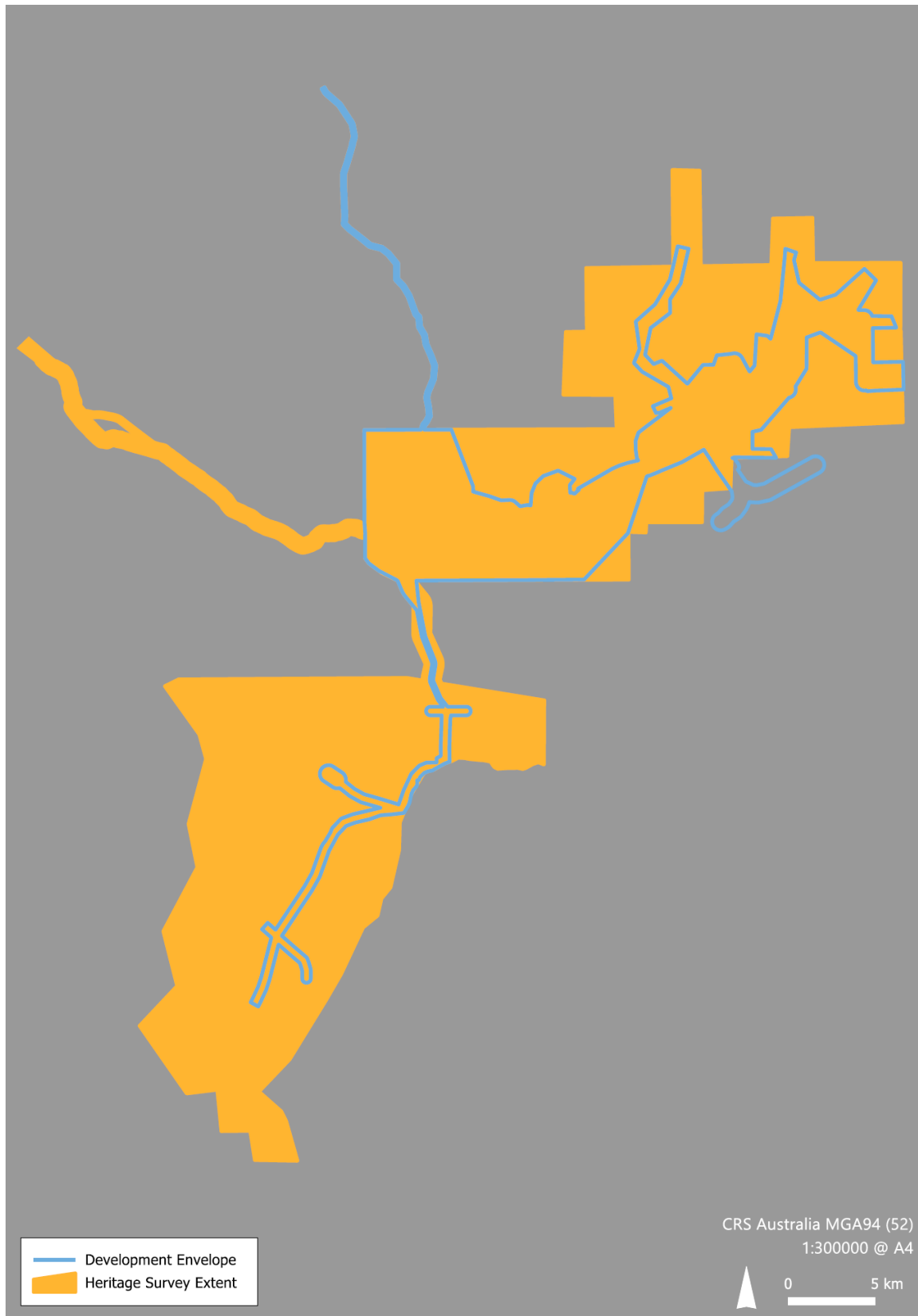
During cultural heritage surveys, several cultural heritage sites and dreaming trails of importance were identified. Cultural heritage sites have been identified in cultural heritage survey reports issued by the Ngaanyatjarra Council to OZ Minerals as exclusion zones including offset distances around the physical site (OZ Minerals, 2021; Appendix J1 and Appendix J2). Adherence to cultural heritage survey report recommendations relating to cultural heritage protections is a contractual condition between OZ Minerals, the Ngaanyatjarra People and the Ngaanyatjarra Council.

All cultural heritage sites and exclusion zones have been excluded from the Development Envelope. In two areas where proposed project infrastructure previously intersected exclusion zones the Ngaanyatjarra Council in consultation with the Traditional Owners excised a corridor through these areas to enable infrastructure corridors that avoid cultural heritage sites. Strict conditions associated with these two corridors have been included in Heritage Survey reports issued to OZ Minerals by the Ngaanyatjarra Council.

While cultural heritage sites and exclusion zones have been identified and excluded, Ngaanyatjarra Council's Principal Anthropologist (Brooks pers comm, 2020) has noted 'that while the immediate proposed Development Envelope is largely free of Tjukurrpa, Ngaanyatjarra People can still struggle to find solutions that minimize the chance of conflict with the Tjukurrpa environment, as many Tjukurrpa beings are thought to travel in different directions in and around these regions' (OZ Minerals, 2021; Appendix J5). As such considerations to minimizing impacts to the broader landscape have been considered, for example by keeping the required cleared areas to the minimum needed to support project activities.

Figure 4 provides an overview of areas that have been subject to cultural heritage surveys in the Project Area, and those areas covered by Ngaanyatjarra Council issued cultural heritage survey reports. It is noted, that while cultural heritage surveys have occurred across these areas, there is a higher degree of confidence in some areas (e.g., the Main Development Area) compared to others (e.g., the Northern Borefield), and as such the Ngaanyatjarra Council's cultural heritage survey reports have identified conditions relating to further pre-clearance surveys in some areas once further project definition has been established (e.g., location of borefield lines and service tracks).





**Figure 4: Cultural Heritage Survey Extent for the West Musgrave Project**

### 1.7.1.2 Archaeological Surveys

Archaeology surveys were undertaken across the Development Envelope, with a detailed survey focussed in the Main Development Area, TSF and Renewable Power Area and inspection level surveys in the main access road, Northern Borefield and Southern Monitoring Bores area of the Development Envelope (OZ Minerals, 2021; Appendix J4). The purposes of the archaeological surveys were to identify any archaeological sites that may be defined as 'sites' under the AH Act, and if, where necessary, undertake both detailed recordings of sites and consultation with Traditional Owners to ascertain the importance of these sites.

Detailed searches on foot have been undertaken at several claypans, chalcedony scree or sub-crop, depressions or deflations in sand dunes, and other ephemeral water sources. These searches found few artefacts and no traditional campsites to date.

Sixteen potential archaeological sites were identified in the Development Envelope, of which 15 are in the Main Development Area; including the renewables area. These areas included knapping centres where stone tools were made from chalcedony, grinding patches on sub-crops where seeds were processed and areas that contained small areas of flaked stone tools, or the debris from making them.

These sites may meet the criteria for an Aboriginal heritage site under the AH Act, however some may not, subject to a determination to be made by the Aboriginal Cultural Material Committee (ACMC) based on submission of related scientific information and consultation records.

### 1.7.1.3 Direct Impacts

OZ Minerals has worked closely with Ngaanyatjarra Council anthropologists and Traditional Owners to survey the Development Envelope and its surroundings for cultural heritage sites. Several ethnographic sites have been identified, often forming parts of dreaming trails or story lines. Each cultural site has been assigned an exclusion zone by the Ngaanyatjarra Council Anthropologists in consultation with Traditional Owners. These prescriptive exclusion requirements have been issued to OZ Minerals in Heritage Survey Reports (see OZ Minerals, 2021; Appendix J1 and Appendix J2) and form an integral part of this management plan, the Mining Agreement (once in effect) and operational philosophy.

In response to the identification of cultural heritage sites and exclusions zones, the project's Development Envelope has been reduced and reoriented to avoid all cultural heritage sites and exclusion zones, as such, the risk of direct impacts to these sites is significantly reduced. Further opportunities are currently being explored with the Traditional Owners and Ngaanyatjarra Council to realign an infrastructure alignment further to minimize the potential for indirect project impacts (e.g. dust, noise and amenity). This potential amendment to the current plan will be subject to further confirmation with the Traditional Owners and attainment of the relevant regulatory approvals.

#### 1.7.1.4 Indirect Impacts

It is acknowledged that while all identified cultural heritage sites have been excluded from the Development Envelope and the risk of direct impacts to these is significantly reduced, there remains the potential for these cultural heritage sites to be impacted by indirect means (including the degree to which aesthetic and cultural associations may be affected at these sites).

Indirect impacts may occur to cultural heritage sites as a result of interaction with various indirect sources from the project. Table 4 summarises the potential indirect sources that have the potential to impact cultural heritage sites to the degree that the Social Surroundings objective may be compromised.

The management actions detailed in Section 2 have been specifically designed to ensure the project meets the EPA's objective for People (Social Surroundings). As such, they focus on the avoidance and minimisation of direct impacts to cultural heritage sites and the minimisation of indirect impacts. Table 5 provides a list of the indirect impact mitigations for social surroundings listed in the EPA Section 38 Referral (OZ Minerals, 2021) to minimise indirect impacts.

**Table 4: Potential Indirect Impacts to Identified Cultural Heritage Sites**

| Potential Impact  | Potential Level of Impact   |
|---|---|
| Dust deposition   | <p>A single cultural heritage site may experience some indirect impacts resulting from the settlement of project-generated dust. This ethnographic site is located within 200 m of a highly trafficked unsealed road. Due to the generation of wheel-generated dust, visible dust may be observed at this site from time to time should no mitigations be put in place.</p> <p>In addition, people visiting this site along the main access road may experience a depreservation to privacy when visiting, and or undertaking cultural practices at this site.</p> <p>No other ethnographic sites are expected to experience notable levels of dust deposition.</p>   |
| Reduced cultural amenity associated with nuisance noise | <p>Noise may be heard at a number of the cultural heritage sites, however, this noise is expected to be well below a level that would result in health-related impacts. The main sources of noise that may be heard at these locations include movement of heavy vehicles (reverse beepers, horns and possibly engine noise) and noise from periodic blasting. This noise will become less notable as the mine pits get deeper, and WRDs are constructed. These mine-related structures will act as a noise screen, effectively attenuating the noise to varying degrees prior to reaching the cultural heritage sites.</p> <p>One cultural heritage site is located about 3.5 km from the proposed airstrip, and as such may experience periodic increases in noise associated with aircraft operating into and out of the airstrip.</p> <p>Operational noise levels will cease following the completion of mining activities.</p> |
| Changes to visual amenity                               | <p>Due to the significant height of infrastructure, particularly wind electricity generators at up to 250 m, project infrastructure would be visible from nearly all identified cultural heritage sites.</p> <p>A body of consultation efforts has been undertaken relating to visual impacts, including site visits to another mine and the use of animations and virtual reality visualisations. As a result of these consultation activities there have been no significant concerns raised from the community relating to visual impacts. However, it is acknowledged that until the proposed impact of visual obstructions are in place, it may be challenging to ascertain how these impacts may be perceived and felt by Ngaanyatjarra People, especially in relation to Tjukurrpa sites.</p>  |

| Potential Impact  | Potential Level of Impact  |
|---|--|
| Constraints on physical access  | <p>The current east to west access track (old Warburton to Blackstone Road) would need to be modified to restrict access to the Main Development Area and avoid potential for safety interactions with large mining fleet. To retain access to identified cultural heritage sites this road will need to be rerouted around the main project area to avoid the potential for safety incidents.</p> <p>Through consultation with Traditional Owners in September 2020 it was agreed that an alternate access road (in most cases following existing tracks) to access sites both east and west of the project would be made and would therefore mitigate potential cultural heritage site access restrictions.</p>  |
| Disturbance as a result of the introduction of project-related night-time lighting  | <p>Due to the significant height of infrastructure, particularly wind electricity generators at up to 250 m, project infrastructure, and therefore project-related lighting, would be visible from nearly all cultural heritage sites, with those nearer to the Main Development Area being more impacted than those further away. A 'glow' associated with the lighting might be visible from nearly all sites identified in project heritage surveys.</p>  |
| Loss of cultural amenity and/or cultural associations   | <p>Development of the project may result in changes to cultural amenity and/or cultural associations – the presence of the project in the landscape, its proximity to cultural heritage sites, and the cumulative indirect impacts of dust, noise, night-time light, water-related impacts, visual obstructions or intrusions to privacy may change the way Ngaanyatjarra People metaphysically or spiritually connect with some sites and the environment nearby to the project.</p>  |
| Drawdown of groundwater negatively impacts sensitive receptors including, Linton Bore, Mantamaru (Jameson) water supply and/or vegetation species that are culturally important | <p>Drawdown of groundwater resulting from borefield water abstraction, or mine pit dewatering has the potential to impact culturally important vegetation. Two areas of vegetation have been identified as culturally important and include a stand of desert oaks, and a specific stand of Mulga. Both of these vegetation areas occur outside the numerical modelled extent of groundwater impacts.</p> <p>General reduction of tree health outside of known cultural heritage sites may also be perceived as a potential impact due to the all-encompassing nature of the way Traditional Owners value the landscape, this is particularly so in the areas extending into cultural heritage and natural resource priority areas in the vicinity of Cavenaugh Range/Linton Bore. Groundwater at Linton Bore has been modelled to drawdown up to 1.2 m.</p> <p>A separate GMMP has been developed to address matters relating to potential impacts to groundwater values and considers both groundwater drawdown and confirming the solute fate modelling outcomes.</p> |

**Table 5: Mitigation Measures for Indirect Impacts to Cultural Heritage**

| Potential Impact Pathway | Mitigation  |
|--------------------------|---|
| Dust                     | <ul style="list-style-type: none"> <li>• Vehicles and machinery will not be permitted to leave access tracks or cleared areas without an approved Permit to Work (PTW) from the Ngaanyatjarra Council.</li> <li>• Machinery movements will be confined to defined roads and tracks.</li> <li>• Vehicles will be required to travel at safe operating speeds on unsealed roads and will be restricted from accessing rehabilitated surfaces except for rehabilitation management purposes.</li> <li>• OZ Minerals will seal the offset-T intersection where the northern access road crosses over the Warburton to Blackstone road to the cutline road. The sealing will include nominally 500 m to 750 m of the northern access road and cutline road, and the area of the Warburton to Blackstone Road between these two intersection points.</li> <li>• An alternative to sealing sections of the Northern Access Road will be a road realignment further from an existing heritage exclusion zone (subject to approval from the Ngaanyatjarra Council and attaining of relevant regulatory approvals).</li> <li>• Land clearing will be kept to the minimum necessary for development of the project, reducing exposed areas subject to wind erosion.</li> <li>• Undertake annual (or as otherwise reasonably requested by the Ngaanyatjarra Council) photo-point monitoring for all cultural heritage sites (including archaeology sites) within the main development area and to within 3 km of the main development area, and as otherwise reasonably requested by the Ngaanyatjarra Council, to undertake comparative analysis of dust accumulation against control sites. Ngaanyatjarra Senior Knowledge Holders and Traditional Owners will be invited to attend this monitoring through the Ngaanyatjarra Council and will be engaged to attend this monitoring on commercially acceptable terms.</li> <li>• Undertake quarterly quantitative monitoring of dust deposition gauges, within the main development area and to within 3 km of the main development area and as otherwise reasonably requested by the Ngaanyatjarra Council, to support analysis of dust accumulation at cultural heritage sites over time and in comparison, against control sites. Ngaanyatjarra Senior Knowledge Holders and Traditional Owners through the Ngaanyatjarra Council will be invited to jointly design dust monitoring programs and attend dust monitoring programs, and will be engaged on commercially acceptable terms.</li> <li>• An exceedance of dust will be determined where the Ngaanyatjarra People or Ngaanyatjarra Council have raised concerns based on photo-point monitoring, or formalised grievance and static dust monitoring indicates a significant increase of dust at the specified site, compared with control sites.</li> <li>• Where practicable, land clearing will be undertaken progressively with the amount of active disturbance minimised.</li> <li>• Progressive rehabilitation will be undertaken on disturbed areas as they become available.</li> <li>• Topsoil and vegetation (including woody debris) will be re-spread over rehabilitated areas to act as a seed source and to protect the soil from erosion.</li> <li>• Dust will be managed by watering unsealed roads with a water cart or with fixed sprays as required.</li> <li>• During high winds (wind speeds greater than 40 km/hr averaged over 10 minutes) topsoil and overburden stripping and other high dust generating activities will be restricted.</li> </ul> |



| Potential Impact Pathway | Mitigation   |
|--------------------------|--|
|                          | <ul style="list-style-type: none"> <li>Spilt ore and materials outside of the ore processing areas will be regularly cleaned up and removed to a designated waste landform or fed into the processing plant.</li> <li>Bulk products will be transported in covered containers.</li> <li>Vehicle hygiene measures will be adopted for the concentrate storage shed (including covered shed and maintain a system to avoid land contamination during transport of concentrate which will include sprayers, wheel wash stations or similar alternative).</li> <li>Ensure that the cleared area is as small as reasonably required thereby reducing the amount of exposed dust producing surfaces.</li> </ul>  |
| Noise                    | <ul style="list-style-type: none"> <li>Machinery will be maintained in accordance with original equipment manufacturers (OEMs) requirements to minimise nuisance noise.</li> <li>Where necessary equipment will be enclosed to reduce nuisance noise.</li> <li>Airstrip will be oriented to ensure cultural heritage sites are not within the approach and take-off angles unless otherwise agreed with the Ngaanyatjarra Council.</li> <li>Equipment design will be within Australian Standard noise limits.</li> </ul>   |
| Visual Amenity           | <ul style="list-style-type: none"> <li>Permanent landforms such as WRDs and TSFs will be similar in height to surrounding natural landforms (e.g. &lt;60 m).</li> <li>Progressive rehabilitation will be undertaken on disturbed areas as they become available.</li> <li>Wind turbines and masts will be removed at closure, or as agreed with the Ngaanyatjarra Council.</li> <li>Lights will be strategically placed and designed to shine towards plant operations and minimise light spill to the environment.</li> </ul>   |
| Lighting                 | <ul style="list-style-type: none"> <li>Design of lighting arrangements will occur in consideration to AS4282-1997: Control of the obtrusive effects of outdoor lighting.</li> <li>Before arriving at the final lighting design, consideration will be given to alternative lighting systems (in consultation with the Ngaanyatjarra Council) with respect to their capability of fulfilling both the functional and environmental design objectives.</li> <li>When there is some flexibility about where an illuminated area/activity can be sited, it will be located and oriented where it will have the least effect on cultural heritage sites, taking into account any screening which may be provided by the surrounding topography or other physical features such as trees or sand dunes.</li> <li>The selected light fixtures will have a light output distribution appropriate for the application and will not emit excessive light outside the property boundaries.</li> <li>Louvres, baffles, shields or the like will be added to floodlights to control spill light where this did not significantly influence the performance of the lighting system.</li> <li>Floodlight locations are often determined by the nature of the activity for which the lighting is provided. Small departures from the recommended positions will be implemented if this results in a greater degree of control of the spill light.</li> </ul> |
| Groundwater              | <ul style="list-style-type: none"> <li>Defined in the Groundwater Monitoring and Management Plan.</li> </ul>   |

| Potential Impact Pathway                       | Mitigation  |
|--|---|
|  | <ul style="list-style-type: none"> <li>There will be no impact to water holes (water quality and water levels) at the Pilpirrin cultural heritage site, or any other cultural heritage sites as a result project-related activity.</li> </ul>   |
| Hydrology (surface water)                      | None required to manage cultural heritage-related risks   |
| Ngaanyatjarra Social and Cultural Surroundings | <ul style="list-style-type: none"> <li>Throughout this plan, reference is made to OZ Minerals consulting with Ngaanyatjarra People, Traditional Owners, Senior Knowledge holders and the like. While this will be an important and on-going aspect of the project, decision making and management of Ngaanyatjarra People's cultural heritage, will be undertaken with the involvement of the CHMDC and the Ngaanyatjarra Council and sometimes led by Ngaanyatjarra senior knowledge holders and Traditional Owners.</li> <li>OZ Minerals will report to the Ngaanyatjarra Council any environmental management exceedance, event or trend of concern that may indicate any environmental management issue, upon OZ Minerals becoming aware of the exceedance, event or trend, and will send to the Ngaanyatjarra Council any report and correspondence relating to that exceedance, event or trend at the same time it is sent to other third parties (e.g. government regulators).</li> <li>OZ Minerals will notify the Ngaanyatjarra Council of any regulated changes to WMP Environmental Management Plans and collaborate with the Ngaanyatjarra Council in the drafting of those changes.</li> <li>OZ Minerals will convene and resource a Cultural Heritage Management Decision Making Committee (CHMDC) (Section 3.3.3) and other meetings of Ngaanyatjarra Senior Knowledge Holders and Traditional Owners as they may be required from time to time (as notified by the Ngaanyatjarra Council or OZ Minerals).</li> <li>OZ Minerals will invite Ngaanyatjarra People, through the Ngaanyatjarra Council, to undertake environmental monitoring across all phases of the WMP. If this invitation is accepted, OZ Minerals will pay for this monitoring on agreed fair and reasonable commercial terms.</li> <li>A program of 'cultural geography' will be commissioned with the Ngaanyatjarra Council and Traditional Owners to characterise the cultural landscape beyond ethnographic sites of importance. This work may include the identification of graves, location of contemporary family connections, further research into the locations of dreaming trails and a deeper appreciation for cultural associations and practices performed in the West Musgrave area. This work will be done to inform chance find protocols, micro siting of infrastructure and provide a body of knowledge that will be used to inform cultural amenity impact offset strategies.</li> <li>Attaining the Ngaanyatjarra People's consent to mine will follow the requirements of the WMP: Negotiation Process Agreement and follows that the Mining Agreement (once in effect) will set out the terms and conditions, including compensation, on which YNP and the Land Council consent to the development and operation of the Nebo-Babel Mine on the existing mining tenements and on any other mining tenements that may be granted in the Exploration Area and the Miscellaneous Licence Area.</li> <li>OZ Minerals will, with the involvement of the CHMDC, maintain and meet its obligations pertaining to the protection and management of cultural heritage and the environment through a register of obligations.</li> <li>OZ Minerals will comply with the Ngaanyatjarra Council's CHMP, Revision O, dated 18 October 2021.</li> </ul> |

| Potential Impact Pathway | Mitigation   |
|--------------------------|--|
|                          | <ul style="list-style-type: none"> <li>• OZ Minerals will continue to meet with and resource the Ngaanyatjarra Council and the Ngaanyatjarra People (as directed in the Mining Agreement (once in effect)) to regularly discuss the WMP, the impacts that have and may arise from the WMP and the actions required to mitigate and manage those impacts.</li> <li>• To mitigate against the risk of perceived impacts to cultural association and aesthetics, OZ Minerals will design and implement monitoring programs, jointly with Ngaanyatjarra People and the Ngaanyatjarra Council, to establish baseline environmental data so that if an impact concern is raised by Ngaanyatjarra People or the Ngaanyatjarra Council, that evidence can be provided as to why that impact event was not caused by the WMP. For example, if Ngaanyatjarra People perceive that water levels and/or water quality at a particular heritage site outside of the Development Envelope has been impacted by the WMP, evidence can be provided, as jointly obtained with Ngaanyatjarra People, as to why such an impact would likely not have arisen from the WMP.</li> <li>• A grievance system will be developed jointly with the Ngaanyatjarra Council to assist with documenting, investigating and responding to complaints made by community groups and stakeholders, and all stakeholder issues and concerns will be proactively addressed. The grievance system will be reviewed as part of the CHMDC standing agenda and records of material grievances included in the annual WMP Compliance Assessment Report.</li> </ul> |

## 1.7.2 Key Assumptions and Uncertainties

This CHMP has been developed using all relevant and available information at the time of preparation. The key assumptions and uncertainties associated with the current CHMP are described in Table 6.

