

WAMBO COAL PTY LIMITED



SOUTH BATES EXTENSION UNDERGROUND MINE

EXTRACTION PLAN LONGWALLS 21 TO 24

APPENDIX D HERITAGE MANAGEMENT PLAN

WAMBO COAL HERITAGE MANAGEMENT PLAN

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CONTENTS

1.0 INTRODUCTION..... 7

1.1 BACKGROUND 7

1.2 PURPOSE 9

1.3 SCOPE 9

1.4 STATUTORY REQUIREMENTS..... 13

1.5 CONSULTATION ON THE HERITAGE MANAGEMENT PLAN 17

2.0 ABORIGINAL HERITAGE SITES AND VALUES 19

2.1 PREVIOUS ABORIGINAL HERITAGE INVESTIGATIONS 19

2.2 ABORIGINAL HERITAGE SITES..... 21

2.3 ABORIGINAL CULTURAL VALUES 23

3.0 PROTOCOL FOR THE CONTINUING INVOLVEMENT OF THE ABORIGINAL COMMUNITY 24

3.1 REGISTERED ABORIGINAL PARTIES..... 24

3.2 CONTINUING CONSULTATION WITH REGISTERED ABORIGINAL PARTIES... 24

3.3 INVOLVEMENT OF REGISTERED ABORIGINAL PARTIES IN FIELD INVESTIGATIONS..... 25

4.0 MANAGEMENT OF ABORIGINAL HERITAGE..... 28

4.1 SURFACE DISTURBANCE PERMIT PROCESS..... 28

4.2 SURFACE SALVAGE PROTOCOL 29

4.3 ARCHAEOLOGICAL EXCAVATION AND SUB-SURFACE SALVAGE PROTOCOL..... 31

4.4 ARTEFACT ANALYSIS 34

4.5 ARCHAEOLOGICAL SALVAGE PROGRAM REPORTING 35

4.6 ANCILLARY INFRASTRUCTURE 36

4.7 SUBSIDENCE MANAGEMENT AND MONITORING OF ABORIGINAL HERITAGE SITES 37

4.8 PROTOCOL FOR THE MANAGEMENT OF PREVIOUSLY UNRECORDED ABORIGINAL HERITAGE EVIDENCE..... 39

4.9 PROTOCOL FOR THE DISCOVERY OF HUMAN REMAINS 42

4.10 TEMPORARY STORAGE LOCATION AND MANAGEMENT OF RECOVERED ABORIGINAL OBJECTS 43

4.11 ABORIGINAL COMMUNITY ACCESS..... 43

4.12 MAINTENANCE OF ABORIGINAL HERITAGE SITE DATABASE..... 44

5.0	HISTORIC HERITAGE SITES, VALUES AND MANAGEMENT	45
5.1	HISTORIC HERITAGE AT WAMBO	45
5.2	PERFORMANCE MEASURES	48
5.3	MANAGEMENT OF HISTORIC HERITAGE	48
6.0	HERITAGE INDUCTIONS AND ABORIGINAL CULTURAL EDUCATION PROGRAM	49
7.0	COMMUNITY COMPLAINT RESPONSE	50
8.0	REVIEW AND REPORTING	51
8.1	ANNUAL REVIEW	51
8.2	HERITAGE MANAGEMENT PLAN REVIEW	51
8.3	WEBSITE UPDATES	52
8.4	REPORTABLE ENVIRONMENTAL INCIDENTS	53
9.0	CONTINGENCY PLAN	55
9.1	ADAPTIVE MANAGEMENT	55
9.2	MANAGEMENT OF INCIDENTS AND NON-COMPLIANCES	55
10.0	ROLES AND RESPONSIBILITIES	56
11.0	REFERENCES	57
APPENDIX A		61
APPENDIX B		67
APPENDIX C		68
APPENDIX D		78
APPENDIX E		80
APPENDIX F		81
APPENDIX G		82

