

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

WONGAWILLI COLLIERY

PA 09_0161

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

WWC EC PLN 011

CONTENTS

ABBREVIATIONS.....	4
1 INTRODUCTION	5
1.1 Project Background	5
1.2 Approved Operation.....	5
1.3 Construction Activities	7
1.4 Purpose and Scope	12
1.5 Management Plan Preparation	12
2 REGULATORY REQUIREMENTS.....	14
2.1 Overview	14
2.2 Legislative Requirements.....	14
2.3 Project Approval	14
2.4 Guidelines and Standards.....	16
3 CONSULTATION.....	16
3.1 Registered Aboriginal Parties and Key Stakeholders.....	16
3.2 Consultation Undertaken As Part Of MOD 2.....	17
3.3 Management Plan Consultation.....	18
3.4 Aboriginal Heritage Committee.....	18
3.5 Community Consultative Committee.....	18
3.6 Culturally Sensitive Dates.....	18
4 BASELINE DATA.....	19
4.1 Ethnographic Context	19
4.2 Identified Aboriginal and Cultural Heritage Sites	20
5 PERFORMANCE CRITERIA.....	22
6 MONITORING PROGRAM	22
6.1 Subsidence Exceedance Inspections	23
7 MANAGEMENT AND MITIGATION	25
7.1 Mining Related Impacts	25
7.2 Unexpected Finds Protocols	25
7.2.1 Discovery of Aboriginal Artefactual Materials.....	25
7.2.2 Discovery of Skeletal/Human Remains.....	26
7.3 Management of Recovered Cultural Materials.....	27
7.4 Any Proposed Activity Outside Approved Project Area	27
7.5 Research Opportunities.....	28
7.6 Training and Awareness	28
8 TRIGGER ACTION RESPONSE PLAN	29
9 INCIDENTS, NON-COMPLIANCE, AND COMPLAINTS	31
9.1 Incidents and Non-compliance	31

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

9.2	Complaints Handling	31
10	REPORTING	33
10.1	Incident Reporting	33
10.2	Non-compliance Reporting	33
10.3	Annual Review	33
10.4	Community Consultative Committee	34
11	CONTINUAL IMPROVEMENT	34
11.1	Overview	34
11.2	Environmental Monitoring	35
11.3	Review of Management Measures	35
11.4	Risk Assessments	35
11.5	Audits	35
12	REVIEW	36
13	CONTROL AND REVISION HISTORY	36
APPENDIX A	ABORIGINAL CULTURAL HERITAGE COMMITMENTS	37
APPENDIX B	LEGISLATION AND OBLIGATIONS	40
APPENDIX C	ABORIGINAL SITE DESCRIPTIONS	43
APPENDIX D	SUMMARY OF CONSULTATION	45

ABBREVIATIONS

ACHA	Aboriginal Cultural Heritage Assessment
ACHCRs	<i>Aboriginal Cultural Heritage Consultation Requirement's for Proponents</i>
AHC	Aboriginal Heritage Committee
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
CCC	Community Consultative Committee
DECCW	Department of Climate Change and Water
DPE	Department of Planning and Environment
EMM	EMM Consulting Pty Limited
EMS	Environmental Management Strategy
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
FTE	Full time equivalent
HDR	Higher degree by research
JSPL	Jindal Steel and Power Limited
km	Kilometre
LGA	Local government area
m	Metre
Mining Act	<i>Mining Act 1992</i>
NWMD	North West Mains Development
PAD	Potential archaeological deposit
ROM	Run of mine
TARP	Trigger Action Response Plan
WRPL	Wollongong Resources Priority Limited
WWC	Wongawilli Colliery

1 INTRODUCTION

This Aboriginal Cultural Heritage Management Plan (management plan) has been prepared for Wollongong Resources Priority Limited (WRPL) to provide a post-approval Aboriginal heritage framework and manage potential Aboriginal and cultural heritage impacts from the Wongawilli Colliery (WWC) operations.

1.1 Project Background

WWC is a well-established underground coal mine located approximately 15 kilometres (km) south-west of Wollongong within the Wollongong and Wingecarribee local government areas (LGAs) as shown in **Figure 1.1**. The mine is owned and operated by WRPL, which is majority owned by Jindal Steel and Power Limited (JSPL).

WWC commenced operations in 1916 and until 2 November 2011 operated under Section 74 of the NSW *Mining Act 1992* (Mining Act).

Project Approval (PA 09_0161) was granted on 2 November 2011 by the then Planning Assessment Commission (now the Independent Planning Commission under the now repealed Part 3A of the *Environmental Planning and Assessment Act 1979* [EP&A Act]).

PA 09_0161 has been modified on two occasions to enable the continuation of mining operations. A summary of the approvals relevant to WWC is provided in **Table 1.1**.

Table 1.1 WWC Approvals Summary

Approval	Date granted	Overview
PA 09_0161	2 November 2011	Consolidation and continuation of mining operations.
PA 09_0161 (MOD 1)	27 November 2015	Extending the approved duration of mining operations by 5 years, to 2020.
PA 09_0161 (MOD 2)	13 April 2022	Extend the life of the Colliery by 5 years to enable continued development of the North West Mains Development (NWMD).

The approval, as modified, allows WRPL to:

- undertake mining operations until 30 June 2027;
- extract up to 486,000 tonnes of run of mine (ROM) coal;
- transport coal from the site by rail; and
- operate ancillary mining infrastructure, including coal handling, processing and rail load out facilities.

1.2 Approved Operation

The approved WWC operations are summarised in **Table 1.2**.

Table 1.2 Summary of Approved WWC Operations

Element	Approved operations
Operating hours	<p>24 hours per day, seven days per week.</p> <p>Unloading from coal handling / train loading infrastructure occurring during normal operational hours:</p> <ul style="list-style-type: none"> • 7 am to 6 pm Monday to Friday; • 8 am to 4 pm Saturday; and • no time on Sundays and public holidays. <p>Conveyance of coal from the Wongawilli upper pit top to the lower pit top to occur only during the normal operational hours of:</p> <ul style="list-style-type: none"> • 7 am to 6 pm Monday to Friday; • 8 am to 4 pm Saturday; and • no time on Sundays and public holidays. <p>Operations at the lower pit top to occur only during the normal operational hours of:</p> <ul style="list-style-type: none"> • 7 am to 6 pm Monday to Friday; • 8 am to 4 pm Saturday; and • no time on Sundays and public holidays.
Coal seams	Bulli and Wongawilli Coal Seams.
Extraction rate	486,000 tonnes of ROM coal over the remaining life of this consent.
Approval period ending	30 June 2027.
Mining method	First working mining methods only.
Underground workings	Four 5.5 metre (m) wide by 3.6 m high roadways to enable access to the existing Wongawilli Shaft 1.
Existing Mine infrastructure (Wongawilli upper pit top)	<ul style="list-style-type: none"> • Administration offices • Material and chemical storage areas • Workshops • Bathhouse • Fuel and wash bays
Existing Mine infrastructure (Wongawilli lower pit top)	<ul style="list-style-type: none"> • Coal storage / loading bins • Stockpile area • 6 m high noise barrier
Avondale pit top	<ul style="list-style-type: none"> • Two portals • Cleared pad
Other infrastructure areas	Garden storage area.
Rail transport	<p>Maximum of 4 (one way) train movements a day.</p> <p>No train movements at night (i.e. the period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays).</p>
Waste management	Waste rock to be stored underground within existing and proposed NWMD workings or utilised on the surface for landscaping and rehabilitation purposes.

Table 1.2 Summary of Approved WWC Operations

Element	Approved operations
Mine ventilation	<ul style="list-style-type: none"> • Mine portals and vent shafts including: • two portals for personnel and materials; • one portal for coal extraction; • four access portals into the NWMD; <ul style="list-style-type: none"> – North West Mains B Portal; – North West Mains C Portal; – W9 Belt Conveyor Portal; – W10 Portal; and • Wongawilli Shaft 1, Nebo Shaft 3 and 4. <p>Existing Nebo area portals (Wonga Belts and Wonga Track) and ventilation shafts (Vent Shaft 3 and 4) are proposed to be closed off and rehabilitated and will no longer be in use.</p>
Workforce	Employment of up to 150 full time equivalents (FTEs).

The location of approved mine workings is shown on **Figure 1.2**. Existing and proposed infrastructure at the Wongawilli upper pit top and Wongawilli lower pit top are shown in **Figure 1.3** and **Figure 1.4** respectively.

1.3 Construction Activities

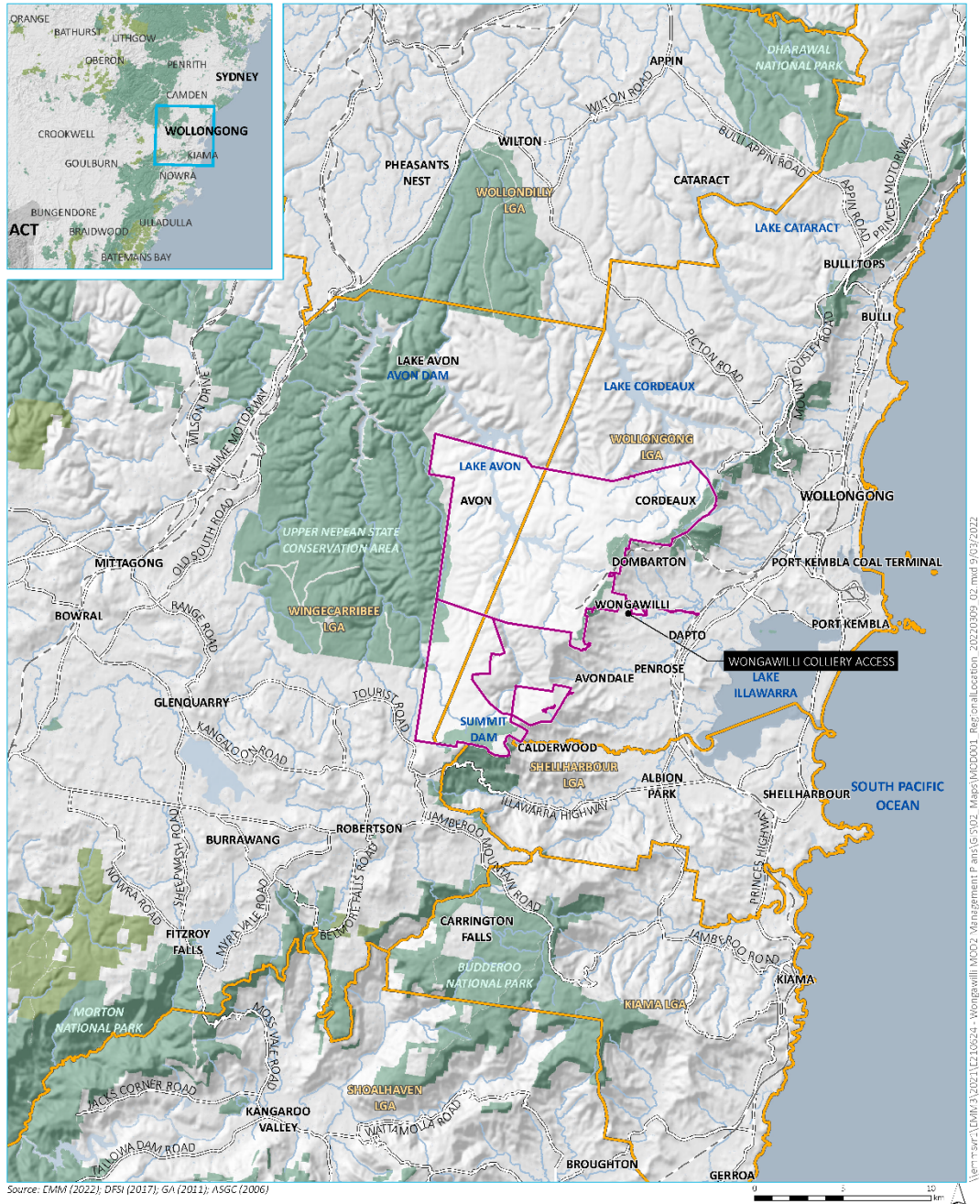
Construction activities approved under MOD 2 include:

- an extension of the Wongawilli lower pit top noise wall; and

improvements to the coal conveyance network including the construction of a new section of coal conveyor, approximately 60 m in length and coal storage bin at Wongawilli upper pit top.