**Table 6: Key Assumptions and Uncertainties Associated with the WMP CHMP**

| ID | Assumptions/Uncertainty                                 | Description  |
|----|---|--|
| A1 | Survey effort   | <ul style="list-style-type: none"> <li>Cultural heritage surveys undertaken to date accurately report the location of known cultural heritage sites within and near to the Development Envelope</li> <li>The cultural heritage survey team including Ngaanyatjarra Council anthropologists and large groups of senior Traditional Owner knowledge holders were appropriate to ensure qualified results</li> </ul>  |
| A2 | Mining Agreement  | The Mining Agreement will represent the contractually binding agreement between the Ngaanyatjarra Land Council (the legal entity of the Aboriginal Reserves), Ngaanyatjarra Council (as agent for the Ngaanyatjarra Land Council) and OZ Minerals and defines the conditions and requirements of the parties to conduct business within the defined Mining Area; in particular either within the Mining Agreement or via an annex to the agreement define a process for cultural heritage protection and pre-clearance surveys.  |
| A3 | Ngaanyatjarra Council Cultural Heritage Management Plan | The Ngaanyatjarra Cultural Heritage Management Plan as issued to OZ Minerals and updated from time to time is considered a central mitigative measure to protect and manage Ngaanyatjarra cultural heritage and impacts on social surroundings. It is assumed that the Ngaanyatjarra Council CHMP reflects the key mitigative measures in which the Ngaanyatjarra People wish to protect cultural heritage and social surroundings at the West Musgrave Project and more generally.  |
| A4 | Intangible direct and indirect impacts                  | The EPA Section 38 Referral to the EPA (OZ Minerals, 2021) recognised that although the reorientation of the Development Envelope to avoid all cultural heritage sites, the presence of the project in the landscape may change the way that Ngaanyatjarra People metaphysically connect to cultural heritage sites nearby to the project and the environment in the immediate areas surrounding the project (i.e. impact to cultural amenity and/or cultural associations). Apart from a no-project option, the impact of changes to people's appreciation of the general landscape (cultural amenity) is challenging to mitigate, and as such will form an inclusion in the Mining Agreement and consent process with the land rights holders, as will other somewhat unavoidable impacts such as visual impacts and normal levels of operational light and noise. |

| ID | Assumptions/Uncertainty                       | Description  |
|----|---|--|
| U1 | Aboriginal Heritage Act, 1972 (WA) amendments | <p>The Government of Western Australia released a draft Aboriginal Cultural Heritage Bill 2020 (the Bill) in September 2020. The Bill has undergone public consultation, and is yet to be finalised.</p> <p>This new legislation is proposed to replace the outdated <i>Aboriginal Heritage Act, 1972 (WA)</i> concluding more than two years of consultation with Aboriginal people, industry representatives, heritage professionals and the Western Australian community.</p> <p>The Bill aims to establish a modern approach to protecting Aboriginal cultural heritage in Western Australia that will reset the relationship between land users and Traditional Owners and transform how Aboriginal cultural heritage is identified, managed and conserved. To date, it is unclear how the revised Bill may impact on regulations under the Social Surroundings Environmental Factor considered by the EP Act, including how it may relate to this CHMP or other management plans regulated under the EP Act process.</p> |
| U2 | Quantification of indirect impacts            | <p>Some uncertainty remains of the degree of impact to potentially groundwater dependent vegetation. General reduction of tree health outside of known cultural heritage sites may be perceived as a potential impact due to the all-encompassing nature of the way Traditional Owners value the landscape. A number of further studies to reduce uncertainties relating to the potential dependence of some vegetation on groundwater, and the degree that vegetation may be impacted has been identified in the groundwater monitoring and management plan (GMMP) that has also been submitted to the EPA.</p>   |
| U3 | Quantification of indirect impacts            | <p>The degree to which the Ngaanyatjarra Traditional Owners feel 'impacted' by indirect impacts and changes to cultural amenity is challenging to quantify and may only be fully understood following development of the project. This uncertainty will be dealt with through the Mining Agreement consent process. Indirect impacts will continue to be considered through adaptive management approaches, which will result in continuous refinement of this management plan in response to stakeholder needs.</p>   |
| U4 | Cultural heritage confidence                  | <p>Ngaanyatjarra Council anthropologists, in consultation with the Traditional Owners, have noted that some of the heritage cleared areas have higher or lower levels of confidence. For example, the Main Development Area (containing mine pits, WRDs, TSFs and process plant infrastructure) have a high degree of confidence due to an extensive history of land disturbance clearances and visitation. However, the Northern Borefield area has a lower degree of confidence around cultural heritage sites. As such, Ngaanyatjarra Council issued cultural heritage survey reports have noted the requirement for further heritage survey activities once further project definition is understood.</p>  |
| U5 | Cultural heritage chance finds                | <p>OZ Minerals, Ngaanyatjarra Traditional Owners and Ngaanyatjarra Council have commissioned several archaeological surveys and cultural heritage surveys within the Development Envelope. The purpose of these surveys was to identify all known cultural heritage sites in the project area. However, it remains possible that previously unknown cultural heritage sites or cultural material may be identified during ground disturbing works, or during ongoing cultural heritage survey work</p>   |

| ID | Assumptions/Uncertainty  | Description  |
|----|--------------------------|--|
| U6 | Mining Agreement process | OZ Minerals and the Ngaanyatjarra Council are presently negotiating a Mining Agreement under the <i>Aboriginal Affairs Planning Authority Act, 1972</i> (WA) and the <i>Native Title Act, 1993</i> (Cth). There exists some uncertainty regarding the relationship between the management actions described in this CHMP and the legislative and negotiated provisions of the Mining Agreement and its associated annexes. To the extent of any inconsistency between the provisions of this CHMP and the Mining Agreement and its associated annexes, the Mining Agreement (once in effect) shall take precedence. Where necessary, any relevant provisions agreed in the Mining Agreement (once in effect) will be incorporated into subsequent revisions of this CHMP to remove any doubt and ensure consistency between the two documents. |

### 1.7.3 Management Approach

The management approaches discussed in this document are based and developed around the mitigation hierarchy of avoidance and minimisation of impacts to potential cultural heritage sites to reduce the potential for impacts to as low as reasonably practicable. Management actions detailed in this CHMP have been specifically designed to ensure the project meets the EPA's objective for Social Surroundings (Section 1.5) as it pertains to potential impacts to cultural heritage, and the broader landscape in which these sites reside (including the degree to which aesthetic and cultural associations may be affected at these sites). The management approaches discussed in this document are based on the following:

- The mitigation hierarchy of avoid and minimise to ensure impacts to the environment have been avoided or reduced to as low as reasonably practicable.
- The Ngaanyatjarra Council CHMP (Appendix A; Ngaanyatjarra Council, 2021) which sets minimum standards for the protection of cultural heritage at the WMP.
- Details relating to pre-clearance surveys and heritage protection as adopted from the Exploration Deed of Agreement with the Ngaanyatjarra People and Ngaanyatjarra Council.
- OZ Minerals' Global Performance Standards, which enable the effective management of material sustainability risks that are common across OZ Minerals including cultural heritage management (Section 1.3).

### 1.7.4 Rationale for Choice of Management Targets

The provisions included in this CHMP are objective-based as they relate to specific management actions.



## 2 MANAGEMENT ACTIONS AND MONITORING

Management objectives, actions and targets focused on achieving the EPA's objective for Social Surroundings as they relate to the protection of cultural heritage sites and the broader landscape in which these sites reside (including the degree to which aesthetic and cultural associations may be affected at these sites) are presented in Table 7. These objectives, actions and targets focus the greatest management effort on project activities that have the highest likelihood of causing adverse impact on potential cultural heritage sites.

**Table 7: Objective-Based EMP for Cultural Heritage**

| EPA Factor: Social Surroundings  |  |  |  |
|--|--|--|--|
| Key Environmental Values: Cultural heritage sites, and to the degree possible the broader landscape in which these sites reside  |  |  |  |
| Key Impacts and Risks:   |  |  |  |
| <ul style="list-style-type: none"> <li>• Direct and unauthorised impacts to cultural heritage sites (e.g. Tjukurrpa sites)</li> <li>• Constrain or otherwise changes the nature of land access to cultural heritage sites or areas of the landscape used for customary uses by Traditional Owners</li> <li>• Indirect impacts to cultural heritage sites through: <ul style="list-style-type: none"> <li>◦ The deposition of unacceptable levels of dust</li> <li>◦ Reduced amenity associated with noise.</li> </ul> </li> </ul>  |  |  |  |
| Management Action  | Management Target(s)   | Monitoring   | Reporting  |
| Management Objective: Avoid and minimise direct impacts to potential cultural heritage sites   |  |  |  |
| <ul style="list-style-type: none"> <li>• Comply with Ngaanyatjarra Council issued cultural heritage survey reports, the Ngaanyatjarra Council CHMP (Version O, 18 October 2021) and this CHMP</li> <li>• All currently identified cultural heritage exclusions zones have been excluded from the Development Envelope and as such direct impacts to these sites will be avoided unless otherwise agreed with the Ngaanyatjarra Council</li> <li>• Unless otherwise agreed with the Ngaanyatjarra Council, heritage sites will be avoided and will be demarcated by Ngaanyatjarra People, by way of invitation to the Ngaanyatjarra Council, or as requested by the Ngaanyatjarra Council. Demarcation will be done using highly visible materials and where necessary physical barriers to avoid disturbance</li> <li>• Prior to the commencement of any clearing works, the Aboriginal Sites and Objects Register will be reviewed by OZ Minerals as part of the LDP process and applied, and a PTW will be sought and issued by the Ngaanyatjarra Council.</li> <li>• OZ Minerals will appoint a Cultural Heritage Management expert for the duration of the project (prior to the commencement of construction until 3 months after the commencement of operations)</li> <li>• As project definition increases, further site-specific cultural heritage surveys will be commissioned through the Ngaanyatjarra Council, to manage any uncertainties, and to ensure cultural associations are maintained and appropriate protection is afforded to cultural heritage sites</li> <li>• The development footprint and land clearance areas will be oriented to avoid archaeological sites where practicable</li> <li>• Convene and resource, on a monthly basis, or unless otherwise agreed with the Ngaanyatjarra Council, the Cultural Heritage Management Decision Making Committee (CHMDC) (Section 3.3.3)</li> <li>• Where cultural heritage survey gaps exist, commission Ngaanyatjarra Senior Knowledge Holders and Traditional Owners, through the Ngaanyatjarra Council, to undertake heritage surveys prior to undertaking works (project works will be oriented around cultural heritage wherever possible)</li> <li>• Implement the Ngaanyatjarra Council's Permit to Work (PTW) procedure. Record compliance within the WMP document control system (Aconex or equivalent)</li> <li>• Project personnel do not undertake activities outside designated work areas (ground disturbing or non-ground disturbing)</li> </ul> | <p>Total project-related land disturbance is to be within the approved Development Envelope and not to exceed the approved area</p> <p>No unauthorised direct impacts to cultural heritage sites including archaeological sites</p> <p>100% compliance with the Ngaanyatjarra Council CHMP, Cultural Heritage Survey Reports and Ngaanyatjarra Council issued PTW (including any requirements for demarcation)</p> <p>Contract provisions for all OZ Minerals contractors will require compliance to this plan, and failure to comply will result in formal contractual consequences</p> <p>Demarcation of cultural heritage sites to be maintained in good order</p> <p>The cultural heritage management expert meets with the NGC General Manager of Culture and Heritage at least once per month.</p> <p>At least four meetings of the CHMDC are held annually, or otherwise as agreed by the CHMDC</p> <p>Representative(s) from OZ Minerals senior executive (CEO and direct reports) and/or members of the OZ Minerals board of directors will meet with the CHMDC and/or Ngaanyatjarra People, the Ngaanyatjarra Council and Ngaanyatjarra Council Board members at least annually.</p> | <ul style="list-style-type: none"> <li>• Annual review of survey data and aerial imagery</li> <li>• All activities undertaken for the project will have an approved PTW or LDP defining allowable work areas before activities commence. Each PTW and LDP will clearly identify the work area and conditions under which the activities can be executed. These conditions will ensure compliance with any directions given in the Mining Agreement (once in effect), Ngaanyatjarra Council issued cultural heritage survey reports and the Ngaanyatjarra Council CHMP</li> <li>• Compile and maintain records of invitation to the Ngaanyatjarra Council, and of Ngaanyatjarra People involvement in the monitoring activities as specified in this CHMP</li> <li>• Annual review of internal land disturbance register and spatial data against exclusion zones and the requirements of Ngaanyatjarra Council issued cultural heritage survey reports</li> <li>• No less than 20% of all issued LDPs will be audited for those years where LDPs are issued</li> <li>• Quarterly reconciliation of cleared areas and Development Envelope against Ngaanyatjarra Council issued cultural heritage survey reports and PTW during construction, and annually thereafter. Reports to provide details of any 'chance finds' and the subsequent actions taken. Reports to be signed off by WMP General Manager. Ngaanyatjarra People, through the Ngaanyatjarra Council, will be invited to participate in the reconciliation actions on fair and reasonable commercial terms.</li> <li>• Joint environmental monitoring (OZ Minerals and Traditional Owners, through the Ngaanyatjarra Council) of the WMP on agreed commercial terms, noting that joint monitoring may sometimes not be possible due to lack of availability of Ngaanyatjarra People.</li> </ul> | <ul style="list-style-type: none"> <li>• Internal Land Disturbance Register</li> <li>• During construction a quarterly report (or similar, to be agreed with the Ngaanyatjarra Council) will be provided to the Ngaanyatjarra Council and CHMDC that includes maps showing cleared areas, PTW under application, PTW under activity, heritage cleared areas (or to be where a clearance request is pending), exclusion zones and cultural heritage sites, the Development Envelope and a list of live and pending tenements.</li> <li>• Quarterly heritage clearance reconciliation reports to be provided to the Cultural Heritage Management Decision Making Committee (CHMDC) (Section 3.3.3) at their monthly meetings, and to the Ngaanyatjarra Council</li> <li>• Mining Rehabilitation Fund (MRF) annual reporting</li> <li>• Register of invitation to the Ngaanyatjarra Council, and of Ngaanyatjarra People detailing numbers of invitations to participate and numbers of people involved with specified monitoring and management activities</li> <li>• Where breaches of these management actions are identified, an incident report will be developed and communicated with the CHMDC and Ngaanyatjarra Council with agreed remedial actions (Section 3.2.7). All incidents, issues and non-compliances will be maintained in a register that will be reviewed by the CHMDC as per the CHMDC standing agenda in Section 3.3.3</li> <li>• A summary of audit numbers will be provided in the WMP Compliance Assessment Report, and a description of any non-conformances to these management actions</li> <li>• Annual WMP Compliance Assessment Report (including a summary of the operation of the CHMDC and any material matters raised as they may be relevant to this CHMP) submitted to the EPA</li> <li>• OZ Minerals will provide the Annual WMP Compliance Assessment Report and all related environmental management and monitoring reports and associated raw data to the Ngaanyatjarra Council at the same time the report is sent to EPA. OZ Minerals will also provide any data and reports to the Ngaanyatjarra Council as reasonably requested by the Ngaanyatjarra Council.</li> </ul> |

| Management Action   | Management Target(s)   | Monitoring  | Reporting  |
|---|--|---|--|
| <ul style="list-style-type: none"> <li>Jointly with the Ngaanyatjarra Council, OZ Minerals will work towards developing and commissioning a geofencing system which ensures that work activities are undertaken within defined PTW areas and away from cultural heritage exclusion zones, unless otherwise agreed with the Ngaanyatjarra Council. Geofencing equipment will be checked as part of daily pre-start inspections and will be fully maintained. The efficacy of the geofencing system will be regularly assessed in consultation with the CHMDC</li> <li>Up to two Ngaanyatjarra People will be invited to be present to monitor work activities when ground is disturbed for the first time, and to help physically demarcate approved work areas prior to the commencement of works. In addition, Ngaanyatjarra monitors will be stationed at land disturbance activities where there is high risk of cultural heritage material, as deemed necessary by OZ Minerals and the Ngaanyatjarra Council, to ensure that clearing and other activities are done in accordance with agreed heritage report requirements, to manage chance finds and to manage other heritage related risks. Monitoring will also be undertaken by Ngaanyatjarra People at other times when reasonably requested by the Ngaanyatjarra Council</li> <li>Design, implement and review (at least annually), with the Ngaanyatjarra Council, a cultural heritage spatial data management system. Cultural heritage exclusion zones, and/or areas considered at high-risk of containing cultural heritage sites, and related obligations, to be maintained in this spatial data management system for use in infrastructure design, layout planning, construction and operation</li> <li>Should removal or destruction of archaeological and/or other cultural heritage sites be required it will be done in accordance with the wishes of the relevant Traditional Owners, the approval of the Ngaanyatjarra Council and in accordance with the WA Aboriginal Heritage Act (or as updated)</li> </ul> | <p>Ngaanyatjarra People, through the Ngaanyatjarra Council, are invited to monitor all WMP work activities when ground is disturbed for the first time (unless otherwise agreed between OZ Minerals and the Ngaanyatjarra Council)</p> <p>Ngaanyatjarra People will be invited to participate in heritage and environmental monitoring on fair and reasonable commercial terms.</p> <p>Where specified in this plan, OZ Minerals will facilitate Ngaanyatjarra People invitations to undertake monitoring.</p> | <ul style="list-style-type: none"> <li>Quarterly physical inspections, and or by other means, of the Development Envelope boundary, cultural heritage exclusion zones and cultural heritage site boundaries by Traditional Owners and the Ngaanyatjarra Council, arranged through the Ngaanyatjarra Council and resourced by OZ Minerals, unless otherwise agreed between the Ngaanyatjarra Council and OZ Minerals.</li> <li>Review of any changes to, or non-compliances with, the WMP Heritage Commitments, Compliance and Obligations Table to be undertaken at each CHMDC meeting. This table will be jointly established by the Ngaanyatjarra Council and OZ Minerals</li> <li>OZ Minerals and the Ngaanyatjarra Council will audit WMP compliance with Ngaanyatjarra Council issued PTW conditions during and at the completion of the authorised works.</li> <li>The CHMDC will discuss and monitor the effectiveness of the Management Actions (Table 7) and Mitigations (Table 5) and discuss and record lessons learned to support improved cultural heritage management practice across the life of the WMP. This will be a standing agenda item of the CHMDC.</li> </ul> | <ul style="list-style-type: none"> <li>Ngaanyatjarra Council may also provide a report to the EPA pertaining to the operation of the Ngaanyatjarra Council's CHMP (however, it is noted that this is outside of the EPA's regulatory compliance requirements)</li> <li>Review and document the status of implementation of the indirect impact mitigation measures until such time as all the committed mitigation measures have been implemented or are otherwise considered no longer relevant by the Ngaanyatjarra Council</li> </ul> |
| <ul style="list-style-type: none"> <li>Implement a 'chance find' procedure (will form a condition of LDPs), developed and agreed with the Ngaanyatjarra Council, and managed within the WMP document control system prior to construction commencement and through all project phases thereafter (Aconex or equivalent). The purpose of the chance find procedure is to outline the process that must be followed by OZ Minerals in the event of discovery of cultural heritage material (including skeletal remains) during or immediately prior to land disturbance activities</li> </ul>   | <p>Minimise direct impacts on yet to be identified cultural heritage sites (i.e., chance finds)</p>  |   |  |
| <b>Management Objective: Maintain access to cultural heritage sites, or areas of the landscape used for customary uses by Traditional Owners</b>  |  |   |  |
| <ul style="list-style-type: none"> <li>In collaboration with Traditional Owners and the Ngaanyatjarra Council enable safe, timely and ongoing access through OZ Minerals tenements for Ngaanyatjarra People. This will include the establishment of new access tracks, facilitating access for Ngaanyatjarra People through the Development Envelope and ensuring that Ngaanyatjarra People can expeditiously (within 60 minutes) open (or have opened for them) locked gates and areas that require access passes, if safe to do so</li> <li>Ngaanyatjarra Access Plan will be jointly drafted and implemented with the Traditional Owners and Ngaanyatjarra Council</li> <li>OZ Minerals will, on request from the Ngaanyatjarra Council, facilitate access to the Development Envelope and project area for Ngaanyatjarra Council staff and Ngaanyatjarra People subject to reasonable health and safety requirements</li> <li>During closure planning, access considerations will be undertaken jointly with Traditional Owners, through the Ngaanyatjarra Council.</li> </ul>  | <p>Agreed access plan with the Ngaanyatjarra People, through the Ngaanyatjarra Council, and compliance with that plan. Ngaanyatjarra Access Plan to be agreed prior to the commencement of construction activities</p>   | <p>As-built track observation</p> <p>The CHMDC will monitor the implementation of the Ngaanyatjarra Access Plan as a standing agenda item</p>   | <ul style="list-style-type: none"> <li>WMP Compliance Assessment Report</li> <li>Where breaches of management actions relating to access are identified, an incident report will be developed and communicated with the CHMDC and Ngaanyatjarra Council with agreed remedial actions (Section 3.2.7). All incidents, issues and non-compliances relating to access will be maintained in a register that will be reviewed by the CHMDC as per the CHMDC standing agenda in Section 3.3.3</li> </ul>                                      |

| Management Action  | Management Target(s)  | Monitoring  | Reporting  |
|--|---|---|--|
| <ul style="list-style-type: none"> <li>Alternate tracks will be developed jointly with Traditional Owners and the Ngaanyatjarra Council to ensure that access to sites, and movement through the landscape remains as uninhibited as possible, noting that some Traditional Owners have nominated specific locations for alternative access tracks</li> </ul>  |   |   |  |
| <b>Management Objective: Avoid and minimise indirect impacts to potential cultural heritage sites</b>  |   |   |  |
| <ul style="list-style-type: none"> <li>Implement the mitigation measures for indirect impacts to cultural heritage sites detailed in Table 5</li> </ul>  | Implementation of the indirect impact mitigation and management measures described in Table 5   | Review and document the status of implementation of the indirect impact mitigation measures until such time as all the committed mitigation measures have been implemented or are otherwise considered no longer relevant by the Ngaanyatjarra Council.   | A summary of the outcomes of the review is to be provided in the WMP Compliance Assessment Report  |
| <b>Management Objective: Increase project team cultural awareness and of the requirements for cultural heritage protection at the West Musgrave Project</b>  |   |   |  |
| <ul style="list-style-type: none"> <li>Deliver a site induction package to all persons working on or visiting the WMP, that addresses key requirements of this CHMP, that has been developed with and agreed by the Ngaanyatjarra Council, and has been recorded within the WMP document control system (Aconex or equivalent)</li> <li>Implement a site induction package that addresses key requirements of this CHMP</li> <li>Develop a cultural awareness package that addresses key requirements of this CHMP, and other elements that contribute to cultural competency of WMP workforce, that has been developed with and agreed by the Ngaanyatjarra Council, and has been recorded within the WMP document control system (Aconex or equivalent)</li> <li>Implement a cultural awareness training program for all permanent workforce and regular visitors to the WMP (Note: permanent is defined for the purpose of this management plan as a person (employee or contractor) that attends site more than three times, or plans to reside onsite for a period of greater than three months)</li> <li>OZ Minerals will invite Ngaanyatjarra People, through the Ngaanyatjarra Council, to deliver the cultural awareness package, and the cultural heritage aspects of the site induction package. When that invitation is accepted, OZ Minerals will pay reasonable costs for Ngaanyatjarra People or Ngaanyatjarra Council representatives to deliver these packages</li> <li>OZ Minerals, with the Ngaanyatjarra Council, will jointly develop and implement a cultural heritage communication and information plan (unless otherwise agreed). This plan will (but not be limited to) establish points of contact and communication in the Ngaanyatjarra Council and OZ Minerals, what sort of information will be communicated and shared between OZ Minerals, the Ngaanyatjarra Council and Ngaanyatjarra People, methods and styles of communication, roles and responsibilities</li> </ul> | <p>All project personnel remain within designated cleared areas as defined in Ngaanyatjarra Council issued cultural heritage survey reports and PTW</p> <p>Ngaanyatjarra People to be invited to participate in the delivery of the heritage management aspects of site inductions, cultural awareness training and deliver those aspects of the induction and the cultural awareness training (subject to fair and reasonable commercial terms). Cultural awareness training and cultural induction program to commence prior to the commencement of operations</p> <p>All permanent workforce and regular visitors to the WMP receive cultural awareness training and cultural induction</p> <p>Build cultural awareness within project personnel</p> <p>No breaches of this CHMP</p> | <ul style="list-style-type: none"> <li>Induction records confirm that all personnel are inducted prior to the commencement of site-based work, for all persons attending the WMP</li> <li>Training records confirm that all permanent workforce, which includes employees, contractors, and sub-contractors associated with the WMP have undertaken the cultural awareness training program within six (6) months of commencement of employment at WMP</li> </ul> <p>Note: permanent is defined for the purpose of this management plan as a person that attends site more than three times, or plans to reside onsite for a period of greater than three months.</p> | <ul style="list-style-type: none"> <li>A summary of the number of people who have undertaken site inductions and the cultural awareness training will be provided in the annual WMP Compliance Assessment Report</li> <li>A summary of number of people who are eligible to undertake site inductions and the cultural awareness training, relative to the number of people who have undertaken the inductions and training will be provided to Ngaanyatjarra Council on a quarterly basis or as reasonably requested</li> </ul> |
| <b>Management Objective: Provide a mechanism to allow for community feedback relating to any issues, complaints and grievances</b>   |   |   |  |
| An issues, complaints and grievance system shall be developed to assist with documenting, investigating and responding to complaints made by community groups and stakeholders, and all stakeholder issues and concerns will be proactively addressed  | <p>To acknowledge receipt of any feedback within two days of receiving the feedback</p> <p>To provide a response within two weeks to the community group or stakeholder providing the feedback</p>  | The CHMDC will review the issues, complaints and grievance system as a standing agenda item   | A summary of the outcomes of the review is to be provided in the WMP Compliance Assessment Report  |

### 3 METHODS FOR HERITAGE SURVEYS AND CULTURAL MANAGEMENT STRATEGIES

This CHMP, required to support assessment under the EP Act has adopted provisions from both the Ngaanyatjarra Council CHMP (Ngaanyatjarra Council, 2021), and the Exploration Deed of Agreement with the Ngaanyatjarra People to ensure appropriate cultural heritage protection, including:

- The adoption of the overarching Golden Rules for heritage protection (Section 1)
- The expectation of a register of sites (Section 3.2.1)
- Continued use of the LDP and PTW system (Section 3.2.2)
- The invitation of, and use of, Ngaanyatjarra cultural heritage monitors during first disturbance activities and otherwise as required by OZ Minerals and/or the Ngaanyatjarra Council (Section 3.2.3, Table 5 and Table 7)
- Protocol for chance finds and skeletal remains (Section 3.2.4)
- Details of induction and cultural awareness programs (Section 3.2.5)
- Considerations for demarcation of sites (Section 3.2.6)
- Processes for incident reporting and management (Section 3.2.7)
- Definitions of accountability for this plan (Section 3.2.8)
- The development and maintenance of a compliance register (Section 3.2.9)
- Information management and record keeping (Section 3.2.10)
- Process for continuous improvement (through adaptive management) (Section 3.2.11)
- Where impacts cannot be avoided, offsets or cultural maintenance activities may be enacted (Section 3.2.12)
- A process for ongoing consultation based on regular, transparent and open communications (Section 3.3)
- Process for CHMP audit and evaluation (Section 4.1)
- Process for review of this CHMP (Section 4.2).