TABLES

Table 1	Summary of the Approved Wambo Coal Mine
Table 2	Summary of Previously Recorded Aboriginal Heritage Sites at Wambo and Surrounds
Table 3	AHIP Reporting Requirements
Table 4	Summary of Key Management Measures for Aboriginal Heritage Sites within AHIP Boundaries
Table 5	Summary of Monitoring Program for Aboriginal Heritage Sites
Table 6	Items of Historic Heritage Previously Recorded at Wambo and Surrounds
Table 7	Heritage Performance Measure
Table 8	AHIP #C0001474, #C0002000 and #C0003213 Requirements for Reportable Incidents
Table 9	Heritage Management Plan Responsibilities Summary

FIGURES

Figure 1	Regional Location
Figure 2a	Approved Wambo Coal Mine General Arrangement
Figure 2b	Extent of Wambo Coal Mine Heritage Management Plan
Figure 3	Wambo Coal Mine Environmental Management System
Figure 4	Wambo Coal Mine Heritage Boundaries
Figure 5	Previously Recorded Aboriginal Heritage Sites at the Wambo Coal Mine
Figure 6	Previously Recorded Historic Heritage Sites at the Wambo Coal Mine

APPENDICES

Appendix A	Development Consent (DA 305-7-2003) Reconciliation
Appendix B	Aboriginal Heritage Impact Permits and Care and Control Permit
Appendix C	Assessment of Potential Environmental Consequences for South Bates Underground Mine and South Bates Extension Underground Mine
Appendix D	Registered Aboriginal Parties at the Wambo Coal Mine
Appendix E	Wambo Coal Mine Surface Disturbance Permit
Appendix F	Aboriginal Heritage Management Plan for RWEPA Area A
Appendix G	Correspondence with Regulatory Agencies

LIST OF ABBREVIATIONS

Term	Definition
AHIP	Aboriginal Heritage Impact Permit
AHIMS	Aboriginal Heritage Information Management System
BCD	Biodiversity Conservation Division within the DPIE
CCL	Consolidated Coal Lease
CL	Coal Lease
DA	Development Approval
DECCW	NSW Department of Environment, Climate Change and Water
DPIE	NSW Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EP	Extraction Plan
GPS	Global Positioning System
HMP	Heritage Management Plan
ML	Mining Lease
MLA	Mining Lease Application
Mtpa	Million tonnes per annum
NP&W Act	NSW <i>National Parks and Wildlife Act 1974</i>
PAD	Potential Archaeological Deposit
RAP	Registered Aboriginal Party
ROM	run-of-mine
RWEP	Remnant Woodland Enhancement Program
SDP	Surface Disturbance Permit
WCPL	Wambo Coal Pty Limited

1.0 Introduction

1.1 Background

The Wambo Coal Mine (Wambo) is an open cut and underground coal mining operation located approximately 15 kilometres (km) west of Singleton, near the village of Warkworth, New South Wales (NSW) (**Figure 1**). Wambo is owned and operated by Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited (Peabody).