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Figure 1.1 Regional Setting



- KEY**
- Project application area
 - Rail line
 - Major road
 - Named watercourse
 - Waterbody
 - Local government area
 - NPWS reserve
 - State forest

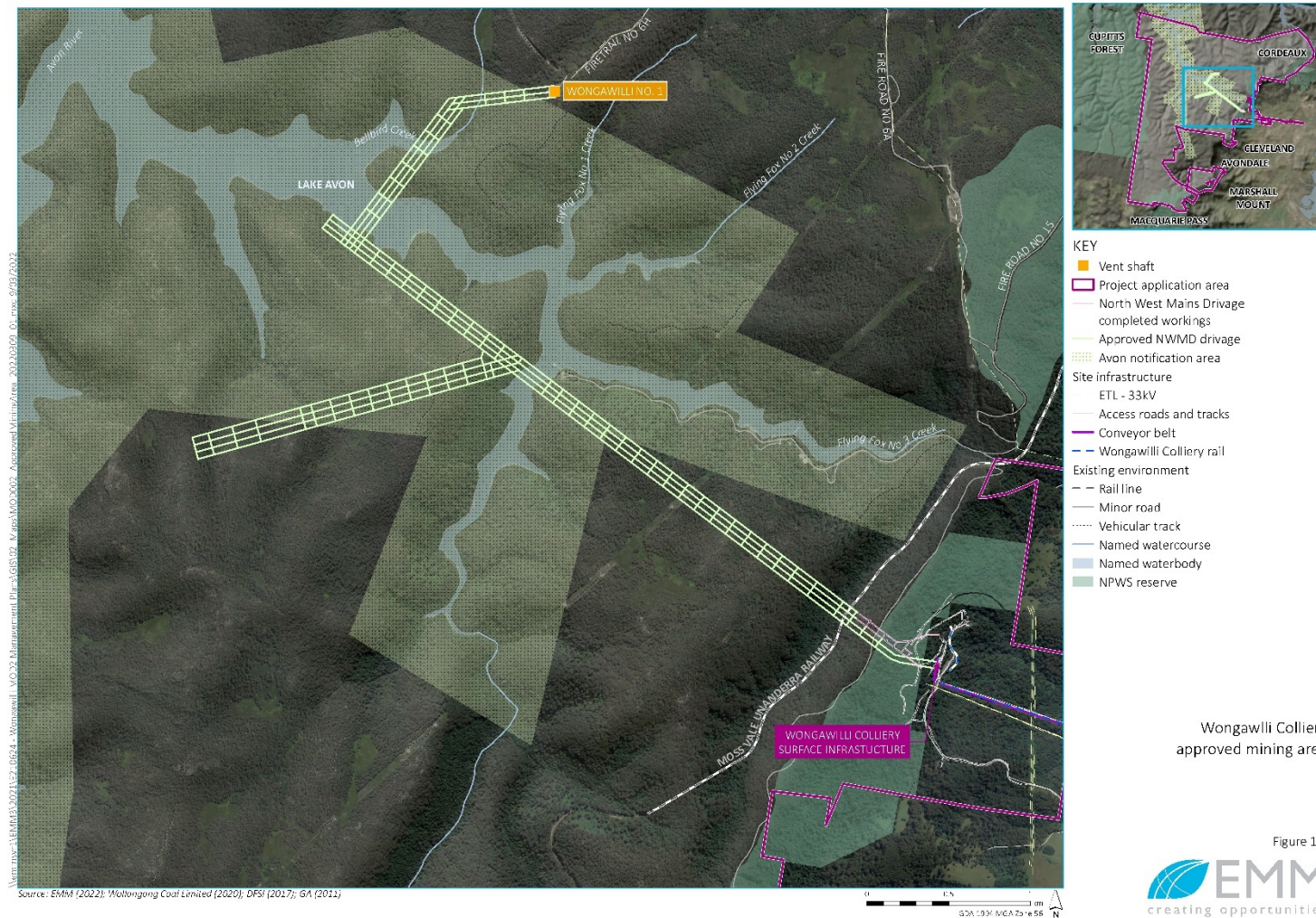
Regional setting



Figure 1.1

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Figure 1.2 Approved Mining Area

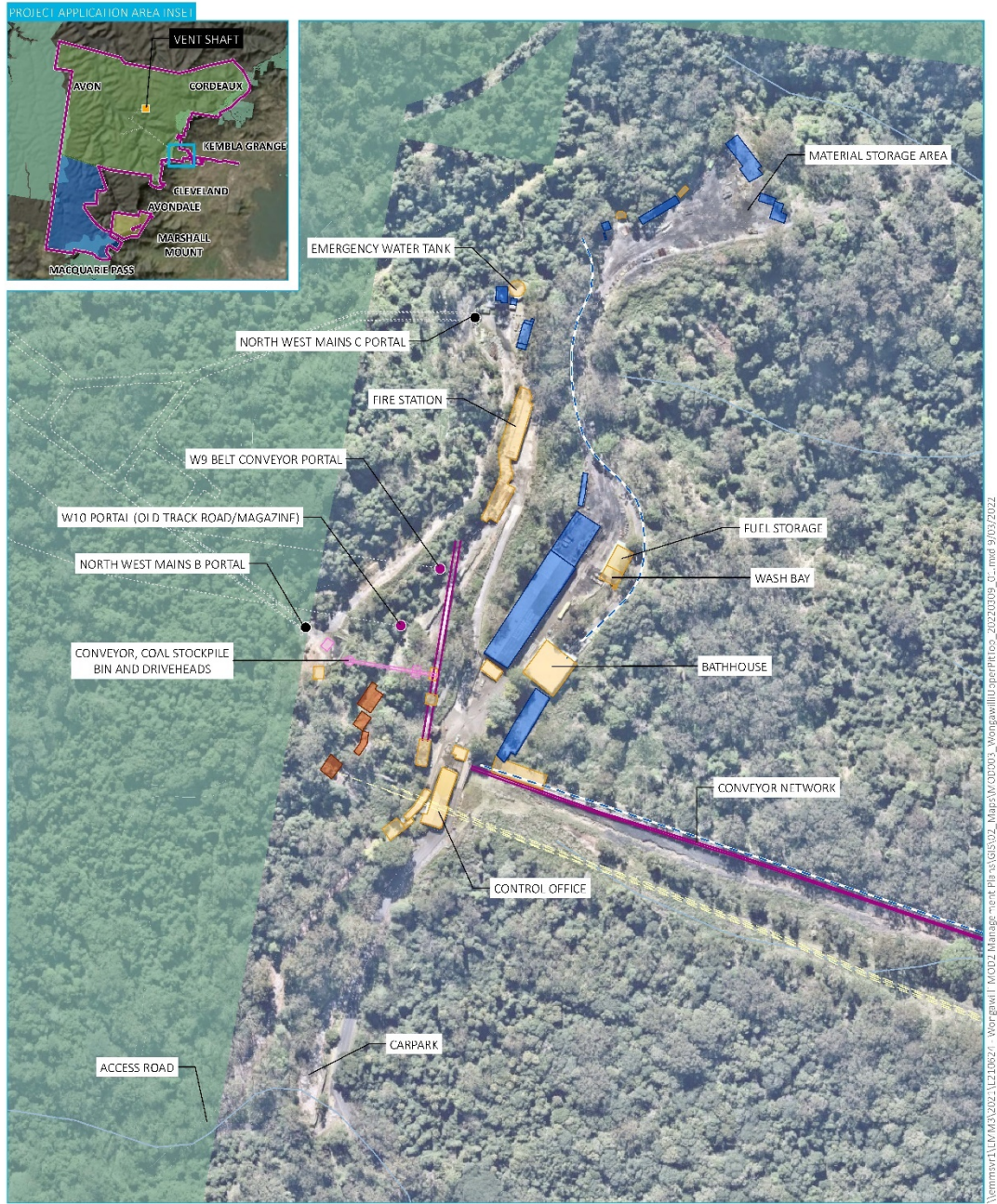


Wongawilli Colliery
approved mining area

Figure 1.2



Figure 1.3 Wongawilli Upper Pit Top Existing and Proposed Infrastructure



Source: EMM (2022); Wollongong Coal Limited (2020); NearMap (2020); DESI (2017)

KEY

- Project application area
- Approved NWMD portal
- Additional NWMD access portal
- Site infrastructure
- EIL - 33kV
- Access roads and tracks
- Conveyor, coal stockpile bin and driveheads
- Wongawilli Colliery rail
- Underground workings

- Proposed surface infrastructure
- Existing surface infrastructure
- Existing site workshop/shed
- Water collection and treatment
- Historic mining infrastructure
- Existing environment
- Minor road
- Watercourse/drainage line
- NPWS reserve