The following sections outline methods for pre-clearance surveys and other cultural heritage management as described above.



### 3.1 Methods for Pre-Clearance Surveys

A process for pre-clearance has been identified in the existing Exploration Deed of Agreement. While these pre-clearance conditions relate substantially to exploration works the key requirements for pre-clearance surveys detailed in the Exploration Deed of Agreement may form the basis for heritage protections that will be contemplated in the Mining Agreement. A revision to this CHMP will be made following the completion of the Mining Agreement to include any changes or updates to this process. A summary of pre-clearance survey requirements from the Exploration Deed of Agreement are provided below:

- To protect areas of significance, OZ Minerals must request clearance from the Ngaanyatjarra Land Council before proceeding with any works (which have not already been screened and cleared for a particular activity). The form of the request to the Ngaanyatjarra Land Council would come in the form of a formal heritage request, and must include:
  - Maps, plans and photographs where appropriate
  - Proposed means of access and locations of access for people and equipment
  - The location where work will be conducted and an estimated timeframe, scope and techniques to undertake the activity
  - The items of equipment to be used
  - Details of the location, and structures that may be erected
  - The identity of any contractors that may be used and minimum and maximum numbers of people to be involved, including their roles.
- Following the receipt of notice, the Ngaanyatjarra Land Council and OZ Minerals will undertake (at an agreed expense covered by OZ Minerals) the organisation and implementation of a screening/clearance program by the Scouting Team of the required areas.
- The tasks of the scouting team may include:
  - Determine whether proposed activities are likely to damage, disturb or encroach upon or interfere with areas of significance
  - Provide OZ Minerals advanced warning to enable relocation of work areas to avoid sites of significance
  - To make every reasonable endeavour to proceed with the work at a rate that will avoid standby.
- The scouting team shall consist of the following:
  - Two anthropologists employed or engaged by the Ngaanyatjarra Land Council and agreed to by OZ Minerals
  - A liaison officer engaged by the Ngaanyatjarra Land Council
  - Four male and four female Traditional Owners (total of eight); or as otherwise agreed between the parties

- The supervising anthropologist shall be responsible for the coordination of the scouting team.
- OZ Minerals shall appoint a representative to work in association with the scouting team, whose duties include:
  - Accompanying the scouting team to the proposed work areas
  - Identifying the relevant work area locations
  - Providing suitable maps of proposed work areas
  - Relocating infrastructure as needed to avoid significant areas
  - Communicate with the Ngaanyatjarra Land Council's supervising anthropologist.
- The Ngaanyatjarra Land Council's appointed supervising anthropologist's duties include:
  - Identifying appropriate Traditional Owners to accompany the scouting team.
  - Coordinate the work of the scouting team
  - Mark-up all sets of maps so that work areas cleared, or not cleared are designated
  - Act as a point of contact to the OZ Minerals representative.
- OZ Minerals must direct any variations to plans to the Ngaanyatjarra Land Council appointed supervising anthropologist.
- Upon completion of screening and clearance of work areas, or any part thereof by the scouting team and notification by the Ngaanyatjarra Land Council, OZ Minerals are entitled to commence operations without being required to obtain any further clearance, unless further modifications to the cleared area are required (in which case a variation to the heritage clearance request must be issued to the Ngaanyatjarra Land Council).
- Where a work area, or part thereof has been screened or cleared subject to compliance with conditions specified by the Ngaanyatjarra Land Council, OZ Minerals may only conduct activities in accordance with these conditions.
- Within seven days of the completion of the scouting tour the Ngaanyatjarra Land Council will notify OZ Minerals in writing by providing maps, indicating the scouting team's decision concerning acceptability or otherwise of the proposed locations of activities. This notification should be countersigned by an OZ Minerals representative. The notification will specify the proposed locations which have been screened and cleared for use by OZ Minerals and any conditions of use.
- OZ Minerals shall not carry out activities on any part of the Lands unless:
  - Within a defined work area screened and cleared by the scouting team
  - Until notification has been received relating to the screening and clearance, and
  - In accordance with the conditions (if any) included in the notification.
- OZ Minerals shall be absolutely entitled to rely on the clearances notified by the Ngaanyatjarra Land Council.

- Neither the Ngaanyatjarra Land Council nor any member of the scouting team are required to disclose to OZ Minerals the actual locations of areas of significance or any associated cultural information relating to an area of significance.

### **3.2 Cultural Heritage Management Strategies**

While the above identified pre-clearance surveys (Section 3.1) have provided a fair and reasonable framework for the identification and protection of areas of significance, a number of other cultural heritage management strategies have been defined to further reduce conflict in relation to the potential impacts to areas of significance during the construction and implementation of the project, these are detailed in Sections 3.2.1 to Section 3.2.12.

#### **3.2.1 Register of Sites**

In collaboration with relevant cultural heritage custodians and Ngaanyatjarra Council, a register of identified tangible cultural heritage features and intangible cultural heritage features and values within the project area will be developed and maintained. This register will be the primary source of consideration when undertaking Land Disturbance Permitting.

#### **3.2.2 Land Disturbance Permit and Permit to Work Process**

The Permit to Work (PTW) and Land Disturbance Process (LDP) will be implemented as layers of protection to control individual activities and disturbance activities associated with the construction and operation of the project. The primary goal of these activities is to minimise the possibility of impacts to cultural heritage and environmental values. The following provides a summary of these two processes:

- The PTW process is a process implemented by the Ngaanyatjarra Council and is required prior to any proposed activity (either non-land disturbing or land disturbing) to define work areas and set conditions of entry to work areas to protect cultural heritage. The PTW process is a critical control to ensure that all work remains within known areas and avoids inadvertent impact on cultural heritage. No work can be undertaken at the WMP without an approved PTW. The Ngaanyatjarra Council Land and Culture function as the PTW issuer. Any breach of the PTW process will be investigated, and where negligence is identified disciplinary action will occur. Further details of the PTW process can be found in the Ngaanyatjarra Council's CHMP (Appendix A).
- The LDP is a process implemented by OZ Minerals to control land clearing activities, ensure that clearing activities are within defined boundaries and to apply specific environmental and cultural heritage conditions relating to proposed land clearing activities. Prior to a proposed land disturbing activity, an LDP is issued to OZ Minerals. OZ Minerals reviews the proposed clearance against environment and heritage conditions and sets specific condition boundaries for the proposed clearance activity along with any conditions that must be applied as a part of the proposed clearance.



Any breach of the LDP will be investigated and where negligence is identified disciplinary action may occur.

Land disturbance activities will be regularly audited to ensure compliance with the PTW and LDP conditions. This will be especially so in areas with lower levels of confidence or closer proximity to known cultural heritage sites.

### 3.2.3 Ngaanyatjarra Monitors

OZ Minerals will implement all of the mitigations, actions, monitoring, management targets and reporting pertaining to monitoring as described in Table 5 and Table 7.

Up to two monitors will be invited to be present when ground is disturbed for the first time, and to help physically demarcate approved work areas prior to the commencement of works. In addition, Ngaanyatjarra monitors will be stationed at land disturbance activities where there is high risk of cultural heritage material, as deemed necessary by OZ Minerals and the Ngaanyatjarra Council, to ensure that clearing and other activities are done in accordance with agreed heritage report requirements, to manage chance finds and to manage other heritage related risks (see Table 7). The Ngaanyatjarra Council CHMP has acknowledged that this monitoring may be impractical to implement due to the availability of Ngaanyatjarra People to perform these duties and other constraints. As such, while there is strong intent to implement this monitoring program, the involvement of Ngaanyatjarra monitors is not a strict compliance requirement, however, inviting Monitors to attend is expected.

Monitors will be arranged through the Ngaanyatjarra Council's Land and Culture Manager to ensure appropriate persons are selected and used for this work.

### 3.2.4 Chance Find Protocol (Including Skeletal Remains)

Through the course of land disturbance activities, sites that have not been previously identified in organised cultural heritage surveys may be encountered or become exposed through the process of excavation. These may include artefacts, skeletal remains or other manifestations of the Tjukurrpa. To minimise potential conflict with such sites a chance find protocol will be developed and implemented with the Ngaanyatjarra Council. The chance find protocol is likely to include the following provisions:

- Define the types of sites that may be encountered through the process of clearing and ensure that this is included in the site induction and cultural awareness program.
- The process to follow if a potential new cultural heritage sites are identified in the course of work. Nominally, this process will include:
  - All work in the immediate vicinity of the remains will cease until further notice, and the OZ Minerals representative will be notified immediately who will issue a Stop Work Order.

- The OZ Minerals representative will notify the Ngaanyatjarra Council immediately.
- Efforts to protect the remains will be made. Note that the site should not be interfered with or disturbed further, and buffer zones or temporary barriers will be established.
- Work may continue at a reasonable distance from the site as determined by the Ngaanyatjarra Council and OZ Minerals.
- All workforce at the site will be advised that it is an offence to damage sites or interfere with human remains.
- Where necessary local Police/Coroner's office will be notified (i.e., in the event that the identified chance find consists of human remains).
- A process for resolution will then be agreed between the Ngaanyatjarra Council and OZ Minerals, including written permission to re-commence with operations.
- Ngaanyatjarra cultural heritage monitors will be invited to be present when ground is disturbed for the first time and when otherwise agreed between OZ Minerals and the Ngaanyatjarra Council.
- Should a cultural heritage site be identified by chance, reviews of infrastructure design and location will be undertaken in consultation with the Ngaanyatjarra Council with the objective of avoiding or otherwise minimising direct impacts where possible.

### 3.2.5 Training and Competency

A cultural induction program and a cultural awareness program will be developed to:

- Clearly specify the requirements of this CHMP and its role in the protection cultural heritage sites, and the consequences of non-compliance to this plan
- Build an increased cultural awareness of the Ngaanyatjarra People and the land to which the project resides.

A Cultural Induction Program will be delivered to all workforce attending the WMP. The content of the cultural awareness training will nominally include:

- The significance of cultural heritage to Ngaanyatjarra stakeholders
- Relevant cultural heritage legislation
- Obligations under this CHMP and Mining Agreement (once in effect), specifically their responsibilities regarding the protection of identified cultural heritage sites and chance finds
- Types of cultural heritage objects and how to identify them
- Procedures for reporting new cultural heritage sites and objects.

A Cultural Awareness Training program will be delivered to all members of the workforce associated with the WMP. The content of the cultural awareness training will be developed and delivered in consultation with the appropriate knowledge holders, nominally the Cultural Awareness Program will include:

- Cultural awareness
- The significance of cultural heritage to Ngaanyatjarra stakeholders
- Relevant cultural heritage legislation
- Obligations under this CHMP and Mining Agreement (once in effect), specifically their responsibilities regarding the protection of identified cultural heritage sites and chance finds
- Types of cultural heritage objects and how to identify them
- Procedures for reporting new cultural heritage sites and objects
- A broader understanding of Aboriginal history and the impacts of colonisation, historical legislation and key events that have impacted on Aboriginal societies.

OZ Minerals recognise the importance of Ngaanyatjarra People's role in communicating how they want their cultural heritage and culture managed as such Ngaanyatjarra People will be invited to participate in the delivery of cultural awareness training (subject to fair and reasonable commercial terms).

Specific management actions pertaining to cultural inductions and cultural awareness are detailed in Table 5 and Table 7. OZ Minerals will implement all of the mitigation actions, management actions, management targets, monitoring and reporting pertaining to site inductions and cultural awareness training as described in Table 5 and Table 7.

### **3.2.6 Demarcation of Sites**

**Work Areas:** Physical demarcation (where necessary) of work sites will take the form of installing visible markers at regular intervals, so that the boundary of approved work areas can be easily ascertained, and to ensure that no encroachment into identified cultural heritage exclusion zones occurs.

**Identified Cultural Heritage Sites:** In-field demarcation of cultural heritage sites and places of high cultural value will only be demarcated in accordance with the wishes of Traditional Owners (and as documented in Ngaanyatjarra issued cultural heritage survey reports), or upon advice from relevant Traditional Owners or knowledge holders.

### **3.2.7 Incidents, Issues, Complaints and Grievance**

In the event of a non-compliance with the requirements of this CHMP or legitimate complaint from a Ngaanyatjarra community member the following incident investigation process will be implemented:

- The OZ Minerals representative will notify the Ngaanyatjarra Council (nominally the General Manager for Land and Culture) as soon as reasonably possible with details of the incident or complaint (within 12 hours)

- Depending on the seriousness of the incident or claim, OZ Minerals and the Ngaanyatjarra Council may jointly investigate the incident (a decision to be confirmed by Ngaanyatjarra Council; nominally the General Manager for Land and Culture)
- Where required, OZ Minerals and the Ngaanyatjarra Council will jointly investigate the incident within 48 hours and a report will be issued within 60 hours of receiving the initial incident notification
- The progress of the investigation will be communicated on a daily basis to other people as nominated by the Ngaanyatjarra Council and OZ Minerals
- Immediately after issuing the investigation report, corrective actions will commence to improve processes to mitigate the risk of another incident
- If negligence or purposeful misconduct is identified through the incident investigation disciplinary action may be taken
- In addition, an issues, complaints and grievance system shall be developed to assist with documenting, investigating and responding to complaints made by community groups and stakeholders, and all stakeholder issues and concerns will be proactively addressed.

### **3.2.8 Accountability**

The accountability for the implementation of this CHMP resides with OZ Minerals Chief Operating Officer.

OZ Minerals workforce must adhere to and will be held accountable for their compliance with the requirements of this CHMP. The requirements of this CHMP will form flow-down provisions in all third-party contracts for contractors working at the WMP.

### **3.2.9 Compliance Register**

OZ Minerals will maintain a compliance register detailing all legislative, contractual and corporate governance obligations that OZ Minerals has made in relation to cultural heritage management, this will include (but not limited to) any requirements stipulated in a Ministerial Statement relating to this CHMP, any regulatory conditions associated with subsequent mining approvals, the future Mining Agreement (and associated annexes, including the Ngaanyatjarra Council CHMP) and any other recommendations made in cultural heritage surveys that are signed and countersigned by relevant parties.

### **3.2.10 Information Management**

OZ Minerals can only rely on data pertaining to cultural heritage (site locations and cultural heritage survey boundaries) supplied by the Ngaanyatjarra Council's General Manager for Land and Culture, or other delegate, as approved by the Ngaanyatjarra Council CEO). This is particularly true for information and data concerning areas that are 'cleared' for work and 'not cleared' for work.

Geospatial data and other information pertaining to the location of exclusion zones and areas cleared for work will be maintained and document controlled in a document control system (Aconex or equivalent). All data generated as part of this CHMP will also be document controlled in a document control system (Aconex or equivalent).

It is noted that data pertaining to cultural heritage is of a confidential nature, and as such will only be made available to nominated persons within OZ Minerals who have signed confidentiality statements.

### **3.2.11 Continuous Improvement**

OZ Minerals recognises that Ngaanyatjarra Traditional Owners and traditional knowledge holders maintain a deep, and serious cultural obligation to care for country and to protect cultural heritage sites. At this relatively early stage of the project, it may be hard for Traditional Owners to fully grasp the magnitude of change and their personal response to this change. As such, a program of ongoing consultation has been proposed to ensure the rights and interests of Traditional Owners are regularly considered, and that an adaptive management approach to the management of potential risks to cultural heritage sites is taken.

### **3.2.12 Support for Cultural Maintenance Activities**

OZ Minerals acknowledges that the presence of the project in the landscape may change the way people relate to the cultural landscape in proximity to the WMP, and as such has the potential to impact People's relationship to the landscape, for example, changes to cultural amenity and/or cultural associations. It is recognised that if the WMP is to be developed, there is little that can be done to directly avoid or manage these 'cultural amenity and cultural association' impacts, and as such they would need to be compensated through support programs that may seek to maintain cultural connections and/or maintenance of nearby sites. Compensation and offset provisions to manage impacts to cultural amenity and cultural associations will be further developed as part of the Mining Agreement process between the Traditional Owners, the Ngaanyatjarra Council and OZ Minerals.

## **3.3 Framework for Ongoing Consultation**

The consultation framework relating to this CHMP is predicated on a co-operative and collaborative approach to cultural heritage management and protection. The consultation framework follows the following principles:

- Engagement with Ngaanyatjarra People is culturally fit for purpose and in accordance with the relevant social norms of the community

- Where requested by the Ngaanyatjarra People and/or the Ngaanyatjarra Council, accurate and relevant information in relation to the project's activities are provided in a timely manner, including when reasonably requested
- The Ngaanyatjarra People are involved in decision-making processes on issues that may impact them and the management and protection of tjukurrpa, cultural heritage and country more broadly. The Ngaanyatjarra Council will be consulted with on matters relating to the implementation of the CHMP
- All Ngaanyatjarra People and other stakeholder issues and concerns are proactively addressed
- An issues, complaints and grievance system shall be developed to assist with documenting, investigating, and responding to complaints made by community groups and stakeholders.

The framework for ongoing consultation will also be in accordance with the mitigation actions and management actions outlined in Table 5 and Table 7, respectively.

### **3.3.1 General**

Consultation is undertaken with relevant stakeholders, including but not limited to regulatory authorities, Ngaanyatjarra People and the Ngaanyatjarra Council throughout the project. Consultation prior to the commencement of development is aimed at identifying all cultural heritage values and concerns so that they can be considered during the planning process. Consultation during and upon completion of the WMP seeks to inform stakeholders of outcomes and to gather feedback on the process to inform adaptive management processes (Section 4).

OZ Minerals recognises, as a key principle within this CHMP, that Ngaanyatjarra People have significant knowledge to contribute to cultural heritage management and protection for the WMP, and as such OZ Minerals will always seek to involve the Ngaanyatjarra People and the Ngaanyatjarra Council in decision making pertaining to the protection and management of cultural heritage and Country. OZ Minerals will provide ongoing, regular and timely communication to the Ngaanyatjarra People and Ngaanyatjarra Council about the WMP.

### **3.3.2 Consultation Register**

A consultation register will be maintained to record specific consultation activities relating to cultural heritage protection, incidents or otherwise. This consultation register will include details of consultation activities undertaken, details of people consulted, details of consultation outcomes and any actions that arose as a result of that consultation event. The consultation register will likely form part of the 'incidents, issues, complaints and grievances' system and be reviewed at CHMDC meetings as described Section 3.3.3.

### 3.3.3 CHMP Consultation

The key objective of consultation relating to this plan is:

*Regular, open and transparent communication between relevant stakeholders (namely the Ngaanyatjarra People) and OZ Minerals pertaining to the management and protection of culture and heritage and the implementation of the CHMP to facilitate 'continuous improvement.'*

Central to consultation relating to this CHMP is the establishment of the CHMDC or equivalent containing relevant stakeholders. One role of the CHMDC will be to ensure the regular flow of information pertaining to the implementation of the CHMP (and other matters). The CHMDC will meet monthly unless otherwise agreed. In the event of a serious breach of the provisions of this CHMP, an emergency meeting of the CHMDC will be called.

Consultation with CHMDC and other Ngaanyatjarra stakeholders to this CHMP will occur both at key milestones and at a schedule agreed by the CHMDC throughout the life of the project. These milestones include:

- Change of project phases (construction, operations and closure)
- At an ongoing schedule to be agreed by the CHMDC (and as defined in the Mining Agreement (once in effect))
- Ongoing through the incidents, issues, complaints and grievances process.

Reporting of consultation outcomes will include:

- A record of meeting minutes of meetings relating to this CHMP
- Annual reporting to the Board of the Ngaanyatjarra Council by the CHMDC regarding the status of this CHMP
- The incidents, issues, complaints and grievance register
- All consultation records will be recorded in a document management system (e.g., Landfolio Land Management System, or equivalent).

A nominal standing agenda for CHMDC Meetings relating to the management of cultural heritage (including this plan) includes:

- Apologies, confirmation of attendees, confirmation of minutes
- Health and safety
- Action review
- Review of LDPs issued, status etc.
- Chance finds, discovery of potential skeletal remains, Tjukurrpa event
- Incidents, breaches, concerns raised (including emerging environmental concerns, including the potential for compliance breaches)

- Review of Ngaanyatjarra Access Plan
- Compliance register review
- Confirmation of actions arising, allocation of tasks and due dates
- Other business
- Next meeting.

The membership of the CHMDC may include:

- Senior Ngaanyatjarra cultural knowledge holders/traditional owners for the WMP area.
- OZ Minerals most senior on-site manager,
- OZ Minerals most senior on-site community relations advisor/manager,
- Ngaanyatjarra Council General Manager Land and Culture (Ngaanyatjarra Council) and/or Ngaanyatjarra Council Principal Anthropologist (Ngaanyatjarra Council)



## 4 ADAPTIVE MANAGEMENT

### 4.1 Overview

Adaptive management is a systematic approach to improving environmental results and management practices during project implementation through the application of learning from monitoring of management actions, and consultation with relevant stakeholders. Specifically, adaptive management in relation to this CHMP includes:

- Defining the risks and management objectives, and developing the CHMP to address these (i.e. this document)
- Implementing the management actions described in this CHMP (Section 2)
- Monitoring and evaluating the applied management and mitigation against the outcomes and objectives, and in collaboration with relevant stakeholders (as per the monitoring program outlined in Section 2)
- Adjusting the management actions and monitoring (if required) to meet the outcome or objective, based on what is learnt from:
  - evaluation of monitoring data
  - evaluation of the effectiveness of applied mitigation measures
  - review of assumptions and uncertainties
  - review of stakeholder feedback (including incidents and complaints)
  - re-evaluation of risk assessment
  - external changes during the life of the project (e.g. technical advances or innovation, additional cultural heritage discoveries, changes in project scale or configuration etc.).

### 4.2 Cultural Heritage Management Plan Review

This CHMP will be reviewed annually (unless otherwise agreed by the CHMDC) following the signing of the Mining Agreement and prior to moving between project phases e.g. construction, operations and closure. This CHMP may also be reviewed should any of the following occur:

- Change of project phase e.g., construction to operation, and operations to closure
- If a significant incident occurs related to the protection of cultural heritage
- If the CHMDC request that a review is undertaken due to a relevant concern (subject to the outcomes of an incident/complaint investigation)
- Following completion of the Ngaanyatjarra Council's Cultural Geography Project

- If relevant State or Commonwealth legislation or policy requirements are updated or amended in relation to Aboriginal Heritage
- If the project scale and/or configuration changes in such a way that it materially changes the existing risk profile of the project and/or introduces additional potential impacts not previously considered/assessed.

Any changes to this CHMP will involve consultation with the Ngaanyatjarra Council and may require approval from the EPA.

### **4.3 Independent Peer Review**

Where requested by the CHMDC this CHMP will be independently audited or peer reviewed to validate the effectiveness of this CHMP, and to make suggestions for improvement within the scope of the EP Act.

## 5 STAKEHOLDER CONSULTATION

### 5.1 Consultation Outcomes

Extensive consultation has been undertaken as part numerous cultural heritage surveys with the Ngaanyatjarra Traditional Owners and the Ngaanyatjarra Council, of the Section 38 Referral under Part IV of the EP Act, and as part of ongoing discussions relating to a Mining Agreement with the Ngaanyatjarra People. Details of these consultations are provided in Section 3, Section 6.1.3, Appendix A4 and Appendix A5 of the EPA Section 38 Referral (OZ Minerals, 2021).