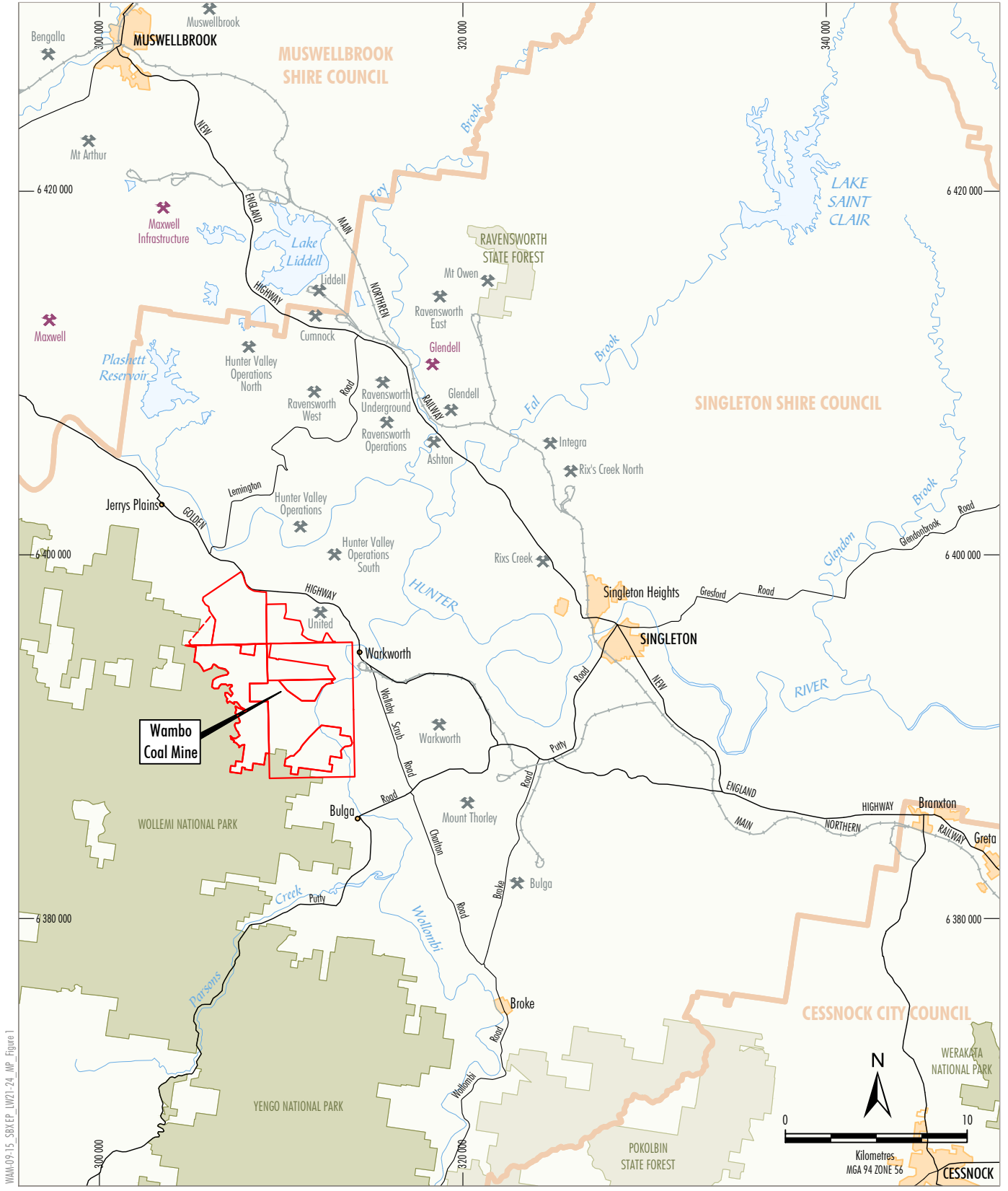
A range of open cut and underground mine operations have been conducted at Wambo since mining operations commenced in 1969. Mining under the Development Consent (DA 305-7-2003) commenced in 2004 and currently both open cut and underground operations are conducted. The approved run-of-mine (ROM) coal production rate is 14.7 million tonnes per annum (Mtpa) and product coal is transported from Wambo by rail.

A summary of the approved Wambo Coal Mine is provided in Table 1.