PROJECT APPLICATION AREA INSET KEY

- Vent shaft
- Underground workings
- Mining title
- ML 1565
- ML 1596
- CCL /66

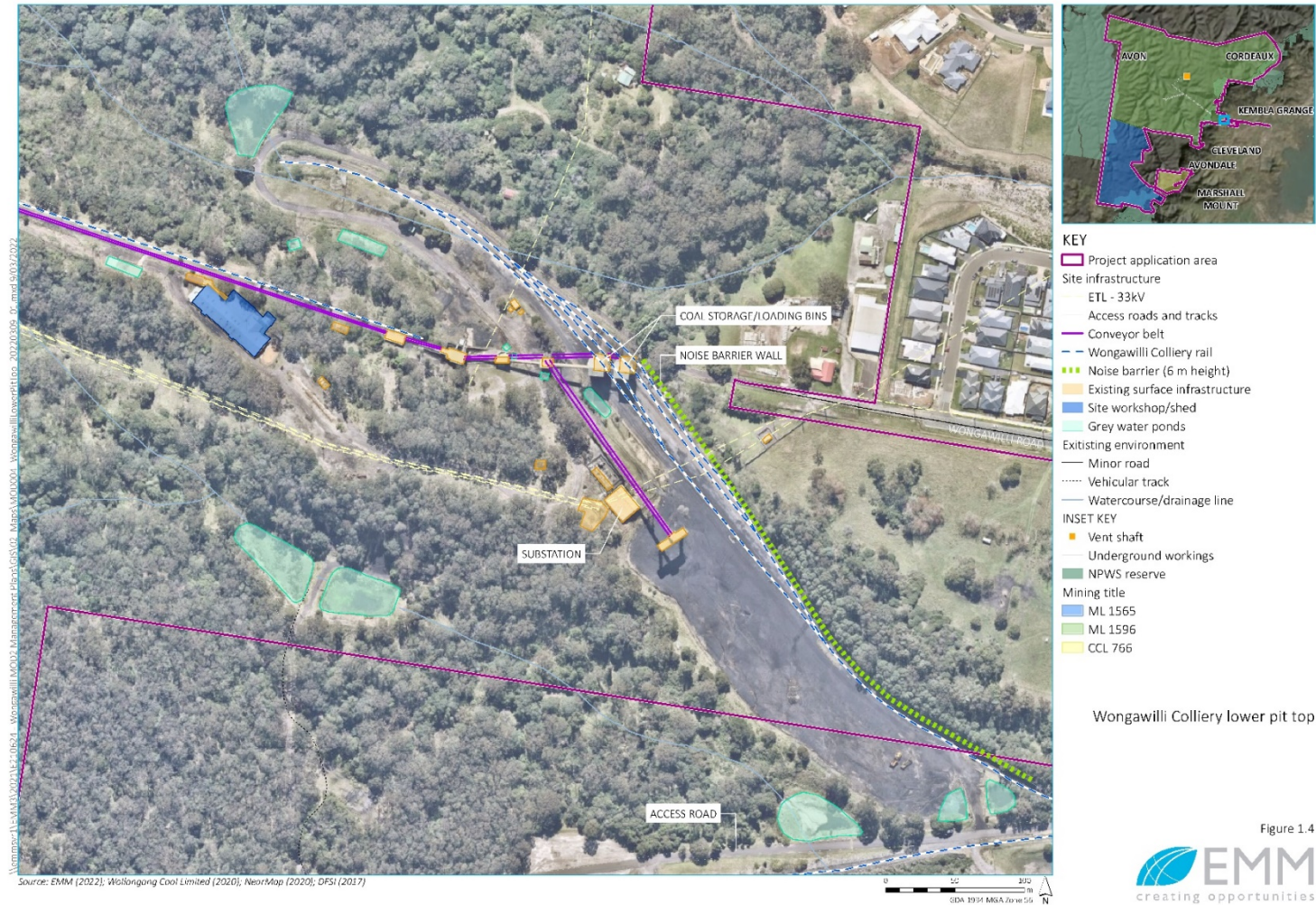
Wongawilli Colliery
upper pit top

Figure 1.3



Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Figure 1.4 Wongawilli Lower Pit Top Existing and Proposed Infrastructure



Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

1.4 Purpose and Scope

This management plan has been prepared to manage the potential Aboriginal and cultural heritage impacts from WWC operational and construction activities and address Schedule 4 Condition 21B of PA 09_0161.

This document has been developed to provide guidance on:

- processes to maintain ongoing consultation with the project's registered Aboriginal parties (RAPs) and Heritage NSW;
- a summary of identified and potential Aboriginal sites, places and deposits within the project area (Section 4);
- management procedures for Aboriginal cultural heritage values within, and adjacent to, the project area during pre-construction and construction phases;
- protocols and procedures for unexpected finds, such as human remains;
- protocols for undertaking activities in areas that have not been previously assessed; and
- other administrative requirements, including post-project management of Aboriginal finds and recovered material, ongoing compliance, regular review and update of the management plan to ensure its functionality is maintained through the project.

This management plan is a part of a larger suite of operational environmental management documents for the WWC operations developed as part of WRPL's environmental management system which has been designed to be generally consistent with ISO 14001:2015 - Environmental Management Systems.

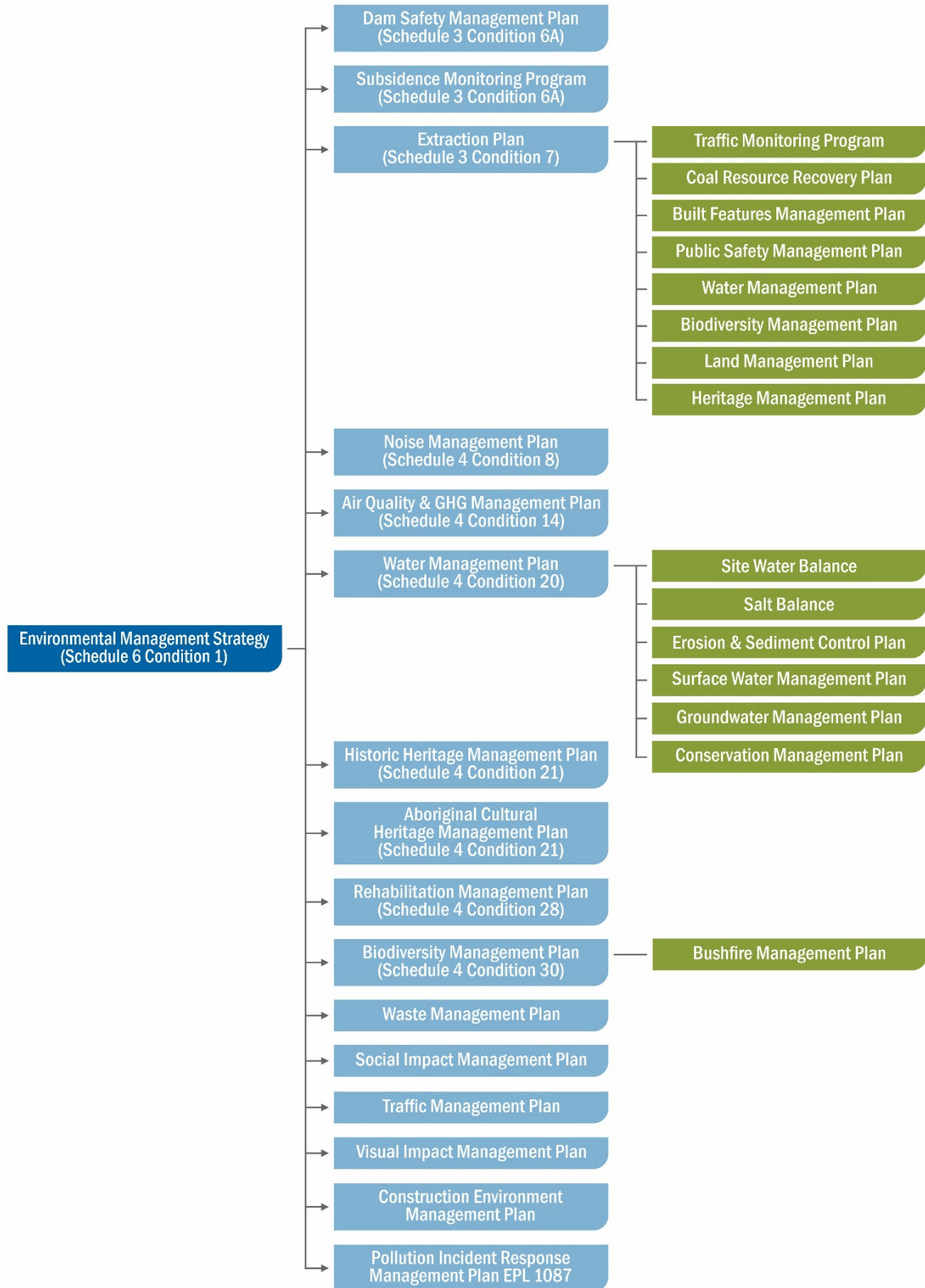
The overarching document in the environmental management system is WRPL's Environmental Management Strategy (EMS). The EMS has been developed to provide a framework to ensure activities at WWC are undertaken in an environmentally responsible manner. The EMS forms part of the hierarchy of documents that enables WRPL to establish and sustain a high level of environmental performance in all facets of its business. The structure of the EMS is summarised in **Figure 1.5**.

1.5 Management Plan Preparation

This management plan has been prepared EMM Consulting Pty Limited (EMM) on behalf of WRPL. This management plan was overseen by Dr Alan Williams FSA, FRSA, MAACAI, National Technical Leader, Aboriginal heritage.

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Figure 1.5 EMS Structure



2 REGULATORY REQUIREMENTS

2.1 Overview

This management plan has been prepared to fulfil the requirements of relevant legislation, approval conditions, commitments in environmental assessments, and relevant standards and guidelines.

The following sections summarise those regulatory requirements that are most relevant in relation to this management plan.

2.2 Legislative Requirements

Legislation applicable to the management of Aboriginal and cultural heritage matters in NSW includes but is not limited to:

- *Aboriginal Land Rights Act 1983;*
- *National Parks and Wildlife Act 1974;*
- *Heritage Act 1977;* and
- *Environmental Planning & Assessment Act 1979.*

A summary of legislative requirements and obligations regarding the management of Aboriginal heritage is provided as **Appendix B**.

2.3 Project Approval

The conditions of PA 09_0161 relevant to this management plan and where they have been addressed within this management plan are provided in Table 2.1.

Table 2.1 PA 09_0161 – Aboriginal Cultural Heritage Management Plan Requirements

Condition No.	Condition – details	Where addressed
Aboriginal Cultural Heritage Management Plan		
Schedule 4 Condition 21B	The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must:	This document
(a)	be prepared by suitably qualified and experienced persons;	Section 1.5
(b)	be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;	Section 3.3
(c)	be submitted to the Secretary for approval within six months of the date of approval of Modification 2;	Appendix D
(d)	include the outcome of Aboriginal community consultation that meets the requirements of the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010);	Section 3 and Appendix D
(e)	describe the measures to be implemented on the site to:	
(i)	comply with the heritage-related operating conditions of this consent;	Section 2.3

Table 2.1 PA 09_0161 – Aboriginal Cultural Heritage Management Plan Requirements

Condition No.	Condition – details	Where addressed
(ii)	ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;	Section 7.6
(iii)	monitor identified Aboriginal objects and Aboriginal places within the development disturbance area;	Section 6 and Section 7
(iv)	manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development;	Section 7.2
(v)	maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places; and	Section 3.4
(vi)	facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.	Section 3.4
Management plan requirements		
Schedule 6 Condition 2	The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:	Section 2
(a)	detailed baseline data;	Section 4
(b)	a description of:	
•	the relevant statutory requirements (including any relevant approval, licence or lease conditions);	Section 2
•	any relevant limits or performance measures/criteria;	Section 5
•	the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;	Section 5
(c)	a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;	Section 6 and Section 7
(d)	a program to monitor and report on the:	
•	impacts and environmental performance of the development;	Section 6 and Section 10
•	effectiveness of any management measures (see (c) above);	Section 6
(e)	a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;	Section 8
(f)	a program to investigate and implement ways to improve the environmental performance of the development over time;	Section 11
(g)	a protocol for managing and reporting any:	
•	incidents;	Section 9 and Section 10
•	complaints;	Section 9.2

Table 2.1 PA 09_0161 – Aboriginal Cultural Heritage Management Plan Requirements

Condition No.	Condition – details	Where addressed
•	non-compliances with conditions of this consent and statutory requirements; and	Section 9 and Section 10
•	exceedances of the impact assessment criteria and/or performance criteria; and	Section 9 and Section 10
(h)	a protocol for periodic review of the plan.	Section 12

The relevant Aboriginal cultural heritage conditions of PA 09_0161 and where they have been addressed within the management plan are detailed in **Table 2.2**.