Through consultation with Traditional Owners and the Ngaanyatjarra Council, the following areas were identified as areas of concern to Ngaanyatjarra People relating to cultural heritage management. These matters have been specifically considered in this CHMP:

- The proposed mine is surrounded by areas with high ethnographic significance, including sites that form part of dreaming trails, waterholes, important stands of trees and isolated outcrop features. Direct and indirect impacts to these sites are recognised as a critical concern, including indirect impacts associated with project-generated dust, groundwater drawdown or change in surface water flows.
- Change and restriction of access to the land as a result of mining activities, in particular restricted access to sites of high ethnographic significance, hunting areas and to allow for ritualistic cultural maintenance activities. The change of access to country has the potential to interrupt the transfer of knowledge and cultural associations which are integral to the Traditional Owners carrying out their duties as the custodians of the land.
- Three consultation activities between an independent archaeologist, the Ngaanyatjarra Council and Ngaanyatjarra People. The views and appreciation of these archaeology sites was recorded by both the Ngaanyatjarra Council and an independent archaeologist report. Further consultations relating to archaeology sites as they pertain to the Mining Agreement (once in effect) and any requirements of the AH Act will be ongoing.

The Ngaanyatjarra Council, in their role as Agent for the Ngaanyatjarra People, has provided significant feedback and input to this CHMP, . All relevant feedback, as it pertains to the requirement of the EPA, has been considered and incorporated into the development of this CHMP. Ngaanyatjarra Council input included:

- A review of the Section 38 referral prior to submission to the EPA.
- Multiple conversations with the Ngaanyatjarra Council relating to the content of this CHMP.
- A review of this CHMP prior to submission to the EPA.

- A review and comments to the EPA during the three-week public consultation period.
- A review of this CHMP following amendments made during the EPA public consultation period to the EPA.

A specific register relating to consultation events relating to this CHMP is provided in Appendix C.

## 6 UPDATES TO THE EMP

This section is not applicable to the first version of the CHMP but will be updated in future revisions. Updates to the CHMP will be conducted jointly with the Ngaanyatjarra Council.

## 7 GLOSSARY OF TERMS

| Term                              | Definition   |
|-----------------------------------|--|
| AAPA Act                          | <i>Aboriginal Affairs Planning Authority Act, 1972 (WA)</i>  |
| ACMC                              | Aboriginal Cultural Material Committee. Established under the <i>Aboriginal Heritage Act, 1972 (WA)</i> . The ACMC advises the Minister for Indigenous Affairs on matters relating to Aboriginal cultural heritage   |
| AH Act                            | <i>Aboriginal Heritage Act, 1972 (WA)</i>  |
| Areas of Significance             | An area of land according to aboriginal tradition is of cultural, social or spiritual significance to Aboriginal persons and includes land that, under law of the Commonwealth or Western Australia is registered or declared as being of cultural, social or spiritual significance to Aboriginal Persons according to Aboriginal Tradition |
| CHMDC                             | Cultural Heritage Management Decision Making Committee   |
| CHMP                              | Cultural Heritage Management Plan  |
| Cultural Heritage Site            | An site according to aboriginal tradition is of cultural, social or spiritual significance to Aboriginal persons and includes land that, under law of the Commonwealth or Western Australia is registered or declared as being of cultural, social or spiritual significance to Aboriginal Persons according to Aboriginal Tradition         |
| DPLH                              | Department of Planning, Lands and Heritage   |
| EPA                               | Environmental Protection Authority   |
| EP Act                            | <i>Environmental Protection Act, 1986 (WA)</i>   |
| Exploration Deed of Agreement     | the Exploration Deed of Agreement between the Ngaanyatjarra Land Council (Aboriginal Corporation) (the lessee of the Aboriginal Reserves), Yarnangu Ngaanyatjarraku Parna (Aboriginal Corporation) RNTBC (the registered native title body corporate in respect of the Ngaanyatjarra Lands) and OZ Minerals                                  |
| Exclusion Zone/<br>Exclusion Area | A buffer area as defined by anthropologists, in consultation with Traditional Owners, demarcated around a cultural heritage site which forms an area of exclusion to third parties unless explicate caveats are defined. The purpose of these exclusion zones are to provide added protection to identified cultural heritage sites          |
| GJCRM                             | Gavin Jackson Cultural Resource Management Pty Ltd   |

| Term                       | Definition   |
|----------------------------|--|
| Heritage Survey            | <p>A heritage survey may include one of the following:</p> <ul style="list-style-type: none"> <li>• <b>Work Program Clearance</b> – where a proposed work program can be adapted based on portions of the work program being deemed Cleared or Not Cleared, depending on the presence/absence of heritage sites and/or areas of cultural concern</li> <li>• <b>Work Area Clearance</b> – where proposed works within a broader area can be adapted based on portions of the work area being deemed Cleared or Not Cleared, depending on the presence/absence of heritage sites and/or areas of cultural concern</li> <li>• <b>Site Avoidance</b> – where information recorded includes an accurate extent of each site, and a broad characterisation of the site, that enable proponents to avoid heritage sites</li> <li>• <b>Site Identification</b> – where sites are recorded in sufficient detail for a statement of significance to be provided for each site</li> </ul> |
| Knowledge Holders          | Aboriginal people who may have cultural and/or historical associations with an area or place that bestows upon them certain intra group rights, such as authority to speak for the area and be involved in decisions regarding land use in the area. Knowledge Holders may have been granted custodianship over certain places or parts of the area by the Traditional Owners and/or native title claimants/holders  |
| LDP                        | Land Disturbance Permit  |
| Mining Agreement           | Mining Agreement refers to an agreement to the terms of land access for mining between the project proponent, the relevant Traditional Owners, and their Agent, the Ngaanyatjarra Council. A Mining Agreement is required under both the <i>Native Title Act, 1993</i> (Cth), and the <i>Aboriginal Affairs Planning Authority Act, 1972</i> (WA). The reference to Mining Agreement within this document refers to a Mining Agreement that would meet the requirements under both of these Acts. Mining at West Musgrave cannot commence until a Mining Agreement between the above-mentioned parties has been reached.   |
| MRF                        | Mining Rehabilitation Fund   |
| Ngaanyatjarra Person       | Any Ngaanyatjarra, Pitjanjatjara or Pintubi person who in accordance with Aboriginal tradition has social, economic and spiritual affiliations with and responsibilities for the Lands or any part of them   |
| Ngaanyatjarra Council      | Ngaanyatjarra Council (Aboriginal Corporation)   |
| Ngaanyatjarra Council CHMP | CHMP prepared by the Ngaanyatjarra Council for the purpose of Exploration and Studies Program  |
| OEM                        | original equipment manufacturer  |
| Pre-clearance Survey       | Pre-clearance survey is a term used by the EPA in relation to heritage surveys. In this regard a pre-clearance survey is analogous to a heritage survey  |
| PTW                        | Permit to Work   |
| Traditional Owners         | Aboriginal people who assert, and are recognised by their peers, to be members of a local descent group from a particular area of land or sea, who have responsibilities and rights in relation to that area, based on traditional, cultural and/or spiritual affiliations with the area. Traditional Owners may or may not be part of a native title group  |
| WMP                        | West Musgrave Project  |
| YNP                        | Yarnangu Ngaanyatjarraku Parna (Aboriginal Corporation)  |

## 8 REFERENCES

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OZ Minerals. 2021. *West Musgrave Copper and Nickel Project: EPA Section 38 Referral Supporting Document*. May 2021. Revision 2. Adelaide.

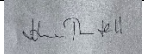


## APPENDICES

## Appendix A. Ngaanyatjarra Council CHMP

# Ngaanyatjarra Council Cultural Heritage Management Plan for the West Musgrave Project

## Revision

| Revision | Revision Date | Ngaanyatjarra Council Authorisation,<br>name and title      | Signature  | Authorisation<br>date |
|----------|---------------|---|--|-----------------------|
| 0        | October 2021  | John Thurtell, West Musgrave Project<br>Lead and Negotiator |  | 18/10/2021            |

## Table of Contents

|   |           |
|---|-----------|
| <b>PURPOSE .....</b>                              | <b>4</b>  |
| <b>SCOPE .....</b>                                | <b>4</b>  |
| <b>TERMINOLOGY .....</b>                          | <b>4</b>  |
| <b>BACKGROUND .....</b>                           | <b>4</b>  |
| <b>REGULATORY FRAMEWORK.....</b>                  | <b>5</b>  |
| NGAANYATJARRA .....                               | 5         |
| OZ MINERALS .....                                 | 6         |
| NATIONAL.....                                     | 6         |
| STATE .....                                       | 7         |
| LOCAL.....  | 7         |
| <b>GUIDING PRINCIPLES .....</b>                   | <b>8</b>  |
| <b>RISK AND OPPORTUNITY .....</b>                 | <b>9</b>  |
| <b>OBJECTIVES.....</b>                            | <b>9</b>  |
| <b>PLAN .....</b>                                 | <b>10</b> |
| DECISION MAKING .....                             | 10        |
| NGAANYATJARRA INVOLVEMENT .....                   | 11        |
| AWARENESS.....                                    | 11        |
| COMPLIANCE.....                                   | 12        |
| <i>CHMP ‘Golden Rules’</i> .....                  | 12        |
| <i>Compliance Register</i> .....                  | 13        |
| PROCEDURES.....                                   | 13        |
| <i>Heritage Surveys</i> .....                     | 13        |
| <i>Permit to Work (PTW)</i> .....                 | 14        |
| <i>Demarcation of work areas</i> .....            | 14        |
| <i>Change Management</i> .....                    | 14        |
| <i>Skeletal remains</i> .....                     | 15        |
| <i>Chance Find</i> .....                          | 15        |
| <i>Disturbance to Tjukurrpa</i> .....             | 15        |
| <i>Breach event, incident or complaint</i> .....  | 16        |
| CONTRACTOR MANAGEMENT .....                       | 16        |
| REGULAR, TRANSPARENT AND OPEN COMMUNICATION ..... | 16        |
| MONITORING .....                                  | 17        |
| <b>RESOURCING .....</b>                           | <b>18</b> |
| <b>OFFSETS .....</b>                              | <b>19</b> |
| <b>ACCOUNTABILITY AND WAIVER.....</b>             | <b>19</b> |
| <b>DEVIATION.....</b>                             | <b>20</b> |
| <b>INFORMATION MANAGEMENT.....</b>                | <b>20</b> |
| CONFIDENTIALITY .....                             | 20        |
| GEOSPATIAL AND OTHER INFORMATION .....            | 20        |
| <b>CHMP REVIEW .....</b>                          | <b>20</b> |
| <b>CHMP REPORTING AND RECORD KEEPING.....</b>     | <b>20</b> |
| <b>CHMP AUDIT AND EVALUATION .....</b>            | <b>21</b> |
| <b>CONTINUOUS IMPROVEMENT .....</b>               | <b>21</b> |

## Purpose

This is the Ngaanyatjarra Council's (**NGC**) Cultural Heritage Management Plan (**CHMP**) for the OZ Minerals West Musgrave Project (**WMP**). The NGC requires OZ Minerals, all contractors and visitors to the WMP to comply with this CHMP at all times during all phases of the WMP.

## Scope

This CHMP applies to:

1. The WMP.
2. All personnel involved with the WMP, being OZ Minerals and their project partners, all WMP contractors and visitors to the WMP.

## Terminology

'OZ Minerals' means OZ Minerals, their partners, all contractors working on and visitors to the WMP.

'Work program', 'work', 'WMP' and so on are used interchangeably throughout this document, and mean all works associated with the WMP unless stated otherwise.

'Ngaanyatjarra', 'Ngaanyatjarra people', senior cultural knowledge holders, Traditional Owners and the 'Ngaanyatjarra Council' are used throughout this document, sometimes interchangeably. For the avoidance of doubt the Ngaanyatjarra Council represent the interests of all of these groups - the Ngaanyatjarra people<sup>1</sup>, act for and on behalf of the Ngaanyatjarra people and is the principle organisation through which OZ Minerals must work pertaining to cultural heritage protection and management.

## Background

The Ngaanyatjarra Council "represents the interests of around 2000 Ngaanyatjarra, Pintupi and Pitjantjatjara Traditional Owners (Yarnangu) who reside in the twelve member communities of the Ngaanyatjarra Council"<sup>1</sup>. Mantamaru (Jameson), approximately 30km away from the WMP, is one of those communities.

OZ Minerals is seeking to construct and operate the WMP and hopes to make a Final Investment Decision (**FID**) on the WMP in 2022, predicated on the agreement of the Ngaanyatjarra people:

"To enable the project to proceed, an agreement must be negotiated with the title holders, the Ngaanyatjarra People who are represented by the Ngaanyatjarra Council Aboriginal Corporation"<sup>2</sup>

Never before has a project of this scale been undertaken on the Ngaanyatjarra Lands or in such close proximity to highly significant Tjukurrpa. This necessitates this CHMP, to ensure that OZ Minerals understands and complies with Ngaanyatjarra traditional laws pertaining to the protection of Tjukurrpa and Ngaanyatjarra culture and heritage.

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<sup>1</sup> <https://www.ngaanyatjarra.org.au>

<sup>2</sup> p55 at [https://www.ozminerals.com/uploads/docs/201209\\_ASX\\_Release\\_West\\_Musgrave\\_MROR.pdf](https://www.ozminerals.com/uploads/docs/201209_ASX_Release_West_Musgrave_MROR.pdf), West Musgrave Project Nebo-Babel Deposits, 2020 Mineral Resource and Ore Reserve Statement and Explanatory Notes As at 9 December 2020)

In issuing this CHMP, the NGC and the Ngaanyatjarra people are seeking to work jointly with OZ Minerals, their partners and contractors in the spirit of partnership, cooperation, compliance and collaboration, so that all parties associated with the WMP abide by Ngaanyatjarra's rules, to ensure that Tjukurrpa and other cultural heritage sites are protected during the WMP.

This will help build a relationship through which the Ngaanyatjarra people can trust OZ Minerals to leave the smallest possible footprint, and to operate in a manner that complies with, respects and supports Ngaanyatjarra people to manage and protect Tjukurrpa and to fulfil their cultural obligations during all phases of the WMP.

## Regulatory Framework

### Ngaanyatjarra

Ngaanyatjarra people have strict laws and customs that govern their cultural, social and economic order and wellbeing. These laws and customs must be strictly followed by Ngaanyatjarra people and guests on Ngaanyatjarra country, in this case OZ Minerals. Some of the most important Ngaanyatjarra cultural governance principles that must be followed by OZ Minerals are:

1. The WMP must not impact Tjukurrpa sites.
2. The WMP must follow Tjukurrpa law, as instructed by senior Ngaanyatjarra cultural knowledge holders, Traditional Owners and the NGC on their behalf. Ngaanyatjarra people must convey these rules to all personnel working or visiting the WMP.
3. Ngaanyatjarra people must be able to access their country, within the WMP Development Envelope and OZ Minerals tenements, to maintain as best they can, connection to their country and Tjukurrpa so cultural maintenance and strengthening and cross generational transfer of cultural knowledge can occur – particularly in the context of impacts to their connectedness to some parts of country through the WMP.
4. OZ Minerals, their partners, contractors and visitors to the WMP, along with all regulators, must work with and involve the Ngaanyatjarra people in the WMP so that planning and the implementation and monitoring of those plans is done together, particularly pertaining to environmental and cultural heritage protection, impact and management.
5. Ngaanyatjarra people require time and space to discuss the project amongst themselves, so that impacts arising from the WMP can be properly considered and conveyed to OZ Minerals and parties regulating the WMP.
6. OZ Minerals and regulators need to be flexible in how the WMP is governed and managed, to respond to cultural, heritage and environmental impacts as they arise.
7. OZ Minerals must be open and completely transparent in sharing information with Ngaanyatjarra people about the WMP. Communication with the Ngaanyatjarra people must be clear, consistent, accurate, culturally appropriate, transparent and timely.
8. OZ Minerals, the Ngaanyatjarra people and the NGC must be properly resourced to have the capacity to implement this regulatory framework and CHMP for the life of the WMP.
9. Ask Ngaanyatjarra first. Before visiting or working on the Ngaanyatjarra Lands, Ngaanyatjarra people through the NGC must be asked first. This takes the form of, but is not limited to, complying with the NGC permit system to visit the Ngaanyatjarra Lands, commissioning archaeological and ethnographic surveys through the NGC before work starts and applying for a Permit to Work (PTW) through the NGC before work starts.

## OZ Minerals

OZ Minerals has committed to “Operate in accordance with the principles of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)”<sup>2</sup> which the NGC and the Ngaanyatjarra people support.

Article 32 (1) of the UNDRIP states that “Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources”<sup>3</sup>. This CHMP partly enables this for the Ngaanyatjarra people and is an important consideration in their ‘free, prior and informed consent’ for the WMP.

OZ Minerals has also submitted a cultural heritage management plan to the Western Australia Environmental Protection Authority (EPA), titled *West Musgrave Copper and Nickel Project Cultural Heritage Management Plan (Revision 2) dated September 2021 (OZ CHMP)*, that when approved by the EPA will be an Environmental Management Plan (EMP) for the WMP. The OZ CHMP commits to the WMP complying with this NGC CHMP.

## National

At the national level, the protection of Aboriginal heritage and the involvement of Aboriginal people in land use and planning is regulated through the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHPA)* and the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*:

- The purpose of the ATSIHPA is “... the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters, being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition.”<sup>4</sup>
- The Objects of the EPBC Act are in part to “... provide for the protection and conservation of heritage ... promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples ... recognise the role of indigenous people in the conservation and ecologically sustainable use of Australia’s biodiversity ... promote the use of indigenous peoples’ knowledge of biodiversity with the involvement of, and in co-operation with, the owners of the knowledge.”<sup>5</sup>

Of importance to the national regulatory environment is also the Joint Standing Committee (JSC) on Northern Australia Inquiry into the destruction of caves at the Juukan Gorge in the Pilbara region of Western Australia. The JSC’s reporting date is 18 October 2021<sup>6</sup>.

The JSC’s interim report recommendation “That all mining companies operating in Western Australia whether or not on Native Title land ... Work with Traditional Owners to ensure better access to country ... Commit to a voluntary moratorium on applying for new Section 18 permissions, pending either the passage of stronger heritage protections in Western Australia or ***the negotiation of a protocol with relevant Traditional Owners to establish an improved process for site surveys, cultural protection***”

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<sup>2</sup> OZ Minerals Global Performance Standards. p27.

[https://www.ozminerals.com/uploads/docs/OZ\\_Minerals\\_Global\\_Performance\\_Standards.pdf](https://www.ozminerals.com/uploads/docs/OZ_Minerals_Global_Performance_Standards.pdf)

<sup>3</sup> United Nations Declaration of the Rights of Indigenous Peoples. [https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

<sup>4</sup> Aboriginal and Torres Strait Islander Heritage Protection Act 1984, Clause 4, <https://www.legislation.gov.au/Details/C2015C00255>

<sup>5</sup> EPBC Act, Clause 3, <https://www.legislation.gov.au/Details/C2014C00506>

<sup>6</sup> [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Northern\\_Australia](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia), accessed 11 October 2021



***and work area clearances based on the principle of avoiding damage wherever possible***<sup>7</sup> (emphasis added) is a particularly important principle underpinning this CHMP.

## State

The Western Australia *Aboriginal Heritage Act 1972 (AHA)* makes “... provision for the preservation on behalf of the community of places and objects customarily used by or traditional to the original inhabitants of Australia or their descendants ...”<sup>8</sup>.

The principal mechanism through which this preservation is achieved is that no works that may result in the excavation, destruction, damage, alteration or concealment of an Aboriginal site are permitted without the consent of the Western Australia Minister for Indigenous Affairs.

OZ Minerals is not seeking to impact any Aboriginal sites through the WMP that will necessitate such Ministerial Consent.

The West Australian Government is currently seeking to introduce new heritage management/protection legislation that will underpin a more collaborative approach between Aboriginal people and project proponents in relation to the management of Aboriginal cultural heritage.<sup>9</sup>

## Local

Ngaanyatjarra Traditional Owners and knowledge holders have very real, deep and serious cultural obligations to care for country and protect Tjukurrpa. Arising from these obligations is a requirement from Ngaanyatjarra people that all companies seeking to use Ngaanyatjarra land, in this case OZ Minerals and their partners and contractors, comply with the existing heritage protection and management framework and this CHMP to foster a culture of partnership, compliance, cooperation and collaboration.

The cultural heritage protection and management framework comprises:

- This CHMP, including the Regulatory Framework outlined above.
- The OZ CHMP
- Regulatory conditions associated with the WMP
- The Mining Agreement between the Ngaanyatjarra people and OZ Minerals, when agreed.
- The existing exploration agreement negotiated between Ngaanyatjarra people, the Ngaanyatjarra Council and OZ Minerals, that includes cultural heritage management and protection provisions.
- Reports prepared by the Ngaanyatjarra Council and issued to OZ Minerals of heritage surveys undertaken by Ngaanyatjarra people. These reports include clear recommendations as to the protection of Tjukurrpa and the management of culture and heritage considering the potential risks posed to Tjukurrpa and cultural heritage by the WMP.
- Through Ngaanyatjarra’s existing relationship and work with OZ Minerals, a clear understanding between both parties and commitment to high order heritage protection and management practice. This includes no work being undertaken without the Ngaanyatjarra people, through the

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<sup>7</sup> Joint Standing Committee (JSC) on Northern Australia Inquiry into the destruction of caves at the Juukan Gorge in the Pilbara region of Western Australia, Interim Report, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Northern\\_Australia/CavesatJuukanGorge/Interim\\_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia/CavesatJuukanGorge/Interim_Report)

<sup>8</sup> Western Australia Aboriginal Heritage Act 1972, [https://www.legislation.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_3\\_homepage.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3_homepage.html)

<sup>9</sup> Review of the WA Aboriginal Heritage Act, <https://www.dplh.wa.gov.au/aha-review>

Ngaanyatjarra Council, having completed a heritage survey, compliance with the heritage survey outcomes, heritage clearances being given by the Ngaanyatjarra Council prior to works commencing and the Ngaanyatjarra Council issuing a Permits to Work (PTW) for non-ground disturbing and ground disturbing activities

- Regular and transparent communication and partnership, an important principle that must be protected and built on through the course of all phases of the WMP
- The commitments that OZ Minerals has made in the company's WMP environmental referral, and other submissions to the EPA and other regulators pertaining to the protection of Tjukurrpa and the management of heritage
- The Ngaanyatjarra Council's feedback on the submissions referred to in the point above
- The commitments that OZ Minerals has made to the Ngaanyatjarra people relating to the protection and management of Ngaanyatjarra heritage during consultations and negotiations pertaining to the WMP
- The commitments that OZ Minerals has made about the company's approach to 'host community' relations and OZ Minerals commitment that, "To enable the project to proceed, an agreement must be negotiated with the title holders, the Ngaanyatjarra People who are represented by the Ngaanyatjarra Council Aboriginal Corporation".<sup>2</sup>

## Guiding Principles

The key principles that have guided this CHMP and form the regulatory environment are:

1. OZ Minerals and their partners and contractors in the conduct of the WMP will be operating and are guests on Ngaanyatjarra country, over which the Ngaanyatjarra people have cultural obligations to protect and manage and legal rights as to control of access.

The Ngaanyatjarra people hold exclusive possession native title rights, the highest form of native title rights. Under Part III of the Western Australia *Aboriginal Affairs Planning Authority Act 1972 (AAPA Act)*, Ngaanyatjarra have rights of control over their reserved lands (section 30), to which trespass provisions also apply (section 31).

Further, 'post Juukan', there is an increased emphasis from 'host communities' (in this case the Ngaanyatjarra people), investors, land users and regulators of 'host community' 'free, prior and informed consent' to projects, and strong host community involvement in managing project risk and participating in regulatory process. The Ngaanyatjarra people and the NGC strongly support this changing regulatory landscape and rising community expectation. This is particularly pertinent to the WMP because under the AAPA Act, Ministers of State will approve the WMP and will no doubt seek the views of the Ngaanyatjarra people in their decision making.

In summary, the value to OZ Minerals and the Ngaanyatjarra people, of OZ Minerals and their partners and contractors being able to access and use Ngaanyatjarra country in a manner that is cooperative and collaborative and in the spirit of partnership, so that Tjukurrpa is protected, and disturbance minimised, is immeasurable. To the Ngaanyatjarra people this is what a relationship of 'mutual benefit' and a 'social licence to operate' looks like in part, underpinned by formal agreement making.

No doubt such an approach will also be of benefit to OZ Minerals as the company navigates regulatory process throughout the WMP, in the context of Ngaanyatjarra 'free, prior and informed consent' and strong host community involvement in managing project risk.

2. OZ Minerals have interests and wish to conduct works on Ngaanyatjarra country. These works must be undertaken in a manner that is compliant with this CHMP.
3. The Ngaanyatjarra people see the WMP as an opportunity for OZ Minerals, its partners and contractors and the Ngaanyatjarra people to build a trustful, cooperative and collaborative approach to the protection and management of Ngaanyatjarra culture and heritage over the life of the WMP.