Table 1: Summary of the Approved Wambo Coal Mine

Component	Approved Wambo Coal Mine ¹
Life of Mine	Until 31 August 2042.
Open Cut Mining	Open cut mining at a rate of up to 8 Mtpa of ROM coal from the Whybrow, Redbank Creek, Wambo and Whynot Seams until the commencement of Phase 2 of the United Wambo Open Cut Coal Mine Project.
Underground Mining	Underground mining of up to 9.75 Mtpa of ROM coal from the Whybrow, Wambo, Woodlands Hill and Arrowfield Seams.
Subsidence Commitments and Management	The subsidence impact performance measures listed in Schedule 2 Conditions B1 and B4 of the Development Consent (DA 305-7-2003).
ROM Coal Production Rate	Up to 14.7 Mtpa of ROM coal from the Wambo Mining Complex and United Wambo open cut coal mine.
Total ROM Coal Mined	Underground ROM coal reserves are estimated at 161.3 Mt.
Waste Rock Management	Waste rock deposited in open cut voids and in waste rock emplacements adjacent open cut operations.
Coal Washing	Coal handling and preparation plant (CHPP) capable of processing approximately 1,800 tonnes per hour.
Product Coal	Production of up to 11.3 Mtpa of thermal coal predominantly for export.
CHPP Reject Management	Coarse rejects and tailings would be incorporated, encapsulated and/or capped within open cut voids in accordance with existing Wambo management practices.
CHPP Rejects	Approximately 47.5 Mt of coarse rejects and approximately 21.7 Mm ³ of tailings generated by the CHPP following the commencement of the United Wambo Open Cut Coal Mine Project.
Water Supply	Make-up water demand to be met from runoff recovered from tailings storage areas, operational areas, dewatering, licensed extraction from Wollombi Brook and Hunter River.
Mining Tenements	Coal Lease (CL) 365, CL374, CL397, Consolidated Coal Lease (CCL) 743, Mining Lease (ML) 1402, ML1572, ML1594, Mining Lease Application (MLA) 557, Authorisation 444 and Exploration Licence 7211.

¹ Development Consent (DA 305-7-2003) (as modified and including MOD16).



WMA-09-15_SBK-EP_UW21-24_MP_Figure 1



- LEGEND**
- Mining and Coal Lease Boundary
 - Mining Lease Application Boundary
 - Local Government Boundary
 - x Mining Operation
 - x Proposed Mining Operation (Application lodged)

Source: NSW Department of Resources & Energy (2020); Geoscience Australia (2009)

Peabody
WAMBO COAL MINE
Regional Location

Figure 1

1.2 Purpose

The purpose of this Heritage Management Plan (HMP) is to provide a consolidated description of the management of Aboriginal heritage and historic heritage at Wambo, incorporating the requirements of the existing approved Aboriginal Heritage Impact Permits (AHIPs) #2222, #C0001474, #C0002000 and #C0003213 and Development Consent (DA 305-7-2003) (refer to Appendices A and B).

Extraction at the North Wambo Underground Mine was completed in 2016. Extraction at the South Bates Underground Mine was completed in 2018. Monitoring and management of Aboriginal heritage sites associated with the North Wambo and South Bates Underground Mines is now complete.

Following approval of the United Wambo Joint Venture Project (Modification 16) in August 2019, the Department of Planning, Industry and Environment (DPIE) updated the entirety of the Development Consent (DA 305-7-2003). To avoid administrative complications, WCPL has prepared a new iteration of the HMP (Version 0) and undertaken a full review and update. This iteration of the HMP builds upon the content in, and consultation undertaken for, the previous iteration of the HMP.

This HMP addresses the requirements for:

- A HMP under Schedule 2, Condition B7 of DA 305-7-2003 in support of:
 - the Extraction Plan for South Bates Extension Underground Mine Longwalls 17 to 20; and
 - the Extraction Plan for South Bates Extension Underground Mine Longwalls 21 to 24.
- A salvage program under Schedule 2, Condition B83 of DA 305-7-2003.
- A management plan for Aboriginal cultural heritage in Remnant Woodland Enhancement Program (RWEPP) Area A under Schedule 2, Condition B88 of DA 305-7-2003 (Appendix F).

The NSW Office of Environment and Heritage (OEH) (now NSW Biodiversity Conservation Division of the DPIE [BCD]) granted approval of variation applications to AHIPs #2222, #C0001474 and #C0002000 on 4 September 2017 to incorporate reference to this HMP. This HMP supersedes the 2005 “Attachment 3 Wambo Development Project – Aboriginal Heritage Research Design and Study Plan (Incorporating Salvage Programme)” that formed the basis of the AHIP #2222 application and was appended to AHIPs #2222, #C0001474 and #C0002000. AHIP #C0003213 also refers to this HMP.