Table 2.2 PA 09_0161 Aboriginal Cultural Heritage Conditions

Schedule/Condition No.	Condition	Where addressed
Performance measures		
Schedule 3 Condition 1	The Applicant must ensure that the development does not cause any exceedances of the performance measures in Table 1, to the satisfaction of the Secretary.	Section 5, Section 6 and Section 7

Table 1: Subsidence Impact Performance Measures

Heritage Features	
Aboriginal heritage sites	Negligible impact or environmental consequence

A summary of commitments relating to Aboriginal cultural heritage management made in environmental assessment reports and where they have been addressed in this management plan is provided in **Appendix A**.

2.4 Guidelines and Standards

This management plan has been developed with reference to the following relevant guidelines and standards:

- Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW; and
- Department of Climate Change and Water (DECCW) Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

3 CONSULTATION

3.1 Registered Aboriginal Parties and Key Stakeholders

Key stakeholder individuals and/or organisations relevant to WWC are detailed in **Table 3.1**. RAPs were identified through the implementation of the DECCW 2010 Aboriginal Cultural Heritage Consultation Requirements (ACHCRs) as part of the MOD 2 application.

Table 3.1 Key Stakeholder Contact Details

Personnel	Organisation	Role	E-mail contact
Project team			
Tom McMahon	WRPL	Environment Superintendent	tom.mcmahon@wcl.net.au
Nicole Davis	Heritage NSW	Planning regulator	heritagemailbox@environment.nsw.gov.au
Katrina O'Reilly	Department of Planning and Environment	Planning regulator	Katrina.OReilly@planning.nsw.gov.au
Registered Aboriginal Parties			
James Davis		Aboriginal representative	jvdcorp@hotmail.com
Lee Field	Barraby Cultural Services	Aboriginal representative	barrabyculturalservices@gmail.com
Blaan Davies	Yerramurra	Aboriginal representative	blaan.davies@my.jcu.edu.au
Clive Freeman	Freeman & Marx	Aboriginal representative	clive.freeman@y7mail.com
Jodie Edwards and Lisa Bazzano	Gumaraa	Aboriginal representative	oldmanwisdomgumaraa@gmail.com
	Illawarra Local Aboriginal Land Council	Aboriginal representative	heritage@ilalc.org.au
Troy Tungai		Aboriginal representative	troytungai72@outlook.com
Nathanial Kennedy	Warra Bingi Nunda Gurri	Aboriginal representative	warrabingi@gmail.com
Kayla Williamson	Woronora Plateau Gundungara Elders Council	Aboriginal representative	kayla_87_@hotmail.com
Bo Field	Yurrandaali Cultural Services	Aboriginal representative	yurrandaali_cs@outlook.com
Gary Caines		Aboriginal representative	garycaines87@gmail.com
Leanne Tungai		Aboriginal representative	leannecaroltungai@gmail.com

3.2 Consultation Undertaken As Part Of MOD 2

As a requirement of the assessment process for the MOD 2 application, Aboriginal consultation was undertaken in accordance with the ACHCRs. This process required the identification and notification of the local Aboriginal community to identify individuals and/or organisations that had an interest in the project, and which identified 12 individuals and/or organisations (**Table 2.1**).

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Identified as RAPs, these 12 individuals and/or organisation were provided opportunities to review Aboriginal heritage documentation, including the MOD 2 Aboriginal Cultural Heritage Assessment (ACHA), and participate in the on-site activities.

Details of the consultation undertaken with RAPs as part of the MOD 2 application are summarised within Section 4 of the ACHA provided as Appendix N to the MOD 2 Modification Report. The Modification Report can be found on the Department of Planning and Environment (DPE) website:

- <https://www.planningportal.nsw.gov.au/major-projects/projects/mod-2-north-west-mains-development>.

3.3 Management Plan Consultation

Consultation on the development of this management plan has been undertaken with Heritage NSW and the RAPs. A summary of correspondence, key issues raised and how they have been addressed is provided in **Appendix D**.

3.4 Aboriginal Heritage Committee

To ensure ongoing consultation with the RAPs throughout the life of the development, WRPL will establish an Aboriginal Heritage Committee (AHC) for WWC. The AHC will include representatives from the various RAPs. The AHC will meet twice a year for the purpose to discussing matters relating to Aboriginal cultural heritage pertinent to WWC. Topics discussed will include but are not limited to the review of any heritage related works carried out by WWC over the previous six months and any works proposed over the coming six months (including field surveys and site recording). An agenda will be distributed to all AHC members prior to meetings taking place to ensure that committee members can provide their input into the meeting's agenda. The meetings will also be used to facilitate access to Aboriginal sites within the WWC mining leases, including access to the water catchment where feasible. Minutes of the meeting will be recorded and distributed to all AHC members.

Participation by the Aboriginal representatives on this committee will be suitably remunerated for their attendance at the meetings, and the preparation and post-review activities associated with the meetings.

3.5 Community Consultative Committee

As detailed in Section 10.4, WRPL has an established Community Consultative Committee (CCC) for the WWC that operates generally in accordance with the DPE Community Consultative Committee Guideline for State Significant Projects (January 2019). The CCC is a forum to discuss the development and outcomes of monitoring programs. The CCC meets four times a year and consists of an independent chair, representatives from the community, representatives from Wollongong City Council and representatives from WRPL. The results of any Aboriginal heritage inspections, management, or mitigation measures will be presented to the CCC. Minutes of the meeting are made available on the WRPL website.

3.6 Culturally Sensitive Dates

Culturally sensitive dates during which activities requiring Aboriginal heritage inputs or participation should be avoided are presented in **Table 3.2**.

Table 3.2 Culturally Sensitive Dates to Avoid

Dates	Activity	Description
26 January	Invasion Day	Also known as Australia Day, the public holiday and surrounding days, are increasingly seen as a time of trauma for Aboriginal people, and any work activities will be re-scheduled to avoid this date.
27 May – 3 June	National Reconciliation Week, includes Sorry Day	A week during which Australians are encouraged to learn about shared histories, cultures, and achievements, and to explore how one can contribute to achieving reconciliation in Australia. Aboriginal people are often committed to activities during this week and will often be unavailable.
First Sunday – Second Sunday July	NAIDOC week	A week during which Australians are encouraged to celebrate Aboriginal history, culture and achievements. Aboriginal people are often committed to activities during this week and will often be unavailable.
	Sorry business	Sorry business is when a member of the Aboriginal community has passed away, and includes the funeral, mourning period and other associated activities. The timing of these is unknown and can be variable, but when advised that there is Sorry business, the project activity should be postponed.

4 BASELINE DATA

4.1 Ethnographic Context

The Illawarra region is the traditional land of the Wodi Wodi, a group of people who spoke a variant of the Dharawal language (Wesson 2009). The area occupied by this group extended from Botany Bay down the coast to around Nowra. To the north of the Wodi Wodi, the Darug are identified, to the west are the Gundangurra, and in the south the Thoorga (Dhauga) are identified (Tindale 1974). The areas inhabited by each of the groups are considered to be indicative only and would have changed through time and may have been dependent on certain circumstances (i.e. availability and distribution of resources). Interactions between different types of social groupings would have varied with seasons and resource availability. Traditional stories tell of the arrival of the Wodi Wodi to Lake Illawarra, bringing with them the Dharawal or cabbage tree palm from which their language is named (Wesson 2009, p.5). Analysis of middens in the region has provided dates of occupation dating back 6000 to 7000 years on the coast and at Lake Illawarra, and it is accepted that Aboriginal occupation of the south coast dates to around 20,000 years ago (AMBS 2006).

The Illawarra escarpment, named Merrigong, has great symbolic and historical importance for local Aboriginal people and has a number of named mountains. These include Wonga (Wongawilly), meaning native pigeon, Djera (Keira), meaning wild turkey, and Kembla derives from either Jum-bulla, meaning wild game abundant or plenty of game, or from Djembla, meaning wallaby (Wesson & OEH 2005). Aboriginal creation stories express the deep cultural and physical connections between the people and their environment. High places are generally culturally important and were an important area for ceremonial practices and a rich source of food, medicine and other resources (NPWS 2018).

The first recorded contact between Aboriginal and European peoples occurred in 1770, when Captain Cook sailed down the east coast of Australia in the Endeavour and observed cook fires and Aboriginal people carrying canoes along the coast (Organ 1990). The next recorded contact occurred in 1796, when Flinders and Bass travelled along the coast in the Tom Thumb.

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Organ (1993) also notes an expedition from Jervis Bay by George William Evans, in which the expedition met several groups of Aboriginal people on the way through the Wollongong area in 1812.

Regional and local archaeological studies have shown extensive use of the Woronora Plateau and Illawarra escarpment. A variety of archaeological evidence such as stone artefacts, grinding grooves, modified trees, rock shelters with art and deposits, as well as stone arrangements show complex social systems and use of the region. Regional and local archaeological studies have shown extensive use of the Woronora Plateau and Illawarra escarpment.

The area of approved operations at WWC is part of a wider cultural landscape that included both tangible and intangible values. It was noted that the art sites were an important cultural resource to the Aboriginal community.

In August 2020, field surveys were conducted by Biosis with participation from representatives of the RAPs. No additional Aboriginal heritage sites or areas of archaeological sensitivity were identified during field surveys and the area was assessed as being of low potential for identification of any Aboriginal archaeological sites. Regardless, all RAPs involved in the field surveys noted the high cultural value of the Illawarra escarpment.

4.2 Identified Aboriginal and Cultural Heritage Sites

A search of the Aboriginal Heritage Information Management System (AHIMS) database as part of the MOD 2 application identified 87 Aboriginal cultural heritage sites registered with a 2 km by 2 km search area of the approved MOD 2 activities (refer **Figure 4.1**). As noted above, no additional Aboriginal or cultural heritage sites were identified during the ACHA investigations.

Table 4.1 provides the frequencies of Aboriginal site types in the vicinity of the approved WWC operations. Some recorded sites consist of more than one element, for example art and potential archaeological deposit (PAD); however, for the purposes of this breakdown and the predictive modelling, all individual site types will be studied and compared. This explains why there are 104 results presented here, compared to the 87 sites identified in AHIMS.

Table 4.1 AHIMS Results

Site Type	Number of Occurrences	Frequency (%)
Art (pigment or engraved)	47	45.19
Artefact	25	24.04
Grinding groove	15	14.42
PAD	14	13.46
Stone arrangement	3	2.88
Total	104	100

5 PERFORMANCE CRITERIA

Condition 1, Schedule 3 of PA 09_0161 requires WRPL to ensure that subsidence does not cause any exceedances of the performance measures identified in **Table 5.1**.