OZ Minerals also holds other tenure on Ngaanyatjarra country, no doubt with longer term aspirations to discover and develop other resource bodies, an endeavour made easier if founded on a relationship of trust, collaboration and cooperation with the Ngaanyatjarra people, particularly pertaining to heritage protection and management.

### Risk and Opportunity

This CHMP principally seeks to mitigate any risk of OZ Minerals:

1. Non-compliance with their own commitments pertaining to the protection and management of Aboriginal heritage and host community relationships.
2. Non-compliance with conditions/recommendations arising from the outcome of heritage surveys and negotiations/consultations with Ngaanyatjarra people about the WMP.
3. Impacting Tjukurrpa and other heritage sites in the conduct of the WMP.
4. Non-compliance with Ngaanyatjarra people's rules and expectations pertaining to the protection and management of their cultural heritage.
5. Non-compliance with commitments that the company has made in their submissions to governments pertaining to the WMP, concerning cultural heritage and environmental protection and management.

These and other risks arising from the WMP will be discussed and managed during CHMP Decision Making Committee (**CHMDC**) meetings (refer below 'CHMP Decision Making Committee' section) and in other forums as required by the NGC and OZ Minerals.

Economic opportunities arising from the WMP, such as employment, training and contracting opportunities for Ngaanyatjarra people, are the subject of separate discussions between the NGC and OZ Minerals. OZ Minerals and the Ngaanyatjarra Council do however agree that the economic participation of the Ngaanyatjarra people in the WMP will principally come through cultural heritage management and more broadly through caring for country initiatives. This is also discussed in the Offsets section below.

### Objectives

The objectives of this CHMP are:

1. Compliance with this CHMP, that includes the Regulatory Framework set out above, including no impacts to Tjukurrpa or heritage sites.
2. The WMP is undertaken strictly within work areas 'cleared' by the NGC through the NGC's Permit to Work (PTW) system.
3. All WMP personnel remain within designated accommodation areas/rest and relaxation areas and transport routes 'cleared' by the NGC.

4. All WMP personnel are granted individual permits to enter Ngaanyatjarra lands through the existing permit system.
5. All staff working on the WMP have an awareness of and respect for the Ngaanyatjarra people, the obligations that Ngaanyatjarra people have to protect Tjukurrpa and care for country, take seriously their responsibilities under this CHMP and are held accountable for their compliance with this CHMP.
6. Timely and decisive action is taken by the NGC and OZ Minerals to investigate, learn from and hold accountable those involved in any non-compliance with this CHMP.
7. Regular, open and transparent communication between the NGC and OZ Minerals pertaining to the management and protection of culture and heritage and the implementation of this CHMP to facilitate 'continuous improvement'.
8. In the event of a 'chance find' of cultural heritage material or skeletal remains, there is strict compliance with the associated NGC procedures (set out below) to ensure this material is managed in accordance with the wishes of the Ngaanyatjarra people.
9. Flexibility, to ensure that as the WMP progresses, this plan is responsive to the needs of and impacts to the Ngaanyatjarra people.
10. Ngaanyatjarra people will closely monitor activities associated with the WMP, particularly ground disturbing activities and environmental management. This will be done in the spirit of partnership with OZ Minerals and nominally through the NGC's ranger program.

## Plan

To meet the objectives, the following plan will be implemented.

## Decision Making

The RAPID model will be used in making decisions that may have implications for the protection and management of Tjukurrpa and cultural heritage. That is:

- **R**, there will be clear **Recommendations** for decisions pertaining to WMP activities that pose any sort of risk to Ngaanyatjarra people's culture and heritage.
- **A**, recommendations will be **Agreed** by people accountable for specific aspects/disciplines that relate to the decision and the implementation of that decision.
- **P**, the decision will be enacted, **Performed**, by people with delegated responsibility to do so.
- **I**, **Input** to the recommendation and decision will be provided by subject matter experts; and
- **D**, the final **Decision** will be made by the person accountable for managing the issue at hand.

The most senior OZ Minerals on-site WMP representative is the decision maker under this process. Further, irrespective of the level of involvement of the NGC in the decision-making process, OZ Minerals remains fully accountable for complying with all aspects of this plan and for ensuring that the WMP does not disturb Tjukurrpa or any other cultural heritage.

With the exception of some work programs [see Permit to Work (PTW) section below], the NGC and the Ngaanyatjarra people will at least have an Input role to OZ Minerals decisions that may have

implications for the protection and management of Ngaanyatjarra cultural heritage, the environment and Tjukurrpa.

This will take the form of OZ Minerals inviting NCG's Input to these decisions by way of email sent to NCG's Manager Land and Culture. Except for decisions that need to be made in the case of an emergency (in which the NGC should also be asked for Input), OZ Minerals will provide the NGC with at least five working days to provide Input to a decision. If the NGC has not provided Input to the decision within this five working day period, OZ Minerals can proceed to make and act on that decision in the absence of Input from the NGC unless otherwise agreed between the NGC General Manager of Land and Culture (or their delegate as advised in writing by this position or the NGC CEO) and OZ Minerals.

In some circumstances the NGC will require an **Agree**, **Recommend** or a **Decision-making** role and will discuss this with OZ Minerals when invited to provide Input to the decision. OZ Minerals will not unreasonably refuse such a request.

The complexity concerning the implementation of plans such as this necessitates a flexible approach to NCG's involvement in decision making. OZ Minerals, their partners and contractors will not however make unilateral decisions concerning any aspect of the WMP that may have a direct or indirect impact on the protection and management of Ngaanyatjarra culture and heritage, without at least seeking input from the NGC.

#### Ngaanyatjarra Involvement

The Ngaanyatjarra people wish to be involved in and guide the implementation of this CHMP jointly, as partners with OZ Minerals, and with much knowledge to contribute in relation to environmental and cultural heritage management. This will take the form of, but will not be limited to, the Ngaanyatjarra people through the NGC being involved in:

- The decision-making processes as outlined above.
- Participating in the CHMP Decision Making Committee (CHMDC).
- Monitoring; refer Monitoring section below.
- Environmental and other studies as informants (if relevant) or to provide logistics support by transporting studies teams around Ngaanyatjarra country for example.
- Attending inductions, pre-start meetings/toolbox talks to meet workers, provide input to these events and deliver instructions pertaining to the protection and management of Ngaanyatjarra heritage and culture.
- The preparation and presentation of cultural awareness training.
- Establishing and showing WMP workers, through on-country tours, the boundary of 'cleared' transport routes, accommodation/recreation areas and work areas.

It is noted that Ngaanyatjarra people will not be available to participate in these sorts of activities from time to time, however, as is a theme throughout this CHMP, the involvement of the Ngaanyatjarra people (through the NGC) must be invited by OZ Minerals, to give the Ngaanyatjarra people the opportunity to be involved. Where these invitations are accepted, Ngaanyatjarra people will participate on commercially agreed terms between OZ Minerals and the NGC.

#### Awareness

To ensure that all staff are aware of their responsibilities under this plan and that the management and protection of cultural heritage is always front of mind for WMP personnel, the following will be implemented:

1. The WMP induction will include a detailed briefing on this CHMP, wherever possible by involving Ngaanyatjarra people and/or NGC staff, with a particular emphasis on compliance with the 'Golden Rules' that are set out below. OZ Minerals will write the cultural heritage / community relations section of this induction with the NGC.
2. Cultural heritage management will be a standing agenda item at each WMP pre-start and 'Toolbox' meeting, with:
  - a. A check and positive confirmation that works will be undertaken in an area within which an approved Permit to Work or Land Disturbance Permit is in place.
  - b. A reminder of the procedure in the event that there is a 'chance find', the uncovering of possible human skeletal remains or a change management occurrence.
  - c. Reiteration of the heritage 'cleared' WMP areas, accommodation/recreation areas and travel routes.
  - d. A request from the supervisor whether any of the work team has questions pertaining to cultural heritage management/protection.

The NGC/Ngaanyatjarra people will be invited to attend these meetings.

3. Cultural Awareness Training (CAT) that must be completed by all WMP personnel and prepared by the NGC with an on behalf of the Ngaanyatjarra people, in consultation with OZ Minerals.

## Compliance

### CHMP 'Golden Rules'

Four simple CHMP 'Golden Rules' will be adopted, reiterated and complied with at all times by all WMP personnel and visitors.

OZ Minerals, their partners, contractors, visitors and all staff will be held accountable for their compliance with the Golden Rules by the NGC. Any breach of the Golden Rules will be investigated by OZ Minerals and the NGC and may result in the termination of employment, revocation of Ngaanyatjarra entry permit(s), demobilisation from site, a financial compensation claim(s) on OZ Minerals by the NGC, and in the case of a contractor, the cessation of the contract or other penalties.

The Golden Rules are:

1. Do not start ground disturbing or non-ground disturbing work:
  - a. Without an approved Permit to Work (**PTW**) issued by the NGC.
  - b. In the case of ground disturbing works (particularly but not necessarily limited to when areas are going to be disturbed for the first time), until work areas have been physically demarcated with pickets and pink flagging and the area has been checked against the PTW by the works supervisor and/or an NGC representative and signed off by the NGC and OZ Minerals.

- c. In the case of non-ground disturbing works, until the work team is fully aware of the PTW conditions, and the conditions have been positively communicated, acknowledged and signed off by all personnel involved in the non-ground disturbing activity.
2. Never leave your designated work area, accommodation area or transport route, unless in the case of a life-threatening emergency.
3. If you are unsure about whether you are working in an approved work area, traversing through a designated transport route, are in a designated accommodation/recreation area or if you think you've found cultural heritage material or what could be human skeletal remains, stop what you're doing immediately, tell your supervisor and do not start work again until instructed by your supervisor.
4. In the case of a breach of the 'Golden Rules', or what is thought may be a breach, tell your supervisor immediately and stop work. OZ Minerals and the NGC must be immediately notified.

The NGC and OZ Minerals contacts in the case of a breach or suspected breach of the 'Golden Rules', or the discovery of what is thought to be cultural material, are:

- Bryony Nicholson, NGC General Manager of Land and Culture. Mobile: 0408 723 210. Email: [bryony.nicholson@ngcouncil.org.au](mailto:bryony.nicholson@ngcouncil.org.au)
- Zoran Seat, Manager – Operations, West Musgrave Project. Mobile: +61 403 454 416. Email: [Zoran.Seat@ozminerals.com](mailto:Zoran.Seat@ozminerals.com)

## Compliance Register

CHMP Compliance will be managed through a WMP CHMP Compliance Register that includes but will not necessarily be limited to the commitments OZ Minerals has made in relation to the management of cultural heritage (including in the EPA referral documentation and Environmental Management Plans), Ngaanyatjarra recommendations arising from heritage survey reports, obligations arising from the Ngaanyatjarra/OZ Minerals Exploration Agreement and other commitments that OZ Minerals and Ngaanyatjarra have made to each other pertaining to the protection and management of cultural heritage. The compliance register is a working document that is subject to changes as compliance obligations are closed and others arise.

OZ Minerals and the NGC will establish the compliance register and the CHMDC will monitor and action the compliance register as a standing agenda item.

## Procedures

The following procedures will be implemented by the NGC and OZ Minerals.

### Heritage Surveys

Until such time that this CHMP is updated with heritage survey processes, nominally in the next revision of this plan prior to OZ Minerals Final Investment Decision for the WMP, the NGC and OZ Minerals will conduct surveys in accordance with the existing exploration agreement and otherwise in accordance with how such surveys have been undertaken for the WMP in recent times. This



includes in accordance with undertakings that OZ Minerals has made to increasing the number of Ngaanyatjarra survey participants.

### Permit to Work (PTW)

OZ Minerals will apply to the NGC for a Permit to Work (for each\* non-ground disturbing and ground disturbing activity) (**Permit Application**). OZ Minerals will not start work without an NGC issued PTW (**Permit**), or within 10 business days of the Permit Application.

\*OZ Minerals does not have to submit a Permit Application in:

- areas that have been subject to a previous Permit that authorises work activities of a similar nature and in the same area of the proposed works.
- where work is currently taking place that has been previously 'cleared' through other means such as a heritage survey report, for example where drilling is currently taking place in the WMP Main Development Area (refer Figure 3 of OZ Minerals Cultural Heritage Management Plan, Revision 2, September 2021 for Main Development Area).

### Demarcation of work areas

Prior to the commencement of any work program:

- OZ Minerals will invite the NGC to physically demarcate the boundary of the work program for ground disturbing work when ground is going to be disturbed for the first time, or at other times when requested by the NGC. Physical demarcation will take the form of installing pickets with pink flagging placed at regular intervals, so that the boundary of the approved work area can be easily seen.
- The works supervisor will acknowledge, through signing the PTW, that they understand and will comply with the conditions of the Permit.

### Change Management

The risk of breaches to this CHMP and inadvertent impacts to Ngaanyatjarra culture and heritage can arise from poorly managed change process. As such, OZ Minerals will have in place a Change Management Procedure that will comprise, but does not have to be limited to, the following:

1. OZ Minerals will notify the NGC, through a Management of Change Notice (**MOCN**), the nature of the change to the WMP when a deviation is required from the WMP Project Execution Plan and / or any such other official WMP execution plan, when the change will occur, how the change will be managed, by whom and the potential risks arising from the change to Ngaanyatjarra heritage and culture. The MOCN must also attach copies of the PTW(s) that will be impacted by the change.
2. The NGC will review the MOCN and provide input into how the change should be managed to ensure the effective protection and management of Ngaanyatjarra culture and heritage.
3. OZ Minerals will have regard to and implement NGC's input. Otherwise, OZ Minerals will discuss with the NGC the practicality of NGC's input and alternative ways that NGC's concerns can be addressed.
4. The changes will be clearly communicated to all personnel through daily pre-start meetings/toolbox meetings after the MOCN has been approved.
5. New Permit Application(s) will be sought, and Permit(s) issued by the NGC if deemed necessary by the NGC.



## Skeletal remains

In the event that human skeletal remains are discovered, or what is thought to be human skeletal remains, the following steps must be taken:

1. Upon the discovery, works must stop immediately, all machinery turned off and all machinery and equipment left in-situ and not moved under any circumstances until receiving written approval from NGC's General Manager of Land and Culture (or delegate if that delegation is provided to OZ Minerals in writing by the NGC CEO or NGC General Manager of Land and Culture).
2. NGC's General Manager of Land and Culture must be contacted immediately along with the work program supervisor if they are not present at the time of the discovery.
3. An area comprising a 50-metre radius from the potential remains must be immediately physically demarcated with red flagging tape and pickets at intervals so the cordoned off area can be easily seen. The location of the potential remains must be recorded using a GPS by the NGC, without in any way disturbing the scene.
4. NGC will notify the WA Police and the Registrar of Aboriginal sites, in that order. OZ Minerals and the NGC will follow Police directions.
5. The NGC will inspect the area, under direction from the WA Police, without any disruption whatsoever to the site of the potential remains.
6. Work must not proceed, and equipment must remain in-situ until such time that the NGC General Manager of Land and Culture (or delegate) or NGC CEO provides OZ Minerals with written permission to commence works.

## Chance Find

From time-to-time objects thought to be Ngaanyatjarra cultural objects such as artefacts may be found. In the event of a 'chance find', the same procedure will be followed pertaining to the identification of potential human remains (see above) with the exception of Step 4, and without any such direction from the WA Police as stipulated in Step 5.

## Disturbance to Tjukurrpa

Circumstances may also arise when, through the conduct of a works program, it is discovered that disturbance to Tjukurrpa may have occurred. This is because Tjukurrpa has physical and intangible manifestations, including below ground manifestations that cannot be identified through heritage surveys. There have been past occurrences of such issues arising, namely the installation of subsurface infrastructure that led to the uncovering and disturbance of Tjukurrpa and a subsequent settlement between the proponent and the Ngaanyatjarra people.

This reiterates the importance of the Permit to Work process outlined above, Ngaanyatjarra people being invited to monitor works when ground is disturbed for the first time and when the monitoring of works is requested by senior Ngaanyatjarra cultural knowledge holders, Traditional Owners and / or the NGC.

Should impact to Tjukurrpa occur, in the absence of OZ Minerals having complied with the provisions of this CHMP, this will be considered by the NGC as a breach of the highest degree, will result in serious consequences for the relationship between the Ngaanyatjarra people and OZ Minerals and a likely NGC financial compensation claim on OZ Minerals. This also applies to non-ground disturbing work programs.

## Breach event, incident or complaint

In the event of an incident or what is thought to be an incident, a breach of this CHMP or a complaint from a Ngaanyatjarra community member about the WMP or WMP personnel, the following will be enacted:

1. The NGC and OZ Minerals will be immediately notified by way of telephone in the first instance and then by way of a report detailing the particulars of the issue. NCG General Manager of Land and Culture must be immediately notified by telephone and sent a copy of the initial incident report. The report must be sent within 12 hours of OZ Minerals becoming aware of the potential incident.
2. The NGC and OZ Minerals will immediately jointly investigate the incident, CHMP breach or complaint. The investigation will be jointly led by OZ Minerals most senior site-based employee and NGC's General Manager of Culture and Heritage.
3. Unless otherwise agreed, the investigation will be completed within 48 hours of the initial incident report and issued to NGC and OZ Minerals within 60 hours of the receipt of the initial incident report.
4. Immediately after issuing the investigation report, corrective actions will commence to improve processes and to mitigate the risk of another incident. Disciplinary action will also be taken to ensure that personnel and contractors are held to account for any breach of process/misconduct and the NGC may progress financial compensation claims against OZ Minerals depending on the severity of the incident and the nature of its impact.

## Contractor Management

The WMP will largely be undertaken by contractors. As such, OZ Minerals will require all contractors working on the WMP, whether they are contracting directly to OZ Minerals or sub-contracting, to comply with this CHMP through formal contractual provisions. Penalties will apply for any non-compliance. Should those penalties involve a financial penalty, OZ Minerals will agree with the NGC how the receipt of that penalty will be used to compensate the Ngaanyatjarra people or to offset the non-compliance issue.

## Regular, Transparent and Open Communication

This CHMP is predicated on a cooperative and collaborative approach to cultural heritage management and protection by OZ Minerals and the Ngaanyatjarra people. Central to this approach is the establishment of a CHMP Decision Making Committee (CHMDC) to ensure the regular flow of information and discussion and decisions about the implementation of the CHMP. To clarify, the operation of the CHMDC does not and should not inhibit in any way OZ Minerals and the NGC community relations effort, whereby Ngaanyatjarra people are regularly updated about the WMP. The CHMDC is however a decision-making committee, noting also that senior cultural knowledge holders and Traditional Owners are obligated to, and will, make decisions about the management of their cultural heritage outside of the CHMDC and these decisions must be respected and enacted.

The CHMDC will meet monthly or as otherwise agreed between the NGC and OZ Minerals, in person whenever possible and otherwise by teleconference/video conference. Members of the CHMDC will be:

- NGC:
  - o General Manager of Land and Culture (Chair)

- WMP CHMP Coordinator (secretary)
- Ngaanyatjarra Liaison Officer
- Ngaanyatjarra Traditional Owner(s) / Senior Cultural Knowledge Holders
- Principal Anthropologist
- WMP Lead Negotiator
- OZ Minerals
  - The most senior site-based OZ Minerals employee for the WMP
  - The most senior site-based OZ Minerals staff member with responsibility for Ngaanyatjarra cultural heritage protection and management
  - Other technical experts as required

#### Standing Agenda:

- Apologies, confirmation of attendees, confirmation of previous minutes
- Health and Safety
- Actions arising
- WMP update and lookahead, potential issues/risks arising and decisions to be made
- Report of CHMP and environmental non-compliances, and indications / potential upcoming non-compliances
- Induction, pre-start/toolbox meeting, Cultural Awareness Training
  - Attendees
  - Issues and opportunities
- Monitoring update
- Permit Applications and Permits update
- Management of Change Notices
- Chance Finds/discovery of potential skeletal remains/Tjukurrpa event
- Incidents/breaches/concerns raised
- Compliance register review
- Confirmation of actions arising, decisions made, allocation of tasks and due dates
- Other business
- Next meeting

### Monitoring

Monitoring CHMP implementation and compliance is a critical component for protecting and managing cultural heritage in relation to the WMP.

Monitoring will take place through:

1. The installation of In-Vehicle Monitoring Systems in all light vehicles.

Responsibility: OZ Minerals WMP Operations Manager.

2. The installation of GPS/alarm systems in machinery to ensure all machines operate within approved work areas (geofencing).

Responsibility: OZ Minerals WMP Operations Manager.

3. The appointment of Ngaanyatjarra WMP Monitors.

Up to two Ngaanyatjarra monitors will be on-site at all times for the duration of the WMP, including through a job share arrangement, subject to availability of Ngaanyatjarra people to perform these duties. Monitors will be invited by OZ Minerals to be present when ground is disturbed for the first time by the WMP, to attend all surveys/studies, particularly (but not limited to) environmental studies and monitoring, and to help physically demarcate approved work areas prior to the commencement of works.

It is acknowledged that this monitoring program may be impractical to implement due to the availability of Ngaanyatjarra people to perform these duties and other constraints. As such, the involvement of Ngaanyatjarra monitors is not a strict CHMP compliance requirement, however, inviting Monitors to attend, via the NGC, is a strict requirement of this CHMP.

Monitors will be arranged through the NGC General Manager of Land and Culture Manager (or delegate) and the monitoring program coordinated by the NGC WMP CHMP Coordinator in consultation with the OZ Minerals Community Relations Team. OZ Minerals will pay for all costs associated with the Monitoring program including the provision of a vehicle(s) for Monitors at commercially acceptable rates.

This monitoring program will nominally take place through the Ngaanyatjarra ranger program.

4. The appointment of an NGC WMP CHMP Coordinator, reporting to the NGC General Manager of Land and Culture, who will oversee the implementation of this CHMP for the NGC. This position and on-costs will be funded by OZ Minerals.

## Resourcing

Reference is made throughout this document to:

- the involvement of Ngaanyatjarra people and the Ngaanyatjarra ranger team in monitoring and in the CHMDC.
- The appointment of an NGC WMP CHMP Coordinator, reporting to the NGC General Manager of Land and Culture, who will oversee the implementation of this CHMP for the NGC.
- Ngaanyatjarra WMP Liaison Officer.

For the sake of clarity these positions and their on-costs, including the provision of light vehicles that meets OZ Minerals mine site specifications, together with the time that NGC staff spend on the implementation of the CHMP, and the time that Ngaanyatjarra senior knowledge holders and Traditional Owners will spend implementing this CHMP and other cultural heritage management and protection related activities for the WMP, will be paid for by OZ Minerals.

For example, NGC's General Manager of Land and Culture and Principal Anthropologist will by necessity have to remain involved at a strategic / management level in the implementation of this CHMP, in addition to the NGC WMP CHMP Coordinator and Ngaanyatjarra WMP Liaison Officer. The services of the NGC General Manager of Land and Culture and the Principal Anthropologist will be charged on a per hour consultancy basis.

The fee that OZ Minerals will pay to Ngaanyatjarra senior knowledge holders and Traditional Owners will be per the schedule of rates in the exploration agreement, or at the rate of a works supervisor, whichever is the higher.

## Offsets

Considering that a project of the scale of the WMP has never taken place on Ngaanyatjarra country and constitutes a high level of impact, the Ngaanyatjarra people expect that OZ Minerals 'offsets' these impacts by way of:

1. Complying with this CHMP and being fully accountable for its implementation.
2. Providing employment and business opportunities throughout the WMP for the Ngaanyatjarra people.
3. Purchasing goods and services from the Mantamaru community and hiring community facilities.
4. Engaging member(s) of the Mantamaru community to document the WMP through film, photography and audio so that information about the WMP can be shared with the Ngaanyatjarra community.
5. Inviting Traditional Owners to visit the WMP from time to time to share information about the priorities of the Ngaanyatjarra people and their concerns and to build relationships.
6. Where possible, for milestone events, presentations and celebrations for example, commission gifts from the Mantamaru community and always ensure that Ngaanyatjarra people, through the Ngaanyatjarra Council, are invited to such events and to play a central role in them.
7. Support essential Mantamaru community services such as health, utilities, infrastructure, roads, sports and the administration of the community.
8. Minimise environmental impact and be open and transparent with the Ngaanyatjarra people and NGC about potential and actual impacts and the management of them. This includes inviting and resourcing Ngaanyatjarra people to participate in environmental monitoring with OZ Minerals.
9. Financial compensation to be negotiated between the NGC and OZ Minerals, resulting in a Mining Agreement
10. Advocacy into government and other partners to help the Ngaanyatjarra people:
  - a. Build and support their community through grants and the like.
  - b. If relevant, negotiate with the WA State Treasurer, under the provisions of the *WA Aboriginal Affairs Planning Authority Act*, to have the 'offsets' that OZ Minerals may be required to pay for the WMP, flow to the Ngaanyatjarra people as the 'Authority' holding and managing the Reserved Lands.
11. Refer to the 'Ngaanyatjarra Involvement' section above.

## Accountability and Waiver

Fundamental to the successful implementation of any plan is clarity on who is accountable for implementation and compliance. Overall accountability for the implementation of this CHMP sits with:

- For OZ Minerals, the Projects Executive (WMP exploration, development and construction phases) and Operations Executive (WMP Operations Phase). Day to day responsibility is the most senior OZ Minerals on-site WMP staff member (nominally the WMP Operations Manager)
- For the NGC, the General Manager of Land and Culture.

OZ Minerals is fully accountable for ensuring that the WMP does not disturb Tjukurrpa or any other cultural heritage site and the WMP is undertaken in compliance with this CHMP.

This CHMP does not in any way waive the rights of the Ngaanyatjarra people to respond to approvals processes concerning the WMP. This includes the Ngaanyatjarra people appealing approvals or objecting to approval applications and the like.

## Deviation

There will be no deviation from this plan without written approval from the NGC General Manager of Land and Culture or their delegate. Any deviation will only be considered when managed in accordance with the Management of Change Procedure.

## Information Management

### Confidentiality

All information pertaining to this CHMP, the plan itself and information arising from this plan is strictly confidential to OZ Minerals, the NGC, the EPA and other government regulators, and must be managed and protected as such.

### Geospatial and Other Information

A principle guiding factor in the provision and management of information associated with this plan is that OZ Minerals can only rely on heritage related data and information that is issued by the NGC General Manager of Land and Culture (or delegate). This is particularly true for information and data concerning areas that are subject to a Permit, are 'cleared' for work, 'not cleared' for work, 'surveyed' and 'not surveyed', whether that be associated with ground disturbing or non-ground disturbing activities.

OZ Minerals has sent to the NGC a copy of all current and historical geospatial and other information that OZ Minerals holds pertaining to the management of cultural heritage in the context of the WMP. Finalising how this data will be stored, administered and sorted will be undertaken by the NGC Cultural Geography Project that OZ Minerals has agreed to support.

Excluded from this requirement is any information that is confidential in nature to the Ngaanyatjarra people.

All information will be version controlled to ensure that OZ Minerals and the NGC are working from the same, current, accurate and approved information.

### CHMP Review

This CHMP will be reviewed by the CHMDC before 31 March 2022, with a new version of the CHMP being issued prior to OZ Minerals Final Investment Decision for the WMP.

The CHMP will be reviewed annually thereafter with new versions of the plan being issued before 31 January, when the WMP transitions from the Exploration and Studies phase of the project to the Construction Phase and later to the Operations and Closure phase or as otherwise required by the NGC.

### CHMP Reporting and Record Keeping

Reporting against the requirements of this CHMP will take the following form unless otherwise agreed between the NGC and OZ Minerals:

1. Monthly reporting through the CHMDC, as recorded in the minutes of the CHMDC.
2. Annual reporting to the Board of the NGC, the EPA and OZ Minerals by the CHMDC.

### CHMP Audit and Evaluation

The CHMDC will commission an independent audit and evaluation of the effectiveness of the CHMP from time to time, but no less than every two years and / or prior to the CHMP being updated for a new WMP operating phase (exploration, construction, operation, closure).

The independent evaluation report will be sent to the NGC and OZ Minerals Board concurrently, unless otherwise agreed between the NGC and OZ Minerals.

### Continuous Improvement

The NGC and OZ Minerals are committed to adopting a 'continuous improvement' approach with regard to the implementation of this CHMP.

Continuous improvement will be achieved through meetings of the CHMDC, CHMP reviews, audits and evaluations.

END

## Appendix B. Peer Review of OZ Minerals CHMP



## CULTURAL HERITAGE MANAGEMENT PLAN PEER REVIEW

As part of the Government of Western Australia's Environmental Protection Authority's (EPA) S40(2)(a) Notice Requiring Information for Assessment for the West Musgrave Copper and Nickel Project (WMP), the EPA requested 'The Cultural Heritage Management Plan... may be reviewed by a suitably qualified independent person'.

With agreement from Ngaanyatjarra Council, an independent peer review of the WMP Cultural Heritage Management Plan (CHMP) was undertaken by Patricia Ryan, Jeremy Maling and John Marrell of Gavin Jackson Cultural Resource Management (GJCRM); archaeologist and anthropologists with decades of industry experience and relevant experience reviewing CHMPs for Western Australian mining projects. The review can be found at CHMP 1, of which all feedback, as it pertains to the requirements of the EPA, has been addressed and incorporated into the final version of the West Musgrave CHMP.

The review provided in-text suggestions and ten final recommendations. Based on addressing these, the review concluded:

*We suggest that if OZ Minerals address the recommendations in this document, they will have a CHMP that both fulfills the specified requirements of the Notice and is a robust document for the management of cultural heritage.*

Where appropriate, OZ Minerals has engaged with Ngaanyatjarra Council to ascertain their preferences in relation to the GJCRM recommendations before implementing them. A summary of such consultation is provided in the CHMP Consultation Register appendix.

A summary of the final recommendations and suggestions from GJCRM, and details of how OZ Minerals' has actioned them, is provided in Table 1 below:

**Table 1: Summary of Actions for Peer Review Recommendations**

| ID | Gavin Jackson Recommendation   | OZ Minerals Action  | Where in Plan is this addressed   |
|----|--|---|---|
| R1 | Consult with and provide the WMP CHMP to the NGC and Ngaanyatjarra people for direct input into the development (as well as implementation) of the WMP CHMP  | <p>Significant consultation with the Ngaanyatjarra People and Ngaanyatjarra Council has occurred as part of the development of the Environment Review Document submitted to the EPA in December 2020, including a dedicated-on country consultation relating to the outcomes of the impact assessment. During this consultation event the Ngaanyatjarra People provided their endorsement for the submission and for assessment of the project by the EPA (Consultation notes can be found at OZ Minerals 2021, Appendix A4).</p> <p>In addition, several consultation activities with Traditional Owners and the Ngaanyatjarra Council have occurred to discuss relevant cultural heritage protections related to identified cultural heritage sites. A summary of these consultations is provided within the consultation register (OZ Minerals 2021, Appendix A5).</p> <p>Through the development of this CHMP a number of dedicated discussions occurred with the Ngaanyatjarra Council to ensure their inputs have been appropriately considered in the development of the CHMP. These included:</p> <ul style="list-style-type: none"> <li>• Meeting to discuss the requirements of the Section 40 notice from the EPA, and any immediate expectations and interests of the Ngaanyatjarra Council for the requested Management Plans- 20 April 2021</li> <li>• Directive from the Ngaanyatjarra Council to ensure that the WMP CHMP to reflects the intent, content, effect and spirit of the Ngaanyatjarra Council CHMP Exploration and Studies CHMP requirements in-so-far as meeting the requirements under the EP Act. - 03 May 2021</li> <li>• OZ Minerals have provided a draft of the OZ Minerals CHMP to Ngaanyatjarra Council for review. OZ Minerals has subsequently incorporated the requirements of the Ngaanyatjarra Council's review where relevant to the requirements of the EPA into the final document- 03 May 2021</li> <li>• Meeting between the Ngaanyatjarra Council and OZ Minerals to better understand the scope of the EPA CHMP compared to the requirements of a more fulsome operational CHMP as might be required as a component of a Mining Agreement- 7 May 2021</li> <li>• Meeting between Ngaanyatjarra Council (and their legal advisor) and OZ Minerals (and their legal advisor) to align on the scope of the EPA CHMP compared to the requirements of a more fulsome operational CHMP as might be required as a component of a Mining Agreement- 7 May 2021</li> <li>• Meeting between the Ngaanyatjarra Council and the EPA to confirm and understand further the scope of the EPA CHMP compared to the requirements of a more fulsome operational CHMP as might be required as a component of a Mining Agreement – 20 May 2021</li> <li>• Meeting between the Ngaanyatjarra Council and confirm support for appending the Ngaanyatjarra Council CHMP to the WMP CHMP submission to EPA, confirm that the Ngaanyatjarra Council preferences in relation to the GJCRM recommendations relating to the disclosure of cultural heritage site details, and details of specific recommendations relating to the protection of sites from the cultural heritage survey reports issued to OZ Minerals by the Ngaanyatjarra Council- 02 June 2021</li> </ul> | Have generated a “foreword” that provides evidence of consultation undertaken in the development of this Plan, and a consultation Appendix (Appendix C) providing details of consultation relating to this CHMP, and updated the master consultation register at OZ Minerals 2021; Appendix A5. |
| R2 | Expand the WMP CHMP to apply to the Project Area and identify the tenements to which this applies  | Table and Figure has been added to identify the WMP CHMP scope area including a table of all lease areas.   | Section 1.1 Scope   |
| R3 | Subject to consent from the NGC and Ngaanyatjarra people, identify all sites (or exclusion zones where the information may be sensitive) located within the Project Area and include them on the WMP CHMP maps | The Ngaanyatjarra Council have confirmed that they do not want this information publicly disclosed. The following wording has been provided in the WMP “The Ngaanyatjarra Council and Ngaanyatjarra People have noted their preference to not publicly disclose the location of sites and exclusions zones, and as such no specific details of sites and exclusions zones have been provided in this CHMP. All cultural heritage sites as identified by Ngaanyatjarra People relevant to the WMP are detailed in ‘commercial confidence’ cultural heritage survey reports as issued to OZ Minerals by the Ngaanyatjarra Council (see OZ Minerals 2021, Appendix J1 and J2)’.  | Section 1.2 Context and Rationale   |
| R4 | Provide definitions for exclusion zones, areas of significance and pre-clearance surveys   | A glossary of terms has been added including the definition of exclusion zones, areas of significance and pre-clearance surveys which combines those from GJCMS and the Exploration Deed.   | Section 7   |
| R5 | In consultation with the NGC and Ngaanyatjarra people, identify from heritage survey reports and any site specific mitigative and management recommendations and list these in the WMP CHMP                    | <p>The disclosure of specific conditions in heritage reports may provide information (implied or otherwise) about the nature and location of cultural heritage sites near to the WMP. The Ngaanyatjarra Council and Ngaanyatjarra People have noted their preference to not publicly disclose the location of sites and exclusions zones, and as such no specific details of sites and exclusions zones have been provided in this CHMP.</p> <p>All cultural heritage sites as identified by Ngaanyatjarra People relevant to the WMP are detailed in ‘commercial confidence’ cultural heritage survey reports as issued to OZ Minerals by the Ngaanyatjarra Council (see OZ Minerals 2021, Appendix J1 and J2).</p> <p>In addition, a management action listed in Table 7 states “Compliance with the Exploration Deed of Agreement and all directions of Ngaanyatjarra Council issued cultural heritage survey reports, and the Ngaanyatjarra Council CHMP once it comes into effect through the Mining Agreement”. This management action will be enforceable by law should EPA condition this management plan (or parts of) in the Ministerial Statement.</p>   | Table 7.  |
| R6 | In consultation with the NGC and Ngaanyatjarra people, identify from the Groundwater Monitoring and Management Plan any specific management requirements as these apply to cultural heritage                   | A reference to the Groundwater Monitoring and Management Plan is in Section 1.5.1 including a reference to these alternate plans  | Section 1.5.1   |

| ID  | Gavin Jackson Recommendation   | OZ Minerals Action  | Where in Plan is this addressed  |
|-----|--|---|--|
| R7  | In consultation with the NGC and Ngaanyatjarra people, identify from other Environmental Management Plans any specific management requirements as these apply to the Project Area                        | A reference to the Groundwater Monitoring and Management Plan is in Section 1.5.1 including a reference to these alternate plans  | Section 1.5.1  |
| R8  | In consultation with the NGC and Ngaanyatjarra people, identify from the Mine Closure Plan any specific management requirements (such as rehabilitation requirements) as these apply to the Project Area | While we are committed to consulting mine closure planning with the Ngaanyatjarra People and Ngaanyatjarra Council, and will-so in the near future; the Mine Closure Plan has not been requested as a requirement of the EPA. The Mine Closure Plan will form a component of the Mining Proposal which is yet to be developed finalised and agreed. The Mining Proposal and associated Mine Closure Plan will be developed in consultation with the Ngaanyatjarra Council and Ngaanyatjarra People as necessary.  | N/A  |
| R9  | Remove existing statements relating to the potential significance of archaeological sites in the Development Envelope  | <p>No justification is provided in the peer-review for this request. We maintain the use of “potential” archaeology sites based on the following quote from Waru Consulting in the archaeology report (OZ Minerals, 2021; Appendix J4) “These sites may meet the criteria for an Aboriginal heritage site under the AH Act, however some may not, subject to a determination to be made by the Aboriginal Cultural Material Committee (ACMC) based on submission of related scientific information and consultation records”.</p> <p>If the peer-review is referring to where we have used the terms ‘sites of cultural heritage significance’, we have since updated these references to concur with relevant heritage language i.e. ‘sites of cultural heritage significance’ have been amend to ‘cultural heritage sites’ throughout</p>   | Changed ‘sites of cultural heritage significance’ to ‘cultural heritage sites’ throughout  |
| R10 | Review and update the WMP CHMP in consultation with the NGC and the Ngaanyatjarra people obtaining their free, prior and informed consent for its use  | <p>This document has been developed based on numerous discussions with Traditional Owners relating to the identification and management of cultural heritage, and in collaboration with the Ngaanyatjarra Council, as described in R1.</p> <p>Specifically, A dedicated program of on-land consultation with the Ngaanyatjarra People and Ngaanyatjarra Council has occurred relating to the content of the environmental characterisation and impact assessment required by the Part IV process (September 2021 see OZ Minerals, 2021; Appendix A3). The Ngaanyatjarra People and Ngaanyatjarra Council have provided their direct endorsement of the submission and assessment of this information under the EPA Part IV Process.</p> <p>Ultimate prior and informed consent for the project will be an ongoing process and will ultimately be attained prior to the voting and consent process associated with the Mining Agreement between the Ngaanyatjarra People, Ngaanyatjarra Council and OZ Minerals.</p> <p>Ongoing consultation with Ngaanyatjarra Stakeholders relating to this plan (and others) will occur during the EPA’s three-week public consultation process will all feedback considered and incorporated into this plan (and others) as necessary.</p> | Have generated a “foreword” that provides evidence of consultation undertaken in the development of this Plan, and a consultation register in Section 5 of the WMP CHMP. |

## CHMP 1. CHMP Peer Review

# **A review of the West Musgrave Copper and Nickel Project Cultural Heritage Management Plan**

For Oz Minerals

May 2021 | Patricia Ryan, Jeremy Maling and John Marrell

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- ii. for any purpose relating to the *Aboriginal Heritage Act 1972* (WA) and or the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

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Whilst every effort has been made to ensure that all relevant data has been presented, the authors are not accountable for omissions and inconsistencies that may result from information which may come to light in the future but which was not forthcoming at the time of this research.

The results, conclusions and recommendations within this report are based on information available at the time of its preparation.



## LIST OF TERMS

| Term                                     | Definition   |
|--|--|
| AACAI                                    | Australian Association of Consulting Archaeologists Inc.   |
| ACMC                                     | Aboriginal Cultural Material Committee. Established under the <i>Aboriginal Heritage Act 1972</i> (WA). The ACMC advises the Minister for Indigenous Affairs on matters relating to Aboriginal cultural heritage.  |
| AH Act                                   | <i>Aboriginal Heritage Act 1972</i> (WA)   |
| AHIS                                     | Aboriginal Heritage Information System   |
| CHMP                                     | Cultural Heritage Management Plan  |
| DPLH                                     | Department of Planning, Lands and Heritage   |
| DPLH ID                                  | Identification number for sites listed on the AHIS maintained by DPLH  |
| EPA                                      | Environmental Protection Authority   |
| EP Act                                   | <i>Environmental Protection Act 1986</i>   |
| GIS                                      | Geographic Information System.   |
| GJCRM                                    | Gavin Jackson Cultural Resource Management Pty Ltd   |
| Knowledge Holders                        | Aboriginal people who may have cultural and/or historical associations with an area or place that bestows upon them certain intra group rights, such as authority to speak for the area and be involved in decisions regarding land use in the area. Knowledge Holders may have been granted custodianship over certain places or parts of the area by the Traditional Owners and/or native title claimants/holders. |
| NGC                                      | Ngaanyatjarra Council (Aboriginal Corporation)   |
| NGC Exploration and Studies Program CHMP | CHMP prepared by the NGC for the purpose of Exploration and Studies Program  |
| The Notice                               | Notice Requiring Information for Assessment issued by the EPA  |
| Ngaanyatjarra people                     | Ngaanyatjarra Lands (Part A) (WCD2005/002) Determination Area native title holders   |
| Registrar                                | The Registrar of Aboriginal Sites (Registrar) is appointed under the <i>Aboriginal Heritage Act 1972</i> (WA) to administer the day to day operations of the ACMC and also to perform other functions as allocated to the Registrar under the <i>Aboriginal Heritage Act 1972</i> (WA).  |
| Section 18 Consent                       | Consent given by the Minister for Indigenous Affairs following a Section 18 Notice.  |
| Section 18 Notice                        | If a landowner wishes to use land in a manner likely to impact an Aboriginal site that might be on the land, the landowner may give notice   |





|                    |  |
|--------------------|--|
|                    | to the ACMC. The notice culminates in the Minister for Indigenous Affairs determining whether to consent to such use.  |
| Traditional Owners | Aboriginal people who assert, and are recognised by their peers, to be members of a local descent group from a particular area of land or sea, who have responsibilities and rights in relation to that area, based on traditional, cultural and/or spiritual affiliations with the area. Traditional Owners may or may not be part of a native title group. |
| WMP CHMP           | CHMP prepared by Oz Minerals and the subject of this review  |



## EXECUTIVE SUMMARY

- Oz Minerals engaged Gavin Jackson Cultural Resource Management Pty Ltd (GJCRM) to conduct a review of a draft West Musgrave Copper and Nickel Project Cultural Heritage Management Plan (WMP CHMP), in response to a Notice Requiring Information for Assessment (the Notice) issued by the Environmental Protection Authority (EPA).
- The West Musgrave Project is located in the West Musgrave Ranges in Western Australia, approximately 1,300 km northeast of Perth and 100 km west of the intersection of the borders of Western Australia, the Northern Territory and South Australia. The Development Envelope is located across tenements E69/2201, E69/3156, E69/3157, E69/3163, E69/3164, E69/3412, E69/3535, E69/3552, P69/68, M69/72, M69/73, M69/74 and M69/75.
- The West Musgrave Project is located entirely within the Ngaanyatjarra Indigenous Protected Area and the Ngaanyatjarra Lands (Part A) (WCD2005/002) Determination Area. The Ngaanyatjarra Council (Aboriginal Corporation) (NGC) represents the interests of the Ngaanyatjarra, Pintupi and Pitjantjatjarra Traditional Owners (Yarnangu) (the Ngaanyatjarra people).
- The WMP CHMP was prepared by Oz Minerals personnel Justin Rowntree, Jim Hodgkison, Michael Wood and Matt Reed.
- The WMP CHMP addresses the key environmental concern of 'social surroundings' and the 'mitigation hierarchy concerning avoidance and minimisation of impact to potential cultural heritage sites'.
- There are no sites registered with the DPLH located within the Development Envelope.
- According to the WMP CHMP, there are at least sixteen (16) archaeological sites and one (1) ethnographic site located within the Development Envelope.
- NGC have also prepared a CHMP (NGC Exploration and Studies Program CHMP) for the Oz Minerals West Musgrave Project 2021 Exploration and Studies Program. Elements of the NGC Exploration and Studies Program CHMP have been included in the WMP CHMP. The WMP CHMP indicates that an updated NGC Exploration and Studies Program CHMP is expected to be attached to the Mining Agreement currently being negotiated.
- An Exploration Deed of Agreement exists between OZ Minerals and the Ngaanyatjarra Land holding entities. This Agreement has not been provided to GJCRM.
- Although GJCRM have been provided the NGC Exploration and Studies Program CHMP, only the WMP CHMP has been reviewed as per the requirements of the Notice.
- In this review document, we suggest that although Oz Minerals have largely addressed the key environmental concern, a small number of revisions and some additional detail should be added to the WMP CHMP, including, but not limited to:



- further consultation with the NGC and Ngaanyatjarra people, specifically consulting with them and providing them the WMP CHMP for direct input into the development (as well as the implementation) of the WMP CHMP;
- expanding the WMP CHMP to apply to the Project Area and identification of the tenements to which this applies;
- identification of all cultural heritage sites and areas of cultural concern (including Exclusion Zones and / or Areas of Significance) located within the Project Area;
- the inclusion of definitions for some terms;
- revision of the statements regarding potential significance of archaeological sites; and
- the inclusion of site specific mitigative actions, management actions and any other actions required by the NGC and Ngaanyatjarra people.



## RECOMMENDATIONS

It is recommended that Oz Minerals:

1. Consult with and provide the WMP CHMP to the NGC and Ngaanyatjarra people for direct input into the development (as well as implementation) of the WMP CHMP;
2. Expand the WMP CHMP to apply to the Project Area and identify the tenements to which this applies;
3. Subject to consent from the NGC and Ngaanyatjarra people, identify all sites (or exclusion zones where the information may be sensitive) located within the Project Area and include them on the WMP CHMP maps;
4. Provide definitions for exclusion zones, areas of significance and pre-clearance surveys;
5. In consultation with the NGC and Ngaanyatjarra people, identify from heritage survey reports and any site specific mitigative and management recommendations and list these in the WMP CHMP;
6. In consultation with the NGC and Ngaanyatjarra people, identify from the Groundwater Monitoring and Management Plan any specific management requirements as these apply to cultural heritage;
7. In consultation with the NGC and Ngaanyatjarra people, identify from other Environmental Management Plans any specific management requirements as these apply to the Project Area;
8. In consultation with the NGC and Ngaanyatjarra people, identify from the Mine Closure Plan any specific management requirements (such as rehabilitation requirements) as these apply to the Project Area;
9. Remove existing statements relating to the potential significance of archaeological sites in the Development Envelope; and
10. Review and update the WMP CHMP in consultation with the NGC and the Ngaanyatjarra people obtaining their free, prior and informed consent for its use.



## TABLE OF CONTENTS

|  |             |
|--|-------------|
| <b>COPYRIGHT .....</b>   | <b>i</b>    |
| <b>DISCLAIMER .....</b>  | <b>ii</b>   |
| <b>LIST OF TERMS .....</b>   | <b>iii</b>  |
| <b>EXECUTIVE SUMMARY .....</b>   | <b>v</b>    |
| <b>RECOMMENDATIONS .....</b>   | <b>vii</b>  |
| <b>TABLE OF CONTENTS.....</b>  | <b>viii</b> |
| <b>INTRODUCTION.....</b>   | <b>1</b>    |
| <b>CHMP PURPOSE .....</b>  | <b>2</b>    |
| <b>CONSULTATION .....</b>  | <b>3</b>    |
| <b>LOCATION AND TERMINOLOGY .....</b>  | <b>4</b>    |
| LOCATION OF THE WMP DEVELOPMENT ENVELOPE .....   | 4           |
| HERITAGE SURVEYS AND HERITAGE SITES .....  | 4           |
| DEFINITIONS AND TERMINOLOGY .....  | 4           |
| CHMP or EMP.....   | 4           |
| Cultural Heritage Sites .....  | 5           |
| Exclusion Zones .....  | 5           |
| Areas of Significance .....  | 5           |
| Pre-Clearance Surveys.....   | 5           |
| <b>SITE SPECIFIC MITIGATIVE AND MANAGEMENT ACTIONS.....</b>  | <b>7</b>    |
| HERITAGE SITES.....  | 7           |
| CHANCE FINDS .....   | 7           |
| OTHER IDENTIFIED PLACES OF CULTURAL IMPORTANCE .....   | 8           |
| WATER MANAGEMENT .....   | 8           |
| ENVIRONMENTAL MANAGEMENT.....  | 8           |
| REHABILITATION .....   | 8           |
| <b>HERITAGE SURVEYS .....</b>  | <b>9</b>    |
| ARCHAEOLOGICAL SURVEYS .....   | 9           |
| ETHNOGRAPHIC SURVEYS.....  | 9           |
| CONTINUED ACCESS.....  | 9           |
| <b>CONCLUSION .....</b>  | <b>10</b>   |
| REQUIREMENTS OF THE NOTICE .....   | 10          |
| Mitigation hierarchy concerning avoidance and minimisation of impact to potential cultural heritage sites..... | 10          |
| Cultural Heritage Management Plan is to be developed on advice of the appropriate knowledge holders.....       | 10          |
| <b>FINAL RECOMMENDATIONS .....</b>   | <b>11</b>   |
| <b>REFERENCES CITED .....</b>  | <b>12</b>   |



## INTRODUCTION

Oz Minerals engaged Gavin Jackson Cultural Resource Management Pty Ltd (GJCRM) to conduct a review of a draft West Musgrave Copper and Nickel Project Cultural Heritage Management Plan (WMP CHMP), in response to a Notice Requiring Information for Assessment (the Notice) issued by the Environmental Protection Authority (EPA).