Table 5.1 Aboriginal Heritage Performance Criteria

Aspect	Performance measure
Aboriginal heritage sites	Negligible impact or environmental consequence

6 MONITORING PROGRAM

As shown on **Figure 6.1**, nine Aboriginal heritage sites are located within or in close proximity to the 350 m buffer of the NWMD being:

- AHIMS 52-2-1766 - axe grinding groove;
- AHIMS 52-2-1827 - axe grinding groove;
- AHIMS 52-2-1828 - shelter with art and deposit;
- AHIMS 52-2-1829 - shelter with deposit;
- AHIMS 52-2-1973 - shelter with art and axe grinding groove;
- AHIMS 52-2-1974 - shelter with art;
- AHIMS 52-2-1976 - shelter with potential archaeological deposit (PAD);
- AHIMS 52-2-1941 – axe grinding groove; and
- AHIMS 52-2 – 1942 – shelter with PAD.

The sites listed above are considered as sites within the assessment area and will be subject to baseline and post mining monitoring. The baseline monitoring will record the condition of the site before mining (for example identify any natural cracking or weathering impacts). The post mining survey will establish whether there has been any change to the site, and if change has occurred, whether it is from the effects of subsidence.

Baseline monitoring will be conducted within one month prior to mining within 350 m of the site. Baseline monitoring will include detailed photographs and recording of the site's condition including existing cracking, surface exfoliation, or erosion.

Post mining monitoring will be conducted within one month of all mining within 350 m of the site being completed. Post mining monitoring will include detailed photographs and recording of site condition to identify any changes to the site including widening of existing cracks, or signs of sheet erosion/surface exfoliation. A review of subsidence monitoring data will be undertaken to confirm subsidence in the area is within the predicted limits.

A secondary post mining inspection of each site will be conducted approximately 12 months after all mining within 350 m of the site is completed.

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Representatives from the RAPs will be invited to attend the baseline and post mining monitoring. A minimum of 14 days' notice will be provided to the RAPs to advise of WWC's intention to conduct of the baseline or post mining monitoring being undertaken.

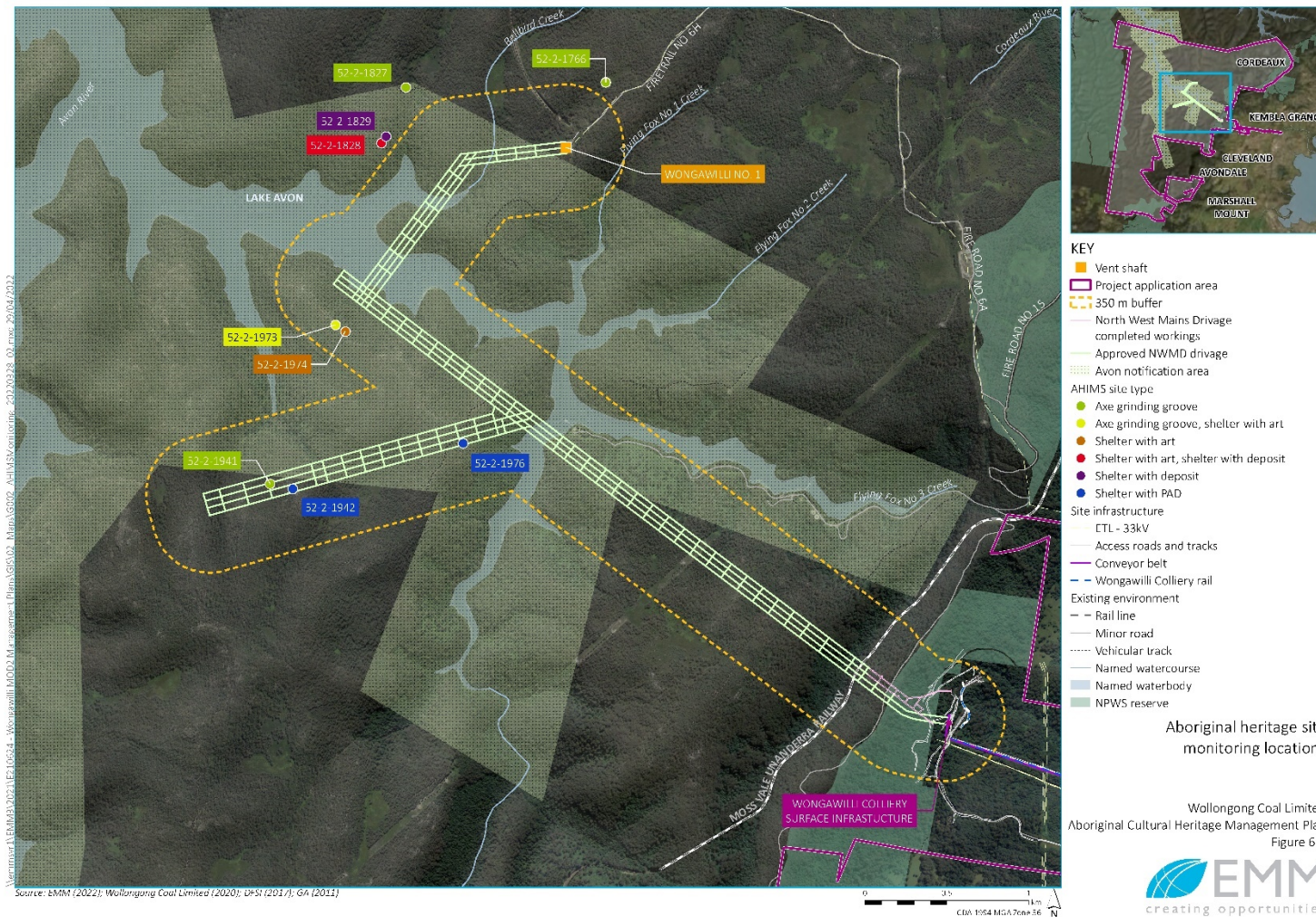
Should mining related impacts be identified, the non-compliance reporting process detailed in **Section 10.2** will be followed and the Trigger Action Response Plan (TARP) detailed in **Section 8** implemented.

6.1 Subsidence Exceedance Inspections

Should mining activities exceed the 20 mm vertical subsidence limit, all registered Aboriginal heritage sites within 1 km of the mining area will be inspected, with participation from the RAPs, to identify any changes to the site from any baseline conditions recorded and identify any impacts to the site that could be attributable to mining activities. Photographic evidence will be analysed with subsidence data to determine if any identified impacts could be attributed to the subsidence levels that may have been experienced at the sites.

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Figure 6.1 Aboriginal Heritage Sites Subject to Monitoring



7 MANAGEMENT AND MITIGATION

7.1 Mining Related Impacts

Should any mining related impacts to Aboriginal heritage sites be identified during the post mining monitoring, WRPL will implement the TARP processes detailed in **Section 8**. WRPL will consult with Heritage NSW and the RAPs to identify any mitigation measures that may be implemented to reduce the extent of any impacts. A detailed protocol to implement any remediation measures will be developed and agreed to by both Heritage NSW and the RAPs prior to undertaking any mitigation work.

7.2 Unexpected Finds Protocols

7.2.1 Discovery of Aboriginal Artefactual Materials

Table 7.1 sets out the measures that will require implementation in the event that any previously unidentified and/or newly observed cultural materials are identified during the pre-construction, construction and/or operational phases of the project. **Appendix C** provides a description of the types of Aboriginal sites that may be encountered during the project.

Table 7.1 Management of Unexpected Cultural Materials (Excluding Skeletal/Human Remains).

Protocols to follow

- | |
|---|
| <ul style="list-style-type: none"> All works within the location of the Aboriginal object/s must stop. |
| <ul style="list-style-type: none"> The person who identified the Aboriginal objects must immediately notify the Environment Superintendent. |
| <ul style="list-style-type: none"> All construction that could potentially harm the Aboriginal objects or values must cease (including stopping all construction within at least 15 m). Only construction that is required to make the area safe is permissible. |
| <ul style="list-style-type: none"> The Aboriginal object/s is to be protected with the establishment of a no-go zone. |
| <ul style="list-style-type: none"> Contact the project's heritage consultant and RAPs to lead the subsequent management of the find |
| <ul style="list-style-type: none"> Consideration of avoidance of the cultural materials should be undertaken. Where avoidance can be achieved, implement the following: <ul style="list-style-type: none"> where the find is within 20 m of the development footprint, the find will be managed through active protection using suitable fencing (e.g. star pickets, stakes and wire, bollards, concrete blocks, etc) and appropriate signage (e.g. 'no access' and/or 'heritage site'). These measures should be established by the project's heritage consultant with the participation of the RAPs; and/or where the find is over 20 m from the development footprint, no fencing, signage or active land management measures are required for these sites. Suitable recording of the site must be undertaken by the project's heritage consultant and representatives of the RAPs. The site/s must be integrated into the cultural inductions to ensure all personnel are aware of the location and to avoid inadvertent impacts during the construction. |

Table 7.1 Management of Unexpected Cultural Materials (Excluding Skeletal/Human Remains).

Protocols to follow

- Where avoidance **cannot** be achieved, determine the most appropriate course of action based on the below information in consultation with the project's heritage consultant, the RAPs, and Heritage NSW:
 - For isolated Aboriginal object/s (e.g. stone artefacts, shell fragments, etc) found in disturbed areas, the site should be recorded as found, and subsequently collected by the project's heritage consultant with participation of the RAPs.
 - Where intact cultural deposits are identified by the project's heritage consultant, additional archaeological excavations should be undertaken prior to the recommencement of work in the area. Excavations should include an initial investigative phase to characterise the site, followed by a more extensive salvage excavation where significant cultural material is identified.
- Once the archaeological on-site activities are complete to the satisfaction of the project's heritage consultant in consultation with the RAPs and Heritage NSW, written approval from the Planning Secretary should be sought to allow works to resume.
- Identified cultural materials and findings must be submitted to the Heritage NSW AHIMS.

7.2.2 Discovery of Skeletal/Human Remains

In the event that known or suspected human skeletal remains are encountered during the project, the following procedure presented in **Table 7.2** must be applied.

Table 7.2 Management of Unexpected Skeletal/Human Remains.

Protocols to follow

- All work must **stop** in the vicinity of the remains. The remains must be left in place and protected from further harm or damage.
- All construction that could potentially harm the human remains must cease (including stopping all construction within at least 15 m). Only construction that is required to make the area safe is permissible.
- The person who identified the Aboriginal objects must immediately notify the Environment Superintendent.
- The human remains are to be protected with the establishment of a no-go zone.
- The Environment Superintendent must notify NSW Police of the discovery as soon as possible. All subsequent steps will be dictated by the NSW Police.
- Contact the project's heritage consultant and RAPs to brief them on the evolving situation.
- If the NSW Police advise that the human remains are of ancestral Aboriginal origin, and indicate that they will not investigate, the Environment Superintendent should contact the project's heritage consultant and RAPs to lead the subsequent management of the find. Heritage NSW should also be notified.
- All future management of the human remains is to be determined by the RAPs. As such, discussion between the RAPs, project heritage consultant and WRPL should be organised as soon as possible. Once an agreement on the subsequent management of the find is reached, Heritage NSW should be contacted for approval of the proposed course of action to be implemented.
- Discussions should include consideration and resolution of the following:
 - If needed, further investigation to understand the extent, distribution and characteristics of the human remains. Where required, the heritage professional in close consultation with the RAPs, and participation of a physical anthropologist, should establish the investigation area and define protocols and excavation methods to be adhered to during such an investigation.
 - Avoidance and/or project redesign to ensure the human remains can be left unaffected by the works.

Table 7.2 Management of Unexpected Skeletal/Human Remains.

Protocols to follow

-
- Where avoidance cannot be achieved, the suitable recovery and relocation of the human remains. Where required, the project's heritage consultant in close consultation with the RAPs, and participation of a physical anthropologist, should establish the investigation area and define protocols and excavation methods to recover and move the remains.
 - Whether scientific research is desired by the RAPs to provide further context of the remains (e.g. age of the individual, how they died, gender, time of burial, etc).
 - If relocation is determined, identify a suitable re-burial location, and ensure the necessary discussions and agreements are in place for the re-burial to occur. Where the RAPs permit, a temporary storage location may be considered while the final location is resolved.
-
- Once the archaeological on-site activities are complete to the satisfaction of the project's heritage consultant in consultation with the RAPs and Heritage NSW, written approval from the Planning Secretary should be sought to allow works to resume.
-
- Identified cultural materials and findings must be submitted to the Heritage NSW AHIMS.
-

7.3 Management of Recovered Cultural Materials

All recovered cultural material should:

- be stored at the heritage consultant's office for archaeological analysis. The assemblage should be stored in a locked cabinet; and
- once analysis has been completed, the assemblage should be re-buried within the project area in a location determined by the RAPs and/or an agreed repository.

7.4 Any Proposed Activity Outside Approved Project Area

Any activity that may cause ground disturbance outside of the approved project area, or outside other existing approved areas under the development consent, will not occur without prior Aboriginal heritage assessment and other relevant legislative and internal approvals sought as required.

Depending on the scope, nature and approval pathway of the proposed ground disturbance, the following may apply:

- if the proposed activity requires additional environmental assessment, such as a modification to the existing development consent, an Aboriginal heritage assessment will be completed in accordance with relevant assessment requirements as specified by Heritage NSW/DPE; or
- if the proposed activity is permissible under the existing MOD 2 (i.e. an Aboriginal heritage impact permit (AHIP) not required), an Aboriginal heritage assessment must initially be completed to a level consistent with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010b) guidelines. Any potential impacts to known or newly identified Aboriginal objects will be managed in accordance with the unexpected finds procedures set out in **Section 7.2**; or
- if the proposed activity requires a separate approval pathway not permissible as part of the existing state significant development approval, then an Aboriginal heritage assessment must initially be completed to a level consistent with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) guidelines.

Depending on the outcomes of the due diligence assessment, further investigation may be required in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (DECCW 2010) and/or other relevant guidelines. If Aboriginal objects are likely to be impacted, further approvals under the National Parks and Wildlife Act 1974 and/or Environmental Planning and Assessment Act 1979 as required may be required prior to work being permissible.

7.5 Research Opportunities

The assessment and approval process includes several commitments by WRPL to undertake further research (**Appendix A**) in:

- defining intangible values that exist within the study area as well as the broader cultural landscape;
- improving consultation with the local Aboriginal communities, and incorporating Aboriginal values as a foundational consideration in mining projects within the catchment area; and
- consolidation of oral histories, ethnographic accounts and options for mapping and assessing Aboriginal cultural heritage sensitivity and values.

All of these aims will require considerable time, resources and consultation with the local Aboriginal community to be successfully explored and documented. As such, they are less suitable for a typical short term environmental or heritage consultancy, and rather lend themselves to a university led program. Specifically, investigation of these topics would be highly suitable as a higher degree by research (HDR), such as a Doctor of Philosophy (PhD), Master of Philosophy (MPhil), and/or professional doctorate. Such a degree typically lasts between three and four years, allowing suitable time to establish relationships with the local Aboriginal community and to explore and undertake the investigations needed to address the above research aims.

WRPL will fund a HDR with the Jumbunna Institute for Indigenous Education and Research, University Technology Sydney, which is an Indigenous-led department focussing on social and cultural research. As such, it has direct access to Aboriginal students that may be interested in this research, and the ethical requirements established to allow the works to progress unhindered by university requirements. Through funding the HDR (up to ~\$30,000 per year for the life of the degree), WRPL can maintain some influence to ensure control that the research being undertaken aligns with the current commitments. However, the specific direction of the HDR, along with intellectual property and academic outputs such as articles and publications would belong to the university and candidate undertaking the works.

7.6 Training and Awareness

All WRPL employees and contractors will be inducted prior to commencing work on site. The environmental component of the new employee induction will include:

- environmental regulatory requirements;
- roles and responsibilities;
- significant environmental aspects, impacts and consequences; and
- environmental procedures.

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

The following points will be conveyed through site induction material:

- Aboriginal sites and places have been identified across the region;
- Aboriginal sites and places are of significance to the Aboriginal community, are important to the wider community and must be treated with respect;
- Aboriginal sites are protected by law and that PA 09_1061 includes conditions allowing impacts to certain specified Aboriginal sites in accordance with this ACHMP;
- Aboriginal sites include stone artefact scatters, shell middens, and certain types of soil profile;
- Aboriginal sites can be hard to recognise, but a range of photographs giving examples should be provided to inductees to show the types of material that may be expected; and
- that there are unexpected finds procedures which involve stopping work if suspected cultural materials or skeletal material/human remains are identified on-site.

A cultural heritage component included in the general site induction will ensure that all visitors to the project and general contractors not involved in ground-disturbing activities are also made aware of their obligation to avoid harm to cultural heritage sites. Records of these inductions will be kept by the lead contractor.

8 TRIGGER ACTION RESPONSE PLAN

Operations at WWC will be managed in accordance with the TARP detailed in **Table 8.1**.

Table 8.1 Aboriginal Heritage TARP

Trigger level	Trigger	Action and Response	Responsibility
Green level	Vertical subsidence levels at or below 20 mm. AND No change in Aboriginal heritage site condition between pre mining and post mining surveys. AND No impacts to Aboriginal cultural heritage sites beyond assessed area	Continue monitoring in accordance with this plan.	Environment Coordinator
Amber level	Vertical subsidence levels greater than 20 mm. AND No mining related impacts to Aboriginal cultural heritage sites identified beyond assessed area identified as part of any subsidence exceedance inspection. AND No change in Aboriginal heritage site condition between pre mining and post mining surveys that could be attributed to mining activities.	Confirm monitoring results (QA check). AND Investigate exceedance of subsidence prediction. AND Undertake subsidence exceedance inspection of all sites within 1 km of mining area as detailed in Section 6. AND Implement any additional management measures as required in consultation with the Registered Aboriginal Parties. <i>Note: An exceedance of the subsidence performance criteria will require reporting and notification in accordance with the Subsidence Monitoring Program TARP.</i>	Surveyor Production Manager Environment Superintendent Environment Superintendent
Red level A	Change in Aboriginal heritage site condition between pre mining and post mining surveys that could be attributed to mining activities.	Notify all RAPs of identified mining related change. AND Investigate cause of change in site condition and implement any mine design adaptive management measures if necessary. AND Implement non-compliance reporting requirements as per Section 9.1. AND Submit non-compliance report to DPE and Heritage NSW. AND Identify any mitigation measures to reduce the extent of ongoing impact to the site in consultation with Heritage NSW and the RAPs and implement mitigation measures in accordance with agreed protocols. AND Comply with any directions from Heritage NSW or DPE.	Environment Coordinator Production Manager Environment Superintendent Environment Superintendent Environment Superintendent Environment Superintendent
Red level B	Mining related impacts identified to Aboriginal cultural heritage sites beyond assessed area identified as part of subsidence exceedance inspection and assessment detailed in Section 6.	Commence investigations into the cause of the incident AND Implement non-compliance reporting requirements as per Section 9.1. AND Submit non-compliance report to DPE, Heritage NSW and WaterNSW. AND Identify any mitigation measures to reduce the extent of ongoing impact to the site in consultation with Heritage NSW and the RAPs and implement mitigation measures in accordance with agreed protocols. AND Comply with any directions from Heritage NSW or DPE.	Environment Superintendent Environment Superintendent Environment Superintendent Environment Superintendent Environment Superintendent

9 INCIDENTS, NON-COMPLIANCE, AND COMPLAINTS

9.1 Incidents and Non-compliance

An incident is defined as a set of circumstances that causes or threatens to cause material harm to the environment. As defined in PA 09_0161, material harm to the environment is *'if it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial'*.

A non-compliance is an event that results in the performance criteria being exceeded or a condition of PA 09_0161 not being met.

When an incident is identified, WRPL will immediately notify the Department of Planning and Environment (DPE) and any other relevant agencies in accordance with the incident reporting protocol detailed in **Section 10.1** and the TARP provided in Section 8. For any non-compliances, the reporting requirements detailed in **Section 10.2** will be triggered.

Following WRPL identifying or becoming aware of an incident or non-compliance, WRPL will investigate the cause and immediately implement measures to mitigate any ongoing risk of impact. Where appropriate, adaptive management measures will be implemented as detailed in the TARP provided in Section 8 to ensure the incident or non-compliance does not continue.

Monitoring results above the PA 09_0161 criteria will not be considered as exceedances until the data has been assessed.

9.2 Complaints Handling

WRPL operates a dedicated 24-hour community contact line (1300 109 384) and email address (community@wcl.net.au). Details of these community contact lines are available on the WRPL website.

All complaints are handled in accordance with the WRPL *Community Complaints and Enquiries Procedure* (WCL EC PRO 002). At the time of the complaint or enquiry, the WRPL representative receiving the community complaint or enquiry information is to follow the complaint management process shown on **Figure 9.1**.

When a complaint is received, the complaint is recorded, and investigated (if necessary) in accordance with the WRPL *Incident Management Procedure* (WCL HS PRO 001). In the event of an environmental or community complaint, the WRPL Environment Department is responsible for coordinating the implementation, as soon as practicable, of temporary mitigation measures in response to the complaint. These are short-term measures aimed at reducing/stopping the impact of or removing the cause of the complaint, where practical. Following an investigation into the event, it may be recommended that additional corrective and or preventative actions are required to prevent the community complaint from reoccurring. WRPL will prepare and provide a response to the complaint including what actions have been taken to investigate and address the complaint.

Complaints are recorded in a complaints register (updated monthly) and made available on the WRPL website. All complaints are detailed in the Annual Review as detailed in **Section 10.3**.

Figure 9.1 Wongawilli Colliery Complaints Procedure



10 REPORTING

The following reporting relevant to Aboriginal Cultural Heritage will be implemented by WWC:

- incident reporting;
- non-compliance reporting;
- Annual Review reporting; and
- reporting through the Community Consultative Committee.

10.1 Incident Reporting

As required by Schedule 6 Condition 6 of PA 09_0161, following WRPL becoming aware of any incident that causes or threatens to cause material harm to the environment, WRPL will immediately notify DPE and any other relevant agencies in writing via the Major Projects website. The notification will:

- identify the development (including the development application number and name); and
- set out the location and nature of the incident.