The West Musgrave Project is located in the West Musgrave Ranges in Western Australia, approximately 1,300 km northeast of Perth and 100 km west of the intersection of the borders of Western Australia, the Northern Territory and South Australia. The Development Envelope is located across tenements E69/2201, E69/3156, E69/3157, E69/3163, E69/3164, E69/3412, E69/3535, E69/3552, P69/68, M69/72, M69/73, M69/74 and M69/75.

The West Musgrave Project is located entirely within the Ngaanyatjarra Indigenous Protected Area and the Ngaanyatjarra Lands (Part A) (WCD2005/002) Determination Area. The Ngaanyatjarra Council (Aboriginal Corporation) (NGC) represents the interests of the Ngaanyatjarra, Pintupi and Pitjantjatjarra Traditional Owners (Yarnangu) (the Ngaanyatjarra people).

The CHMP was prepared by Oz Minerals personnel Justin Rowntree, Jim Hodgkison, Michael Wood and Matt Reed.

The CHMP addresses the key environmental concern of 'social surroundings' and the 'mitigation hierarchy concerning avoidance and minimisation of impact to potential cultural heritage sites'.

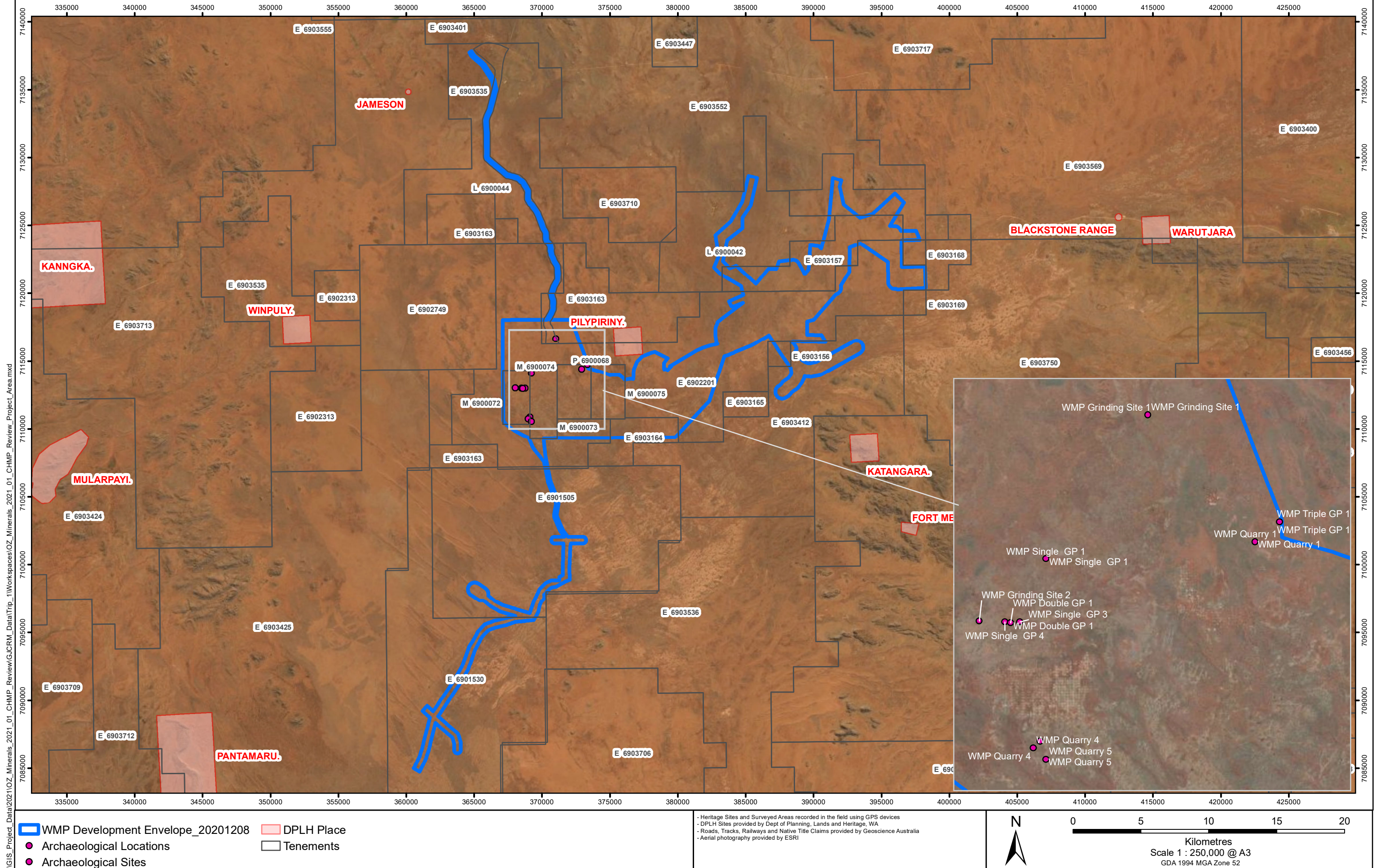
There are no sites registered with the DPLH located within the Development Envelope.

According the WMP CHMP, there are at least sixteen (16) archaeological sites and one (1) ethnographic site located within the Development Envelope.

This review document suggests some revisions to the draft WMP CHMP and includes recommendations on further consultation with the NGC and Ngaanyatjarra people for equivalent involvement and direct input into the compilation of a collaborative WMP CHMP.









## CHMP PURPOSE

The WMP CHMP has been prepared in response to a Notice Requiring Information for Assessment (the Notice), issued on the 14<sup>th</sup> April 2021, by the Environmental Protection Authority (EPA). The Notice requires Oz Minerals to:

*Provide a Cultural Heritage Management Plan detailing the application of the mitigation hierarchy concerning avoidance and minimisation of impact to potential cultural heritage sites. The Plan should include a framework for consultation with relevant stakeholders including Traditional Owners, during the life of the proposal. The Cultural Heritage Management Plan is to be developed on advice of the appropriate knowledge holders and may be reviewed by a suitably qualified independent person. The Plan may include detail of cultural management strategies and methodologies for pre-clearance surveys. The Plan should detail provisions for land access and include management actions to be undertaken where additional heritage sites are identified.*

It should be noted that the WMP CHMP is not currently sufficient for application to a mine development. Mine development CHMPs are typically developed and completed as part of, and prior to execution of, a Mine Agreement between relevant parties under the *Native Title Act 1993* (Cth). Although the WMP CHMP is required by the EPA before approval and implementation of the West Musgrave Project Proposal, this should not detract from the need for a full and final CHMP as part of a Mine Agreement. If Oz Minerals intend to compile an additional CHMP for mine development, this could be clearly specified, and the proposed process outlined, in the WMP CHMP.





## CONSULTATION

As noted above, the WMP CHMP has been prepared in response to the Notice and not specifically as part of the Mine Agreement process. Nevertheless, any CHMP should be developed and finalised in collaboration with the relevant Traditional Owners and / or Representative Body (in this instance, the NGC and Ngaanyatjarra people). Although it appears that Oz Minerals have undertaken substantial consultation with the NGC and the Ngaanyatjarra people, the nature and duration of this consultation could be more clearly stated (e.g. the date the Deed of Exploration Agreement was executed, the frequency of meetings). Additionally, it is not clear whether the NGC and the Ngaanyatjarra people have had direct input into the WMP CHMP. The NGC Exploration and Studies Program CHMP specifies NGC's expectations regarding free, prior and informed consent in consultations with Oz Minerals (Ngaanyatjarra Council 2021, 6). It is probable, therefore, that they would have the same expectation regarding the development and use of the WMP CHMP. Although Oz Minerals have adopted some aspects of the NGC Exploration and Studies Program CHMP, the WMP CHMP should ultimately be compiled in direct collaboration with the NGC and Ngaanyatjarra people. Indeed, the Ministerial Notice states that the WMP CHMP is to be developed 'on the advice of the appropriate knowledge holders'. This should involve direct input from the NGC and Ngaanyatjarra people and not just be based on outcomes from heritage surveys and adopting elements of the NGC Exploration and Studies Program CHMP. If this assumption is incorrect and NGC have had direct involvement with the development of the WMP CHMP, then we would suggest outlining the nature and extent of this involvement in the CHMP.



## LOCATION AND TERMINOLOGY

### **LOCATION OF THE WMP DEVELOPMENT ENVELOPE**

The WMP CHMP currently applies to an outlined Development Envelope. However, no tenements are listed in the CHMP and no co-ordinates are indicated on the included maps. Preferably, the WMP CHMP would apply to Oz Mineral's tenure for the project and potential future ancillary tenure, with all tenements stated (the Project Area), as this is a standard feature of most CHMPs. Regardless, we suggest that the WMP CHMP lists the tenements it applies to (which may be updated as necessary).

### **HERITAGE SURVEYS AND HERITAGE SITES**

Although the area that has not yet been subject to survey is identified as the northern borefield area, this is not labelled in the relevant map (Figure 3). Furthermore, none of the archaeological sites or the ethnographic sites (albeit recorded as exclusion zones) are indicated on any of the maps.

We suggest that, subject to consent from the NGC and Ngaanyatjarra people, at least the following details should be included for any cultural heritage sites (archaeological and / or ethnographic) or exclusion zones.

- an identifying name / label
- a boundary (potentially with a added buffer)
- a physical description; and
- a statement regarding whether it is significant to the Ngaanyatjarra people.

Eleven archaeological sites have been identified from the report attached to the EPA Referral (Mattner 2020) and included in the map in this document (see Map 1). It should be noted that the distinction Mattner has made between 'archaeological sites' and 'archaeological locations' may not be upheld by the DPLH.

### **DEFINITIONS AND TERMINOLOGY**

We suggest some of the terminology in the WMP CHMP is not consistent with heritage industry language and could be revised or defined for clarity. This could be done by providing a list of defined terms (such as the one in this document) or by defining the terms within the document.

### **CHMP or EMP**

The WMP CHMP has been prepared in response to the Notice issued by the EPA. Oz Minerals have therefore used the EPA's *Instructions on how to prepare Environmental Protection Act 1986 Part IV Environmental Management Plans*, and the included template, in the preparation of their WMP CHMP. It should be noted that, while the other requirements of the Notice specifically reference use of the *Instructions on how to prepare Environmental Protection Act 1986 Part IV Environmental Management Plans*, the requirement for a CHMP does not.

Therefore, while the WMP CHMP is (appropriately) broader than outlined in these guidelines, we suggest that the references throughout the document to an EMP should be removed. Indeed, the WMP CHMP is a document primarily for the management of cultural heritage and appears largely to have been compiled as such.



### ***Cultural Heritage Sites***

The term 'cultural heritage sites' is used throughout the WMP CHMP and there appears to be a distinction made between these and archaeological sites. Typically, cultural heritage sites applies to both archaeological and ethnographic sites. While it may be appropriate to draw attention to important sites (e.g. Tjukurrpa / Dreaming sites), especially where these have unique management requirements, we suggest that 'cultural heritage sites' be applied to both archaeological and ethnographic sites.

Additionally, we suggest the removal of the attachment of significance to this term (e.g. 'cultural heritage sites of significance', 'significant cultural heritage sites') unless this is directly relevant to management actions in which case other specific terms should be used and defined. For example, Oz Minerals may make project design decisions based on the designation of significance by the NGC and Ngaanyatjarra people and may identify this in the management actions for specific sites. Additionally, specific management (e.g. avoidance) may be a requirement following assessment of cultural heritage sites by the ACMC.

### ***Exclusion Zones***

It is our assumption that exclusion zones are areas that Oz Minerals have agreed, in consultation with the NGC and Ngaanyatjarra people, to not conduct any activity. We suggest a clear definition and an indication of their location on the WMP CHMP maps would assist in understanding the requirements (e.g. restricted access, impact monitoring) that apply to these zones.

### ***Areas of Significance***

The term 'Areas of Significance' is first mentioned on page 30 of the WMP CHMP. Although this may be defined in the Exploration Deed of Agreement, a definition should also be provided in the WMP CHMP (and possibly an explanation as to how these differ from Exclusion Zones) for it to be used as a stand-alone document.

### ***Pre-Clearance Surveys***

We suggest 'pre-clearance surveys' should not be used in relation to heritage surveys as, although this is a term used by the EPA, it is a broad term that potentially has different implications when applied to heritage surveys. We suggest the method required for survey (as identified in consultation with the NGC and Ngaanyatjarra people) is used instead.

Typically, there are four different types of Aboriginal heritage surveys undertaken in Western Australia:

1. **Work Program Clearance** (where a proposed work program can be adapted based on portions of the work program being deemed Cleared or Not Cleared, depending on the presence/absence of heritage sites and/or areas of cultural concern);
2. **Work Area Clearance** (where proposed works within a broader area can be adapted based on portions of the work area being deemed Cleared or Not Cleared, depending on the presence/absence of heritage sites and/or areas of cultural concern);
3. **Site Avoidance** (where information recorded includes an accurate extent of each site, and a broad characterisation of the site, that enable proponents to avoid heritage sites); and



4. **Site Identification** (where sites are recorded in sufficient detail for a statement of significance to be provided for each site).

The choice of survey type may be decided by the following considerations:

1. The likelihood of Aboriginal heritage sites existing on the land;
2. The nature of the proposed activity on the land;
3. The likelihood of the proposed activity causing disturbance to, or destruction of, any Aboriginal heritage site on the land;
4. The requirement to obtain professional advice adequate for purpose(s); and
5. The requirement of the native title claimant groups to protect their rights and interests pertaining to Aboriginal heritage sites such that only the information necessary to fulfil the proponent's obligations under the *Aboriginal Heritage Act 1972* (WA) is disclosed.

Additionally, Native Title Representative Bodies may have specific method requirements for purposes of protection and management of sites. These **Customised Surveys** may have a variety of names (e.g., Cultural Mapping Survey, Impact Assessment Survey) and are survey methods likely to be employed for purposes of developing and/or implementing a CHMP.

An additional post-survey method, for the purpose of ensuring Aboriginal heritage is adequately protected during ground disturbing activities, is Monitoring. Monitoring is generally only undertaken in very particular circumstances, often as a result of a recommendation by heritage consultants and / or Ngaanyatjarra people. Monitoring occurs **while** ground disturbing construction works are being conducted. Monitoring is generally reserved for instances where surveys have already been conducted and there is considered to be continued potential risk to Aboriginal heritage.

Both the NCG CHMP and the WMP CHMP identify the requirement for monitoring when 'ground is disturbed for the first time'.



## **SITE SPECIFIC MITIGATIVE AND MANAGEMENT ACTIONS**

### ***HERITAGE SITES***

The WMP CHMP does not currently contain any site specific mitigative or management recommendations. There are at least sixteen archaeological sites (as cited on page 18) and, it is presumed, one anthropological site (the exclusion zone cited on page 19) within the Development Envelope. The WMP CHMP suggests that heritage sites will 'largely be avoided' by the development footprint. We suggest that this needs to be more specific. As well as showing the location of cultural heritage sites on the WMP CHMP maps, we suggest references to, for example, 'one ethnographic site' should specify the relevant site name / label. As noted above, we suggest that each cultural heritage site (or Exclusion Zone, where appropriate) should include the following:

- an identifying name / label
- a boundary (potentially with added buffer)
- a physical description; and
- a statement regarding whether it is significant to the Ngaanyatjarra people

Additionally, there are likely to be some actions required by the Ngaanyatjarra people that apply to these sites. Some of these are already broadly identified (e.g. demarcation of sites) and are assumed to apply to all sites and there are some that apply to specific sites (e.g. sealing a section of road near 'one of the cultural heritage sites' on page 22). However, the specific sites should be named (so it is possible to ensure measures have been developed in detail and with the appropriate consultation and consent from the NGC and Ngaanyatjarra people) and it would be preferable to have a list or table of actions that identifies the requirements for each site.

These may include such things as:

- further site recording and / or analysis (e.g. photographs / video, cultural landscape mapping, residue analysis)
- monitoring sites for potential impact
- restricted access (e.g. related to gender / cultural safety)
- cultural fire management
- cultural / systematic salvage
- excavation

Stating the actions required for specific sites also helps ensure that these actions are taken, with the correct actions are applied to the correct sites, ensuring mitigative measures required under the CHMP are implemented and, by extension, Oz Mineral's obligations met.

### ***CHANCE FINDS***

We suggest including a protocol (developed in consultation with the NGC and Ngaanyatjarra people) regarding the management of chance finds (especially human remains) following any required investigation. For example, Ngaanyatjarra people may wish human remains to be repatriated/reburied or discussions may be required on a case-by-case basis.



### ***OTHER IDENTIFIED PLACES OF CULTURAL IMPORTANCE***

The WMP CHMP identifies two areas of vegetation (a stand of desert oaks and a specific stand of mulga) that have been identified to be of cultural importance (e.g. Oz Minerals 2021, 21). It is stated that the drawdown of groundwater should not impact on these two areas of vegetation (Oz Minerals 2021, 13). There may, however, be additional management actions required for these (such as monitoring impacts by the Ngaanyatjarra people) that could be included in the WMP CHMP.

Additionally, Mattner (2020, 66) discusses seven scarred trees within the area. Five of these are located adjacent to the Old Warburton Blackstone Road. It is not clear why these were not recorded as a site and it is not clear as to whether the 'stand of mulga' and these scarred trees are one and the same. Regardless, there are management actions, to be determined in consultation with the NGC and the Ngaanyatjarra people, that may apply to all of these, such as:

- demarcation and avoidance
- photographs / recording
- salvage / relocation

These management actions should be outlined in the WMP CHMP.

### ***WATER MANAGEMENT***

The WMP CHMP identifies that there is a specific Groundwater Management and Monitoring Plan. It is not clear whether the NGC and Ngaanyatjarra people have been involved in the compilation of this plan and we suggest, if not, that their direct involvement should be considered or that they should otherwise be involved in a review of the Groundwater Management and Monitoring Plan as part of the development of the Mine Agreement. A brief summary of any relevant management points / commitments to monitoring and restoring water flow etc should then be included in the WMP CHMP. There may be management actions required, as determined through consultation with the NGC and Ngaanyatjarra people, such as periodic monitoring, and any such actions should be outlined in the WMP CHMP.

### ***ENVIRONMENTAL MANAGEMENT***

The NGC Exploration and Studies Program CHMP identifies the requirement for Ngaanyatjarra people to be involved in 'environmental and other studies as informants (if relevant)...'. As with the Groundwater Management and Monitoring Plan, there may be some management actions required, as determined through consultation with the NGC and Ngaanyatjarra people, such as periodic cultural burning, and any such actions should be outlined in the WMP CHMP.

### ***REHABILITATION***

It is not clear if the NGC and Ngaanyatjarra people have been consulted regarding the proposed rehabilitation methods and the Mine Closure Plan for the project. If not, such consultations should be undertaken and any relevant results from these outlined in the WMP CHMP.





## **HERITAGE SURVEYS**

The WMP CHMP identifies further heritage survey work is required in some areas of the Development Envelope and heritage reports from the NGC that have further requirements relating to heritage survey (Oz Minerals 2021, 16). We suggest that these requirements are specified and updated in the WMP CHMP as they are completed and that these requirements be completed prior to a Mine Agreement CHMP. The WMP CHMP should additionally outline a process for future surveys within the Project Area, with the WMP CHMP updated as these are undertaken.

### ***ARCHAEOLOGICAL SURVEYS***

The WMP CHMP suggests few artefacts, and no traditional campsites, were identified during archaeological surveys. This is somewhat contradicted by the presence of sixteen archaeological sites (some containing thousands of artefacts). We suggest this section list the sites that have been identified and whether these are likely to be impacted by the proposed activity. As discussed above, it also would be preferable if these locations were included in a list or table of actions that identifies the requirements for each of the sites. For example, avoidance in the event the site will not be impacted, or, if it is likely to be impacted, appropriate management actions i.e., salvage, further recording etc. Furthermore, given that fifteen (15) of the sixteen (16) sites are located in the Main Development Area, there may need to be additional consideration given to access issues and active site management approaches, seeing as there is likely to be an increased risk of direct and indirect impacts on sites in near proximity to operational areas. For example, regular (annual or biennial basis) monitoring of sites within 3 km of dust generating activities to ensure dust-borne sediments (as a result of mining activities) are not accumulating over the top of archaeological assemblages. Such an action could be included in Table 6 with the management action already outlined for dust deposition monitoring. Discussions around site significance should be restricted to the reports and determined by the NGC, Ngaanyatjarra people in conjunction with a suitably qualified archaeologist, and additionally by the ACMC. If required, a table of sites with suggested significance (from the relevant heritage reports) may be provided here instead. Any survey results should be disclosed at the discretion of the NGC.

### ***ETHNOGRAPHIC SURVEYS***

The NGC may wish to compile a section on the conduct, purpose and results of any ethnographic surveys that have taken place to date. The results of these should be disclosed at the discretion of the NGC.

Additionally, although the WMP CHMP discusses the establishment of an Advisory Committee, it is not currently clear what access the NGC and Ngaanyatjarra people will have to the Project Area for the purposes of ensuring their satisfaction with the implementation of the CHMP.

### ***CONTINUED ACCESS***

In addition to heritage surveys and monitoring, the Ngaanyatjarra people should, where possible, have access to places and traditional resources within the West Musgrave Project so cultural activities can continue to take place. This requirement for access should be determined in consultation with the NGC and Ngaanyatjarra people and may be broader than the access to 'identified cultural heritage sites' currently stated in the WMP CHMP (Oz Minerals 2021, 47).



## CONCLUSION

Oz Minerals have compiled their WMP CHMP in response to the Notice issued by the EPA. It is our view that the EPA requirement for peer review is to ensure that the WMP CHMP is in line with equivalent industry CHMPs and we have therefore made a series of recommended additions and / or revisions on this basis.

Additionally, we suggest that some of these recommendations are requirements of the Notice as outlined below.

### **REQUIREMENTS OF THE NOTICE**

#### ***Mitigation hierarchy concerning avoidance and minimisation of impact to potential cultural heritage sites***

As outlined above, we suggest Oz Minerals provide details (including indicating the location of cultural heritage sites and / or Exclusion Zones on the maps) of specific sites within the Development Envelope, and greater Project Area, and include details of mitigative and management actions that apply to these.

#### ***Cultural Heritage Management Plan is to be developed on advice of the appropriate knowledge holders***

We suggest that the NGC and Ngaanyatjarra people have direct input into the development of the WMP CHMP beyond the incorporation of elements of the NGC Exploration and Studies Program CHMP and consultation during heritage surveys. The WMP CHMP should be a collaborative document with the NGC and the Ngaanyatjarra people agreed with their free, prior and informed consent.

We suggest that if Oz Minerals address the recommendations in this document, they will have a CHMP that both fulfills the specified requirements of the Notice and is a robust document for the management of cultural heritage.





## FINAL RECOMMENDATIONS

It is recommended that Oz Minerals:

1. Consult with and provide the WMP CHMP to the NGC and Ngaanyatjarra people for direct input into the development (as well as implementation) of the WMP CHMP;
2. Expand the WMP CHMP to apply to the Project Area and identify the tenements to which this applies;
3. Subject to consent from the NGC and Ngaanyatjarra people, identify all sites (or exclusion zones where the information may be sensitive) located within the Project Area and include them on the WMP CHMP maps;
4. Provide definitions for exclusion zones, areas of significance and pre-clearance surveys;
5. In consultation with the NGC and Ngaanyatjarra people, identify from heritage survey reports and any site specific mitigative and management recommendations and list these in the WMP CHMP;
6. In consultation with the NGC and Ngaanyatjarra people, identify from the Groundwater Monitoring and Management Plan any specific management requirements as these apply to cultural heritage;
7. In consultation with the NGC and Ngaanyatjarra people, identify from other Environmental Management Plans any specific management requirements as these apply to the Project Area;
8. In consultation with the NGC and Ngaanyatjarra people, identify from the Mine Closure Plan any specific management requirements (such as rehabilitation requirements) as these apply to the Project Area;
9. Remove existing statements relating to the potential significance of archaeological sites in the Development Envelope; and
10. Review and update the WMP CHMP in consultation with the NGC and the Ngaanyatjarra people obtaining their free, prior and informed consent for its use.



## REFERENCES CITED

Mattner J. 2020. *Archaeological investigations & site recording at the West Musgrave Project east of Warburton on Ngaanyatjarra Lands*, Unpublished Report Prepared for Oz Minerals Ltd & Cassini Resources Ltd.

Ngaanyatjarra Council. 2021. *Cultural Heritage Management Plan. West Musgrave Project 2021 Exploration and Studies Program (V\_17, 6th February 2021)*, Unpublished Report Prepared for Oz Minerals.