Relevant agencies to notify in the event of an incident relating to Aboriginal cultural heritage are identified within the TARP provided in **Section 8**.

10.2 Non-compliance Reporting

As required by Schedule 6 Condition 7 of PA 09_0161, a notification of any non-compliance will be made in writing to the DPE via the Major Projects website within seven days of becoming aware of the non-compliance. The notification to DPE will:

- identify the development (including the development application number and name),
- set out the condition of the consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known); and
- what actions have been, or will be, undertaken to address the non-compliance.

WRPL will comply with any directions from DPE regarding the notification of any non-compliance.

A non-compliance which has been notified as an incident in accordance with **Section 10.1** does not need to also be notified as a non-compliance.

10.3 Annual Review

As required by Schedule 6 condition 3 of PA 09_0161, by the end of September each year (or other such timing as agreed by the Secretary), WRPL must review the environmental performance of the development to the satisfaction of the Secretary. This review must:

- describe the works (including any rehabilitation) carried out in the past year, and the works proposed to be carried out over the next year;

- include a comprehensive review of the monitoring results and complaints records of the development over the past year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - monitoring results of previous years; and
 - relevant predictions;
- identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance;
- identify any trends in the monitoring data over the life of the development;
- identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- describe what measures will be implemented over the next year to improve the environmental performance of the development.

The Annual Review will be submitted to DPE and made available on the WRPL website.

10.4 Community Consultative Committee

WRPL has an established CCC for WWC that operates generally in accordance with the DPE Community Consultative Committee Guideline for State Significant Projects (January 2019). The CCC is a forum to discuss the development and outcomes of monitoring programs. The WWC CCC meets four times a year with minutes of the meetings made available on the WRPL website.

11 CONTINUAL IMPROVEMENT

11.1 Overview

WRPL will continue to investigate and implement ways to improve the environmental performance of operations over time. Continual improvement of environmental performance shall be achieved through:

- environmental monitoring;
- review of management measures;
- risk assessments; and
- audits.

It is the responsibility of the WWC Environment Superintendent to ensure these activities are undertaken as required and detailed below.

11.2 Environmental Monitoring

WRPL implements a comprehensive environmental monitoring program, as detailed in **Section 6**, to assess the performance of WWC against the performance criteria, establish trends and identify the need for any additional management or mitigation measures. The effectiveness of the monitoring program is reviewed within three months following any incident, non-compliance or complaint being received and annually as part of the Annual Review to ensure performance and impacts are adequately measured.

11.3 Review of Management Measures

Within three months following any incident, non-compliance or investigation of a complaint being completed, WRPL will complete a review the effectiveness of management and mitigation measures implemented on site and, if necessary, implement additional management or mitigation measures to ensure the incident or non-compliance do not continue or re-occur, or the complaint has been adequately addressed.

11.4 Risk Assessments

Site based environmental risk assessments are conducted to identify key environmental risks, review the adequacy of controls and identify any additional controls necessary to manage any risks to acceptably low levels.

11.5 Audits

As required by Schedule 6 Condition 8 of PA 09_0161, unless the Secretary agrees otherwise, WRPL is required to commission and pay the full costs of an independent environmental audit by the end of June 2013 and every 3 years thereafter.

The independent environmental audit must:

- be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- include consultation with the relevant agencies;
- assess the environmental performance of the development and assess whether it is complying with the requirements in the consent and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
- review the adequacy of strategies, plans or programs required under the abovementioned approvals; and
- recommend measures or actions to improve the environmental performance of the development, and/or any strategy, plan or program required under these approvals.

The audit team must be led by a suitably qualified auditor and include experts in any field specified by the Secretary.

Within six weeks of the completion of this audit, or as otherwise agreed by the Secretary, WRPL must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

12 REVIEW

This management plan will be reviewed, and updated where necessary, in accordance with the requirements of Schedule 6 Condition 4 of PA 09_0161. Specifically, this management plan will be reviewed within three months of:

- the submission of an annual review;
- the submission of an incident report;
- the submission of an audit report; and
- any modification to the conditions of the consent (unless the conditions require otherwise).

Where the review leads to revisions to the management plan, then within four weeks of the review, the revised management plan will be submitted to the Secretary for approval.

In addition, this management plan will be reviewed and if necessary updated as a result of:

- changes to any relevant regulatory or statutory requirements; or
- the identification of any additional Aboriginal heritage sites within the vicinity of the development.

13 CONTROL AND REVISION HISTORY

PROPERTY	VALUE
Approved by	Environmental Superintendent
Document Owner	Tom McMahon
Effective Date	5 August 2022

Revisions

VERSION	DATE REVIEWED	REVIEW TEAM (CONSULTATION)	NATURE OF THE AMENDMENT
1	5/08/2022	Tom McMahon_WRPL, EMM Consulting	Initial management plan required as part of Project Approval PA 09_0161 (MOD 2).
2			
3			

APPENDIX A ABORIGINAL CULTURAL HERITAGE COMMITMENTS

Commitments made in various environmental assessment reports relating to Aboriginal cultural heritage and where they have been addressed in this management plan are provided in **Table A.1**.

Table A.1 Aboriginal Cultural Heritage Commitments

Commitment	Document contained within	Where addressed
Should any Aboriginal objects be encountered during works associated with the project, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and Aboriginal stakeholders.	MOD 2 Modification Report (EMM December 2020)	Section 7
If any suspected human remains are discovered during any activity you must: <ol style="list-style-type: none"> 1. Immediately cease all work at that location and not further move or disturb the remains. 2. Notify the NSW Police and Heritage NSW's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location. 3. Not recommence work at that location unless authorised in writing by Heritage NSW. 	MOD 2 Modification Report (EMM December 2020)	Section 7
Consult with RAPs about the management of Aboriginal cultural heritage sites within the study area throughout the life of the project.	MOD 2 Modification Report (EMM December 2020)	Section 3.4
Potential impacts to items of Aboriginal cultural heritage will mitigated and managed in accordance with the proposed ACHMP, to be developed post approval of MOD2 and in consultation with RAPs. The ACHMP will include at a minimum management and mitigation measures outlined in Section 5.3.3 of the updated Archaeological Report	MOD 2 Submissions Report (EMM September 2021)	This document, Section 3, Section 6 and Section 7
WRPL will continue to consult with the Illawarra LALC via the implementation of a AHMP post approval of MOD2.	MOD 2 Submissions Report (EMM September 2021)	This document, Section 3.4

Table A.1 Aboriginal Cultural Heritage Commitments

Commitment	Document contained within	Where addressed
WRPL propose to develop an ACHMP to provide a framework for the ongoing consultation with the Aboriginal community and management of any potential harm to Aboriginal cultural heritage as result of MOD2. As a minimum the AHMP will include, subject to ongoing consultation with RAPs and Heritage NSW, the following:	MOD 2 Submissions Report (EMM September 2021)	This document, Section 3, Section 6 and Section 7
<ul style="list-style-type: none"> Heritage inductions for all employees, contractors and sub-contractors working in the study area. 	MOD 2 Submissions Report (EMM September 2021)	Section 7.6
<ul style="list-style-type: none"> Procedures to minimise and manage the impacts of the project on heritage items within the study area, such as baseline recording and monitoring. 	MOD 2 Submissions Report (EMM September 2021)	Section 6 and Section 7
<ul style="list-style-type: none"> Procedure to protect Aboriginal heritage sites outside the project disturbance area 	MOD 2 Submissions Report (EMM September 2021)	Section 7
<ul style="list-style-type: none"> Contingency plan if Aboriginal heritage items outside the approved disturbance area are damaged. 	MOD 2 Submissions Report (EMM September 2021)	Section 8
<ul style="list-style-type: none"> Procedure to follow for conducting further archaeological and heritage assessments in any undisturbed areas where assessment has not been carried out. 	MOD 2 Submissions Report (EMM September 2021)	Section 7.4
<ul style="list-style-type: none"> Ongoing consultation with Aboriginal stakeholders regarding the management and conservation of Aboriginal cultural heritage throughout the operational life of the proposed development. 	MOD 2 Submissions Report (EMM September 2021)	Section 3.4
<ul style="list-style-type: none"> Maintaining and managing reasonable access for Aboriginal stakeholders to Aboriginal heritage items located within the study area throughout the operational life of the project. 	MOD 2 Submissions Report (EMM September 2021)	Section 3.4
<ul style="list-style-type: none"> Procedure to follow in the event of the discovery of human remains. 	MOD 2 Submissions Report (EMM September 2021)	Section 7.2.2
<ul style="list-style-type: none"> Procedure to follow in the event of chance/unexpected Aboriginal finds. 	MOD 2 Submissions Report (EMM September 2021)	Section 7.2.1
<ul style="list-style-type: none"> Procedure to follow in the event of unexpected non-Aboriginal finds. 	MOD 2 Submissions Report (EMM September 2021)	Refer to Historic Heritage Management Plan

Table A.1 Aboriginal Cultural Heritage Commitments

Commitment	Document contained within	Where addressed
The listed Aboriginal sites (AHIMS 52-2-1766, AHIMS 52-2-1827, AHIMS 52-2-1828, AHIMS 52-2-1829, AHIMS 52-2-1973, AHIMS 52-2-1974, AHIMS 52-2-1976) would be subject of baseline recording given they are located within the 350 metres buffer zone.	Response to Additional Information Request (EMM December 2021)	Section 6
WRPL propose to provide information regarding the location of the upland swamps and assist interested parties to further define intangible values that exist within the study area as well as the broader cultural landscape. WRPL propose to incorporate this exercise into updating the ACHMP in consultation with RAPs post approval of MOD2. The updated ACHMP would identify the proposed methodology for undertaking this exercise	Response to Additional Information Request (EMM December 2021)	Section 7.5
WRPL propose to provide ongoing opportunities for future research, improving consultation with the local Aboriginal communities, and incorporating Aboriginal values as a foundational consideration in mining projects within the catchment area.	Response to Additional Information Request (EMM December 2021)	Section 7.5
WRPL propose to adopt the consolidation of oral histories, ethnographic accounts and options for mapping and assessing Aboriginal cultural heritage sensitivity and values as part of updating the ACHMP to be developed post approval of MOD2. The updated ACHMP would identify the proposed methodology for undertaking this exercise and would be developed in consultation with RAPs. In so doing WRPL, in consultation with RAPs, will provide clear measures and commitments to the objectives identified by Heritage NSW.	Response to Additional Information Request (EMM December 2021)	Section 7.5
WRPL propose to provide and facilitate access to the water catchment for Aboriginal people. WRPL requests that a suitable notification period (e.g., 14 business days) be made to the Colliery, so as to allow for appropriate preparations to be made prior to any access.	Response to Additional Information Request (EMM December 2021)	Section 3.4

APPENDIX B LEGISLATION AND OBLIGATIONS

B1.1 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides protection for Aboriginal objects and places across NSW:

- An Aboriginal object is defined as: *Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.*
- An Aboriginal place is: *any place declared to be an Aboriginal place under section 84.* This is a very specific piece of legislation that provides process and management of Aboriginal sites of cultural, but not necessarily scientific, values. They are commonly, but not always associated with intangible values.
- any place declared to be an Aboriginal place by the Minister for the Environment, under Section 84 of the Act.

B1.2 Obligation to Avoid Harm

All employees, contractors, sub-contractors and visitors to the project have an obligation to avoid harming Aboriginal heritage unless engaged in an Aboriginal heritage management activity described in this plan.

The National Parks and Wildlife Act 1974 defines “harm” to an object or place as any act or omission that:

- destroys, defaces or damages the object or place, or
- in relation to an object-moves the object from the land on which it had been situated, or
- is specified by the regulations, or
- causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c), but does not include any act or omission that:
- desecrates the object or place, or
- is trivial or negligible, or
- is excluded from this definition by the regulations.

B1.3 Obligation to Protect and Implement Management Measures

Site personnel, contractors and subcontractors responsible for land management or construction have an obligation to protect Aboriginal heritage within their area or work responsibility. This extends to both cultural materials identified as part of earlier phases of the project, and any additional cultural materials identified during the construction. Protection means active recognition of known Aboriginal heritage and active measure to avoid and/or suitably mitigate Aboriginal heritage.

This may include fencing, erosion control and modification of work plans to avoid impacts to Aboriginal heritage, as well as facilitating a process where work personnel are aware of the nearby heritage. Site personnel, contractors and subcontractors also have the responsibility to

ensure that appropriate management measures have been employed prior to, or in association with, their activities which impact Aboriginal sites.

B1.4 Statutory Reporting Requirements

Notifications to Heritage NSW are required in relation to discovery, impact and care of Aboriginal objects under the NPW Act. This will be the responsibility of the project manager, environmental representative and/or equivalent.

B1.5 Discovery of Aboriginal Objects

Under Section 89A of the NPW Act, it is a requirement that Heritage NSW is notified of the existence of Aboriginal objects as soon as practicable after they are first identified. This is done through the completion of the Heritage NSW Aboriginal Site Card which is submitted to the Registrar of AHIMS for inclusion on the Aboriginal site database. Information regarding AHIMS and site recording forms can be downloaded from Heritage NSW's website:

- <http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>.

B1.6 Care Agreements

Under s85A of the NPW Act, Aboriginal objects remain the property, and under the protection of, the Crown until formal transfer to a person or persons of a class prescribed by the regulations occurs. A Care Agreement is not currently proposed under this plan; however, may be pursued in the future if Aboriginal objects are identified to a level of significance that the RAPs wish to retain such objects.

Care Agreement application forms can be downloaded at:

- <https://www.environment.nsw.gov.au/topics/aboriginal-cultural-heritage/protect-and-manage/care-agreements>.

B1.7 Reporting Impact to Aboriginal Sites

An Aboriginal Site Impact Recording Form must be completed following impacts to AHIMS sites that are:

- a result of test excavation carried out in accordance with the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW;
- authorised by an Aboriginal Heritage Impact Permit (AHIP) issued by Heritage NSW;
- undertaken for the purpose of complying with Secretary's environmental assessment requirements issued by DPIE for:
 - o state significant development (SSD);
 - o state significant infrastructure (SSI); or
 - o a major project; or
 - o authorised by a SSD/SSI approval under the EP&A Act.

Site	Wongawilli Colliery	DOC ID	WWC EC PLN 011
Type	Plan	Date Published	5 th August 2022
Doc Title	ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN		

Completed forms must be submitted to the AHIMS Registrar at ahims@environment.nsw.gov.au.

Aboriginal Site Impact Recording Forms can be downloaded at:

- <https://www.environment.nsw.gov.au/resources/cultureheritage/aboriginal-site-impact-recording-form-120558.pdf>

APPENDIX C ABORIGINAL SITE DESCRIPTIONS

A description of terms used to describe different site features known to occur in the vicinity of the project area is provided in **Table C.1** and use definitions provided by Heritage NSW.

Table C.1 Site Definitions and Recording

Site feature	Definition and recording methods
Aboriginal ceremony and Dreaming	Previously referred to as mythological sites these are spiritual/story places where no physical evidence of previous use of the place may occur, e.g. natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc.
Artefact site (open stone artefact site)	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people.
Burials	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves, marked by stone cairns, in sand areas, along creek banks etc.
Fish trap	A modified area on watercourses where fish were trapped for short-term storage and gathering.
Grinding grooves	Grinding grooves are defined as an area of outcropping bedrock containing evidence of one or more grinding grooves where ground-stone hatchets or other grinding practices (i.e. seed grinding) were implemented.
Habitation structure	Structures constructed by Aboriginal people for short- or long-term shelter. More temporary structures are commonly preserved away from the NSW coastline, may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc.
Modified tree (carved or scarred)	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc., or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers.
Potential archaeological deposit (PAD)	An area where Aboriginal objects may occur below the ground surface. The term 'potential archaeological deposit' was first applied in Sydney regional archaeology in the 1980s and referred to rockshelters that were large enough and contained enough accumulated deposit to allow archaeologists to predict that subsurface cultural material was likely to be present. Since then, the term has come to include open sites where the same prediction can be made. Unless previously identified, it is considered unlikely that a PAD would be classified through an unexpected finds process.
Shell	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering or consumption. Usually found in deposits previously referred to as shell middens. Must be found in association with other objects like stone tools, fish bones, charcoal, fireplaces/hearths, and burials. Will vary greatly in size and composition.

Table C.1 Site Definitions and Recording

Site feature	Definition and recording methods
Stone quarry	<p>Usually, a source of good quality stone which is quarried and used for the production of stone tools.</p> <p>Stone quarries represent where Aboriginal people gathered raw stone materials for stone tools and/or manufactured stone tools from the adjacent source material. Quarry sites are found at rock outcrops where the material was of suitable quality to have been used to manufacture stone tools. Stone quarries were defined by the presence of outcropping stone material with nearby evidence of the same material type used in the stone tool manufacture process. This was most commonly indicated by large stone cores or stone flakes distributed amongst the same naturally outcropping material.</p>

APPENDIX D SUMMARY OF CONSULTATION

A summary of correspondence sent and received in relating to the development of this management plan is provided in **Table C.1**.

Table C.1 Correspondence Sent and Received

To / From	Date	Description
Government		
Heritage NSW	29 April 2022	Submitted for consultation
Heritage NSW	27 May 2022	Feedback on draft ACHMP
DPE	30 May 2022	Submitted for approval
Registered Aboriginal Parties		
James Davis	29 April 2022	Submitted for consultation
Lee Field (Barraby Cultural Services)	29 April 2022	Submitted for consultation
Blaan Davies (Yerramurra)	29 April 2022	Submitted for consultation
Clive Freeman (Freeman & Marx)	29 April 2022	Submitted for consultation
Jodie Edwards and Lisa Bazzano (Gumaraa)	29 April 2022	Submitted for consultation
Illawarra Local Aboriginal Land Council	29 April 2022	Submitted for consultation
Troy Tungai	29 April 2022	Submitted for consultation
Nathanial Kennedy (Warra Bingi Nunda Gurri)	29 April 2022	Submitted for consultation
Kayla Williamson (Woronora Plateau Gundungara Elders Council)	29 April 2022	Submitted for consultation
Bo Field (Yurrandaali Cultural Services)	29 April 2022	Submitted for consultation
Gary Caines	29 April 2022	Submitted for consultation
Leanne Tungai	29 April 2022	Submitted for consultation
Illawarra Local Aboriginal Land Council	2 May 2022	Feedback on consultation contact information
DPE	25 July 2022	DPE feedback on management plan
DPE	5 August 2022	Resubmission of revised management plan for approval

A summary of matters raised in feedback and where they have been addressed in this management plan is provided in **Table C.2**.

Table C.2 Feedback Received

From	Feedback	Where addressed
Heritage NSW	The ACHMP (p.22) should set out the proposed timing of post mining monitoring.	Section 6 has been updated to include timeframes for post mining inspections. An initial post mining inspection will be completed within one month of mining being completed within 350 m of the site with a secondary inspection within 12 months of mining being completed within 350 m of the site.
	We recommend additional monitoring is included to ensure any mining induced impacts can be identified as soon as possible. In addition to detailed baseline site recording before the start of mining, we recommend site inspections within three to six months of mining and again 12 months after mining.	Section 6 has been updated to include timeframes for post mining inspections. An initial post mining inspection will be completed within one month of mining being completed within 350 m of the site with a secondary inspection within 12 months of mining being completed within 350 m of the site.
	Suggest that the agency contact details in the ACHMP include the Heritage NSW central heritage mailbox, to ensure emails are received even if individual staff members are not available (heritagemailbox@environment.nsw.gov.au).	Table 3.1 has been updated to include a central heritage mailbox for consultation matters.
	Recommend including measures to ensure the private contact numbers of the Registered Aboriginal Parties listed in the ACHMP are managed sensitively, e.g. The AHMP should not be published online or broadly distributed.	Table 3.1 has been updated to remove private contact numbers of RAPs.
	Note that Paul Knight has recently resigned from the ILALC (Table 3.1). We understand that Uncle Ivan Simon is currently Acting CEO and recruitment is underway to appoint a permanent CEO.	Noted. Table 3.1 has been updated to include a central mailbox for the Illawarra Local Aboriginal Land Council.
Illawarra Local Aboriginal Land Council	Feedback providing alternative email address for information to be submitted to and advising change of CEO.	Contact detailed in Table 3.1 updated for the Illawarra Local Aboriginal Land Council.
DPE	In Section 6 (pg 22) in the second paragraph, amend the wording to make the timing of post-mining monitor clearer – seems like there is a typo somewhere.	Section 6 updated to improve the definition for timeframes of pre and post mining surveys of heritage sites.
		Section 6 updated to include an inspection requirement of all sites within 1 km of the mining area if the 20 mm subsidence limit trigger is exceeded.

Table C.2 Feedback Received

From	Feedback	Where addressed
	Table 8.1/TARP - Clarify how the amber trigger works, does subsidence greater than 20mm trigger an inspection? How is the potential change/impact to the item verified?	<p>TARP updated to provide clarity around inspection requirements and confirm a 20 mm subsidence exceedance will trigger an inspection.</p> <p>Section 6 updated to provide details as to how subsidence exceedance trigger inspections will assess for mining related impacts.</p>
	Table 8.1/TARP - For Red Level B are items beyond the assessment area monitored? Clarify how the trigger would be identified.	Section 6 updated to include a requirement to inspect sites beyond the assessment area (1 km from mining area) should the 20mm subsidence limit be exceeded. TARP updated to provide clarity on the process.
	Apply any universal comments made to the noise management plan.	<p>Reference to the crusher and screener being approved infrastructure at the lower pit top has been deleted from Table 1.2.</p> <p>Operational restrictions of lower pit top included in Table 1.2.</p> <p>Section 11.1 updated to identify the Environment Superintendent as the responsible person for ensuring continual improvement activities are implemented.</p> <p>Section 11.2-11.4 updated to include timeframes and frequency of activities.</p> <p>Section 11.2 updated to include a review of monitoring adequacy within three months following an incident, non-compliance, or complaint.</p> <p>Section 11.3 included to require a review of the adequacy of management measures within three months following an incident, non-compliance, or complaint.</p>