Oz Minerals. 2021. *West Musgrave Copper and Nickel Project: Cultural Heritage Management Plan (V\_3)*, Unpublished Report Prepared for the EPA.





## Appendix C. Consultation Register

| Stakeholder Group  | Stakeholder Individuals/Attendees  | Date                 | Engagement Details  | Issues/Topics Raised   | Proponent Response/Outcome   |
|--|--|----------------------|---|--|--|
| West Musgrave Steering Committee<br>Ngaanyatjarra Council and Ngaanyatjarra Traditional Owners | <b>OZ Minerals Representatives</b><br>Jim Hodgkison – Mining Agreement Lead<br>Zoran Seat – West Musgrave Site Manager<br>John Isgar – Community and Heritage Lead<br>Justin Rowntree – Environment and Approvals Lead<br><br><b>Ngaanyatjarra Council</b><br>Frances Nicholson – Manager Land and Culture<br>Deborah Grant – Ranger Coordinator<br>John Thurtell – Mining Agreement Lead<br>Bryony Nicholson – Anthropologist<br><br><b>Bush trip Attendees</b><br>Approximately 50 Traditional Owner attendees   | 21/09/20 to 24/09/20 | In person presentations and bush trips on Ngaanyatjarra Lands     | <p>Consultation activities associated with the content of the planned Part IV, Section 38 Referral submission to the EPA. Detailed issues and topics were raised and discussed – refer to the Consultation-specific appendix located within the Group A Appendices of the Main Report.</p> <p>At the conclusion of on-country consultation activities described above Traditional Owners were informed that the EPA would be reviewing the environmental study program and impact assessment provided by OZ Minerals to ensure that no unacceptable impacts to environmental factors would eventuate as a result of the proposed project, that the EPA would consider any of the concerns and worries that they had raised, and that consultation relating to environmental impacts and other matters will be ongoing. Traditional Owners were reassured that the Part IV approval did not mean that mining could commence, and that even with the Part IV approval in place a Mining Agreement between Traditional Owners and OZ Minerals would still be required before any mining related activities could commence. Traditional Owners were asked whether they held any objections to the submission and assessment of the proposal to EPA to which no objections were received and support for this submission was given.</p> | Detailed issues and topics were raised and discussed – refer to the Consultation-specific appendix located within the Group A Appendices of the Main Report for the responses and outcomes to the discussion topics.   |
| Ngaanyatjarra Council  | <b>OZ Minerals Representatives</b><br>Jim Hodgkison – Mining Agreement Lead<br>John Isgar – Community and Heritage Lead<br>Justin Rowntree – Environment and Approvals Lead<br>Rachel Farrugia – Environment Consultant<br>David Winterburn- Environment Consultant<br>Elise Nazzari – Community Relations Advisor<br>Matt Read – General Manager Projects<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell: NgC Lead Negotiator<br>Bryony Nicholson: NgC Anthropologist & Land and Culture Manager<br>Ben Garwood: NgC Heritage Consultant<br>Lisa Adams: NGC Environment Consultant<br>Deborah Grant: Project Management Assistant | 20 April 2021        | Email and Teams Conference (and use of Mural collaboration board) | <p>The Notice from the EPA under s40(2)(a) – West Musgrave – further information required for assessment was shared with the Ngaanyatjarra Council and an initial meeting was held to confirm those areas that they were interested in providing comment. The Ngaanyatjarra Council provided some preliminary views on those areas of interest for inclusions in the Management Plans and noted that they were most interested in:</p> <ul style="list-style-type: none"> <li>• Cultural Heritage Management Plan</li> <li>• Terrestrial Fauna Management Plan, and</li> <li>• Groundwater Monitoring and Management Plan.</li> </ul> <p>The Ngaanyatjarra Council shared a list of specific areas of interest, and it was agreed that OZ Minerals would provide a draft of each of these Management Plans for Ngaanyatjarra Council review. The Ngaanyatjarra Council review was to ensure that the plans appropriately reflect the Ngaanyatjarra Council's interests, and addressed those interests that had been communicated by Ngaanyatjarra People during ongoing consultation activities.</p>   | <p>OZ Minerals to provide the Ngaanyatjarra Council a draft of the following three management plans for comment:</p> <ul style="list-style-type: none"> <li>• Cultural Heritage Management Plan</li> <li>• Terrestrial Fauna Management Plan and</li> <li>• Groundwater Monitoring and Management Plan.</li> </ul> <p>Subsequently the Ngaanyatjarra Council would provide reviews of these management plans to OZ Minerals to ensure that they have appropriately reflected the Ngaanyatjarra Council and Ngaanyatjarra People's interests as had been reflected by Ngaanyatjarra People through ongoing consultation activities.</p> |
| Ngaanyatjarra Council  | <b>OZ Minerals Representatives</b><br>Jim Hodgkison – Mining Agreement Lead<br>Justin Rowntree – Environment and Approvals Lead<br>Elise Nazzari – Community Relations Advisor<br>Matt Read – General Manager Projects<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell: NgC Lead Negotiator   | 03 May 2021          | Email   | Email from the Ngaanyatjarra Council noting an expectation that the OZ Minerals CHMP should reflect the intent, content, effect and spirit of the Ngaanyatjarra Council CHMP prepared by the Ngaanyatjarra Council to support heritage protection associated with the exploration and study phase of the project, and with an expectation that this Ngaanyatjarra Council CHMP is further updated and included in the planned Mining Agreement   | OZ Minerals CHMP to reflect the intent, content, effect and spirit of the Ngaanyatjarra Council CHMP in-so-far as meeting the requirements under the EP Act.   |
| Ngaanyatjarra Council  | <b>OZ Minerals Representatives</b><br>Justin Rowntree – Environment and Approvals Lead<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell: NgC Lead Negotiator<br>Lisa Adams: NGC Environment Consultant   | 03 May 2021          | Email   | <p>OZ Minerals provided the following management plans to Ngaanyatjarra Council for review:</p> <ul style="list-style-type: none"> <li>• Cultural Heritage Management Plan</li> <li>• Terrestrial Fauna Management Plan, and</li> <li>• Flora Management Plan</li> </ul> <p>OZ Minerals also requested confirmation from the Ngaanyatjarra Council that they support a peer review of the OZ Minerals CHMP by Gavin Jackson Cultural Resource Management, and provided CVs.</p>  | <p>Ngaanyatjarra Council agreed to review and provide feedback to ensure that it reflects the interests of the Ngaanyatjarra People. The review of the environmental plans was to be undertaken by ELA on behalf of the Ngaanyatjarra Council, and the CHMP was to be reviewed by Ben Garwood on behalf of the Ngaanyatjarra Council</p> <p>John Thurtell agreed to consider GJCRM as a peer-reviewer of the CHMP</p>  |
| Ngaanyatjarra Council  | <b>OZ Minerals Representatives</b><br>Jim Hodgkison – Mining Agreement Lead<br>Justin Rowntree – Environment and Approvals Lead  | 06 May 2021          | Teams teleconference  | Alignment on the scope of the EPA required CHMP.   | Agreed actions included:   |

| Stakeholder Group     | Stakeholder Individuals/Attendees   | Date        | Engagement Details   | Issues/Topics Raised   | Proponent Response/Outcome  |
|-----------------------|---|-------------|----------------------|--|---|
|                       | <p>Elise Nazzari – Community Relations Advisor<br/> Matt Read – General Manager Projects<br/> John Isgar – Community and Heritage Lead</p> <p><b>Ngaanyatjarra Council Representatives</b><br/> John Thurtell: NgC Lead Negotiator<br/> Bryony Nicholson: NgC Anthropologist &amp; Land and Culture Manager<br/> Ben Garwood: NgC Heritage Consultant</p>   |             |                      |  | <ul style="list-style-type: none"> <li>Gain alignment from the legal team on the nuances of the EP Act and whether it precludes a more fulsome CHMP.</li> <li>Ngaanyatjarra Council to gain alignment from the EPA re: expectations of the CHMP, and their reaction to the inclusion of a more fulsome CHMP, and/or something that doesn't align with their table.</li> </ul> <p>Ngaanyatjarra Council to provide OZ Minerals feedback on the Draft EPA CHMP highlighting the key gaps/omissions (we are very open to adopting what we can and what you see to be of critical importance)</p> |
| Ngaanyatjarra Council | <p><b>OZ Minerals Representatives</b><br/> Jim Hodgkison – Mining Agreement Lead<br/> Justin Rowntree – Environment and Approvals Lead<br/> Elise Nazzari – Community Relations Advisor<br/> Matt Read – General Manager Projects<br/> John Isgar – Community and Heritage Lead</p> <p><b>Ngaanyatjarra Council Representatives</b><br/> John Thurtell: NgC Lead Negotiator</p> <p><b>Francis Burt</b><br/> Stephen Wright (Ngaanyatjarra Council Legal Counsel)</p> <p><b>DLA Piper</b><br/> Rhys Davies (OZ Minerals Legal Counsel)</p> | 7 May 2021  | Teams teleconference | Gain alignment from the legal team on the nuances of the EP Act and whether it precludes a more fulsome CHMP.  | Agreement that the EPA CHMP would be completed to meet the needs of the EP Act, however a more fulsome CHMP would be included as part of the Mining Agreement process   |
| Ngaanyatjarra Council | <p><b>OZ Minerals Representatives</b><br/> Justin Rowntree – Environment and Approvals Lead</p> <p><b>Ngaanyatjarra Council Representatives</b><br/> John Thurtell: NgC Lead Negotiator<br/> Lisa Adams: NGC Environment Consultant</p>   | 17 May 2021 | Email                | <p>Ngaanyatjarra Council provide OZ Minerals with a review memo of the</p> <ul style="list-style-type: none"> <li>Terrestrial Fauna Management Plan</li> </ul>   | OZ Minerals to update the Management Plan in consideration of the Ngaanyatjarra Council review  |
| Ngaanyatjarra Council | <p><b>OZ Minerals Representatives</b><br/> Justin Rowntree – Environment and Approvals Lead</p> <p><b>Ngaanyatjarra Council Representatives</b><br/> John Thurtell: NgC Lead Negotiator<br/> Lisa Adams: NGC Environment Consultant</p>   | 17 May 2021 | Email                | <p>OZ Minerals provided the following management plans to Ngaanyatjarra Council for review:</p> <ul style="list-style-type: none"> <li>Groundwater Management and Monitoring Plan</li> </ul>                                   | Ngaanyatjarra Council agreed to review and provide feedback to ensure that it reflects the interests of the Ngaanyatjarra People. The review of the environmental plans was to be undertaken by ELA on behalf of the Ngaanyatjarra Council.   |
| Ngaanyatjarra Council | <p><b>OZ Minerals Representatives</b><br/> Justin Rowntree – Environment and Approvals Lead<br/> Jim Hodgkison – Mining Agreement Lead</p> <p><b>Ngaanyatjarra Council Representatives</b><br/> John Thurtell: NgC Lead Negotiator</p>  | 20 May 2021 | Email                | <p>Ngaanyatjarra Council provide OZ Minerals with a review of the</p> <ul style="list-style-type: none"> <li>Cultural Heritage Management Plan</li> </ul>  | OZ Minerals to update the Management Plan in consideration of the Ngaanyatjarra Council review  |
| Ngaanyatjarra Council | <p><b>OZ Minerals Representatives</b><br/> Justin Rowntree – Environment and Approvals Lead<br/> Jim Hodgkison – Mining Agreement Lead</p> <p><b>Ngaanyatjarra Council Representatives</b><br/> John Thurtell: NgC Lead Negotiator<br/> Lisa Adams: NGC Environment Consultant</p>  | 25 May 2021 | Email                | <p>Ngaanyatjarra Council provide OZ Minerals with a review memo of the</p> <ul style="list-style-type: none"> <li>Groundwater Management and Monitoring Plan</li> </ul>  | OZ Minerals to update the Management Plan in consideration of the Ngaanyatjarra Council review  |
| Ngaanyatjarra Council | <p><b>OZ Minerals Representatives</b><br/> Justin Rowntree – Environment and Approvals Lead</p> <p><b>Ngaanyatjarra Council Representatives</b><br/> John Thurtell: NgC Lead Negotiator</p>   | 25 May 2021 | Email                | Ngaanyatjarra Council provide OZ Minerals email advice noting that the flora management plan is not of specific interest to the Ngaanyatjarra People's concerns as matters relating to potential GDEs are covered by the GMMP. |   |
| Ngaanyatjarra Council | <p><b>OZ Minerals Representatives</b><br/> Justin Rowntree – Environment and Approvals Lead</p> <p><b>Ngaanyatjarra Council Representatives</b><br/> John Thurtell: NgC Lead Negotiator</p>   | 25 May 2021 | Phone                | John Thurtell notified OZ Minerals that they are happy to proceed with Gavin Jackson Cultural Resource Management for a peer-review of the OZ Minerals CHMP  |   |

| Stakeholder Group     | Stakeholder Individuals/Attendees   | Date             | Engagement Details | Issues/Topics Raised  | Proponent Response/Outcome  |
|-----------------------|---|------------------|--------------------|---|---|
| Ngaanyatjarra Council | <b>OZ Minerals Representatives</b><br>Justin Rowntree – Environment and Approvals Lead<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell: NgC Lead Negotiator  | 2 June 2021      | Phone and email    | OZ Minerals seeking confirmation from Ngaanyatjarra Council on the following three areas: <ul style="list-style-type: none"> <li>Confirm that Ngaanyatjarra Council support the appending of the Ngaanyatjarra Council CHMP to the WMP CHMP submission to EPA.</li> <li>Confirmation from Ngaanyatjarra Council that they do not want to included details of cultural heritage sites in the EPA CHMP as requested in the Gavin Jackson Cultural Management Services Peer-Review (and to confirm wording used by OZ Minerals in the EPA submission)</li> <li>Confirmation from Ngaanyatjarra Council that they do not want to included details of specific cultural heritage report mitigation requirements in the EPA CHMP as requested in the Gavin Jackson Cultural Management Services Peer-Review (and to confirm wording used by OZ Minerals in the EPA submission)</li> </ul> | Ngaanyatjarra Council provided written response that: <ul style="list-style-type: none"> <li>They support the inclusion of the Ngaanyatjarra Council CHMP in the WMP CHMP submission to EPA.</li> <li>They supporting the wording used in the WMP CHMP relating to 'not disclosing details of cultural heritage sites, or details of management measures specified in cultural heritage survey reports issued from the Ngaanyatjarra Council to OZ Minerals.</li> </ul> |
| Ngaanyatjarra Council | <b>OZ Minerals Representatives</b><br>Justin Rowntree – Environment and Approvals Lead<br>Jim Hodgkison – Mining Agreement Lead<br>Matt Reed – Chief Operating Officer<br>Zoran Seat- Community Relations Manager<br>Kristy Sell – Approvals Consultant<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell: NgC Lead Negotiator<br>Lisa Adams: NGC Environment Consultant<br>Ben Garwood: NgC Heritage Consultant | 12 August 2021   | Team Meeting       | OZ Mineral's seek to understand Ngaanyatjarra Councils position relating to their public comments to the EPA during the three week public consultation period. Ngaanyatjarra Council emphasised:<br><br>Preference for the EPA to take a leadership position in regulation of all activities specified in the Ngaanyatjarra Council response document to the EPA.<br><br>Preference for the EPA to make a determination of what they will and won't regulate under Part IV of the Act rather than OZ Minerals making this assumption.<br><br>Appreciation that some of what was being requested in the response document to EPA was outside current precedent but within the boundaries of the application of EPA's social surroundings guideline.  | OZ Minerals to provide Ngaanyatjarra Council a table of responses to the comments, and details of how they plan to address Ngaanyatjarra Council comments in further management plan updates.   |
| Ngaanyatjarra Council | <b>OZ Minerals Representatives</b><br>Justin Rowntree – Environment and Approvals Lead<br>Kristy Sell – Approvals Consultant<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell: NgC Lead Negotiator<br>Ben Garwood: NgC Heritage Consultant  | 17 August 2021   | Team Meeting       | Systematic discussion relating to how OZ Minerals plan to respond to each of Ngaanyatjarra Council's comments on the CHMP.  | OZ Minerals to provide an updated CHMP to Ngaanyatjarra Council for review.   |
| Ngaanyatjarra Council | <b>OZ Minerals Representatives</b><br>Justin Rowntree – Environment and Approvals Lead<br>Kristy Sell – Approvals Consultant<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell: NgC Lead Negotiator<br>Ben Garwood: NgC Heritage Consultant  | 28 August 2021   | Team Meeting       | A meeting between OZ Minerals and the Ngaanyatjarra Council to discuss OZ Minerals proposed response to the EPA, and the proposed updates to the CHMP.  | OZ Minerals to provided an updated CHMP to Ngaanyatjarra Council for review.  |
| Ngaanyatjarra Council | <b>OZ Minerals Representatives</b><br>Justin Rowntree – Environment and Approvals Lead<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell: NgC Lead Negotiator<br>Ben Garwood: NgC Heritage Consultant  | 1 September 2021 | Teams Meeting      | Meeting to discuss updated CHMP. The Ngaanyatjarra Council indicated a small number of minor updates to the CHMP would be beneficial, including: <ul style="list-style-type: none"> <li>Importance of Traditional Owner participation in delivery of cultural awareness.</li> <li>Requested that it is made clear that should third parties have concerns relating to the hierarchy of cultural heritage documentation that the Ngaanyatjarra Council CHMP takes precedent.</li> <li>Request that the PTW and LDP is considered as present tense, rather than future tense.</li> <li>Note to emphasise that while site avoidance important that emphasis should also be placed on workers staying inside defined work areas.</li> </ul>   | Further updates were made in the CHMP to reflect these matters.   |

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|-------------------------------------|--|-------------------------|------------------------------------|---|---|
|                                     |  |                         |                                    | <ul style="list-style-type: none"> <li>Emphasised the importance of using the Ngaanyatjarra Council as a key conduit in discussions relating to heritage protection and decision making, noting the risk of OZ Minerals talking with the wrong people.</li> <li>Importance of the CHMP advisory committee (e.g. CHMDC) to be appropriately resourced by OZ Minerals.</li> </ul> <p>OZ Minerals has acknowledged these changes and made updates to the final submitted CHMP to the EPA.</p>  |   |
| Ngaanyatjarra Council, EPA and JTSI | <p><b>EPA Representatives:</b></p> <ul style="list-style-type: none"> <li>Matthew Tonts – EPA Chair; Prof. Fiona Haslam McKenzie – EPA Board Member; Rob Hughes - Regional Manager– South; Natalie McAlpine - Principal Environmental Officer; Clare Grooser - Senior Manager Compliance</li> </ul> <p><b>JTSI Representatives</b></p> <ul style="list-style-type: none"> <li>Linda Dawson – Deputy Director General; Gerard Treacy – Director, Strategic Projects; Alex Stoichev – Project Manager</li> </ul> <p><b>Ngaanyatjarra Community Representatives:</b></p> <ul style="list-style-type: none"> <li>Veasha Grant, Lydia Smith, Serena Mitchell, Nikisha Mitchell, Tyrone McLean, Naomi West Lake, Mark Butler, Lloyd Jackson, Narelle Holland, James Shephard, Lillian Golding, Mamie Butler, Dorothy Holland-Richards, Steve Mitchell, Elves McLean, Nicholas Lane, Darcy Wood, Erwin Cook, Bevan Lane, Thomas Murray, Richard Kanari, Clifford Richards, Robert Woods, Russel Shephard</li> </ul> <p><b>Ngaanyatjarra Council Representatives:</b></p> <ul style="list-style-type: none"> <li>John Thurtell – WMP Project Manager/Lead Negotiator; Ben Garwood – Adviser to NGC; Lisa Adams – Ecological Australia - Peer reviewer</li> </ul> <p><b>OZ Minerals Representatives</b></p> <ul style="list-style-type: none"> <li>Zoran Seat – Operations Manager; Richard Bevan – Adviser; Dan Leinfelder – Approvals and Government Engagement Manager; Justin Rowntree – Sustainability Manager; Elise Nazzari – Sustainability Adviser; John Isgar – Community Relations Superintendent</li> </ul> | 7 and 8 September 2021  | In person at West Musgrave Project | <p><b>Purpose of Visit:</b></p> <ul style="list-style-type: none"> <li>Meet with representatives of the community and Ng Council and hear their feedback firsthand</li> <li>Understand how OZ Minerals are working with the community and Ng Council and managing heritage</li> <li>Gain an understanding of the West Musgrave project</li> <li>Gain an overview of the main development area where most infrastructure may be located</li> <li>Observe the extent of the northern borefield</li> </ul> <p><b>What the community raised with the EPA:</b></p> <p>Topics raised by the community:</p> <ul style="list-style-type: none"> <li>Jameson – impact to water supply, Community want to be involved in the water story, potentially having Ranger Teams involved in monitoring</li> <li>Community members expressed wishes for water pipeline to be above ground, with sections under tracks to avoid loss of access</li> <li>Community worried about access to sites; OZ Minerals reiterated a joint Access Plan would be developed</li> <li>Impact of traffic around Jameson and the Great Central Road (GCR) (inc. dust, noise and traffic interactions). Specific emphasis was made relating to the safety concerns associated with interactions with logistics trucks on the GCR (overtaking and dust).</li> <li>Migration of chemicals from TSF; chemical use in processes; process water reuse; Community want to learn and be informed over life of mine</li> <li>Borefield drawdown and interaction with ground water dependent vegetation</li> <li>Staying away from Cavanagh ranges</li> <li>Need to realign the Northern Access Road west away from Makan rock holes</li> </ul> <p>Items explained by the EPA:</p> <ul style="list-style-type: none"> <li>The EPA considers impacts to future generations</li> <li>The EPA and DWER will ensure that the conditions (outcomes) set by the EPA will be complied with</li> <li>The EPA will ensure that there will be ongoing engagement with the NGC and community</li> <li>The EPA can only set conditions for environmental related topics</li> <li>Some of the other topics (like jobs, payments, etc) are not covered under the EP Act and will need to be part of the Mining Agreement</li> </ul> | Items raised were cross checked against management plans and minor updates were made where required.  |
| Ngaanyatjarra Council               | <p><b>OZ Minerals Representatives</b></p> <p>Justin Rowntree – Environment and Approvals Lead</p> <p><b>Ngaanyatjarra Council Representatives</b></p> <p>Ben Garwood: NgC Heritage Consultant</p>  | 20 to 27 September 2021 | Teams Meeting and Emails           | <p>Meeting and discussion relating to Ngaanyatjarra additional comments relating to the CHMP.</p> <p>Ngaanyatjarra Council provided a track-changes mark-up of the CHMP to OZ Minerals including updates to criteria specified in indirect impact mitigation Table (Table 5) and Management Actions detailed in Table 7.</p>  | OZ Minerals adopted most changes in a revised version of the CHMP. A track changes version of the CHMP including the Ngaanyatjarra Council's changes and OZ Minerals adoptions was provided to the Ngaanyatjarra Council and EPA. |



| Stakeholder Group     | Stakeholder Individuals/Attendees   | Date            | Engagement Details          | Issues/Topics Raised  | Proponent Response/Outcome   |
|-----------------------|---|-----------------|-----------------------------|---|--|
| Ngaanyatjarra Council | <b>OZ Minerals Representatives</b><br>Zoran Seat – Operations Manager;<br>Dan Leinfelder – Approvals and Government Engagement Manager;<br>Justin Rowntree – Sustainability Manager;<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell – WMP Project Manager/Lead Negotiator;<br>Ben Garwood – Adviser to NGC; Lisa Adams – Ecological Australia - Peer reviewer | 14 October 2021 | Teams Meeting and in person | Meeting and discussion relating to Ngaanyatjarra additional comments relating to the CHMP.<br><br>Ngaanyatjarra Council walked through additional comments on the CHMP based on the EPA providing the Ngaanyatjarra an additional 10-day consultation period to provide further updates to the CHMP. The Ngaanyatjarra Council provided 18 comments to OZ Minerals. | OZ Minerals adopted most changes in a revised revision of the CHMP. A track changes version of the CHMP including the Ngaanyatjarra Council's changes and OZ Minerals adoptions was provided to the Ngaanyatjarra Council and EPA. |
| Ngaanyatjarra Council | <b>OZ Minerals Representatives</b><br>Zoran Seat – Operations Manager;<br>Dan Leinfelder – Approvals and Government Engagement Manager;<br>Justin Rowntree – Sustainability Manager;<br><br><b>Ngaanyatjarra Council Representatives</b><br>John Thurtell – WMP Project Manager/Lead Negotiator;<br>Ben Garwood – Adviser to NGC; Lisa Adams – Ecological Australia - Peer reviewer | 18 October 2021 | Emails                      | Ngaanyatjarra Council provided OZ Minerals with a further 51 comments on the CHMP that was submitted to the EPA as part of an additional 10-day consultation period.  | OZ Minerals adopted most changes in a revised revision of the CHMP. A track changes version of the CHMP including the Ngaanyatjarra Council's changes and OZ Minerals adoptions was provided to the EPA.                           |