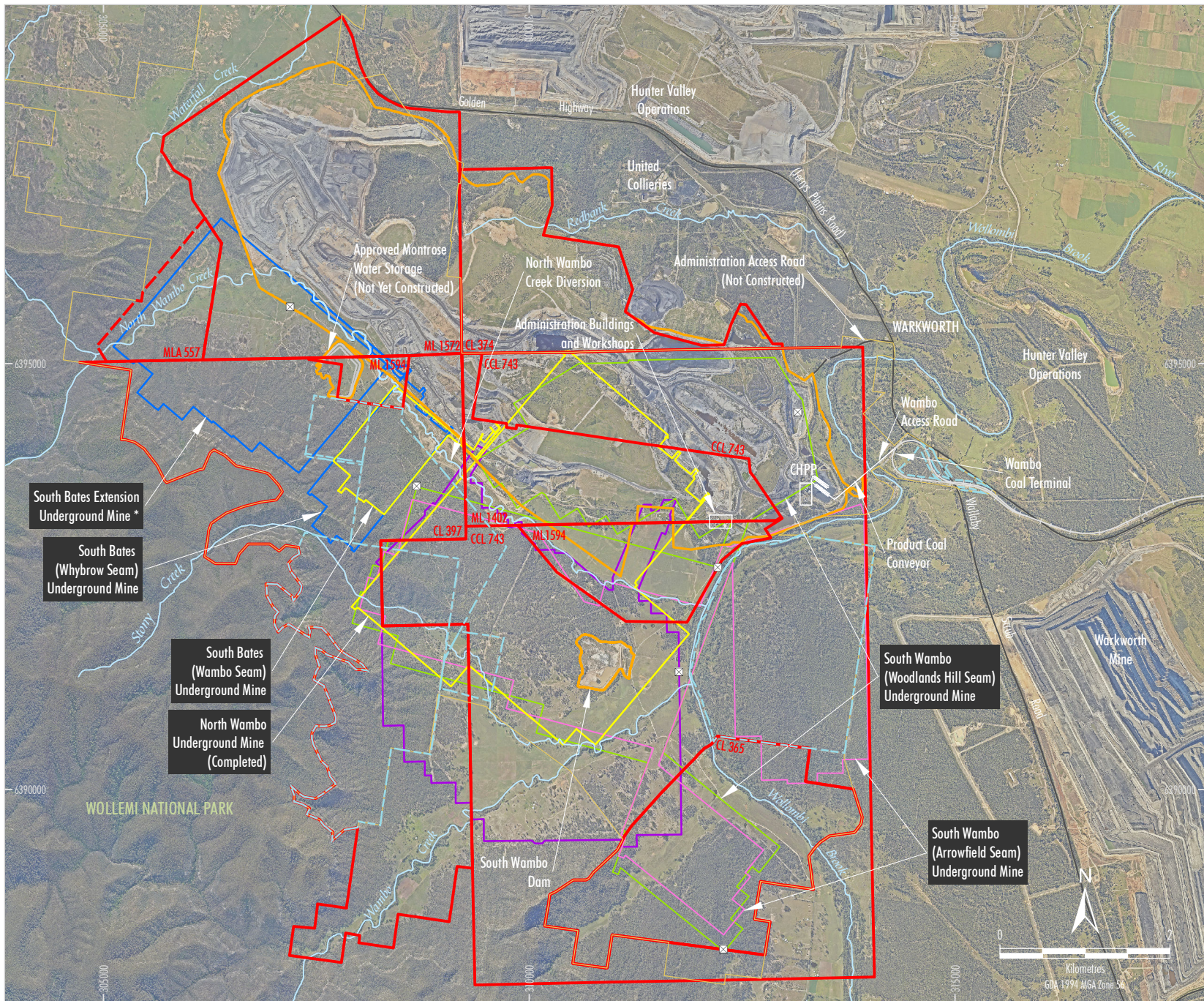
The management measures for Aboriginal heritage within this HMP would form the basis of any future AHIP applications and/or variations as may be required over the life of the mine.

This HMP has been prepared by WCPL, with assistance from South East Archaeology.

1.3 Scope

The provisions of this HMP apply to the Wambo area. For the purposes of this HMP, the Wambo area is defined as comprising the extent of the current Development Application area, including relevant mining tenements including CL 365, CL 374, CL 397, CCL 743, ML 1402, ML 1572, ML 1594 and MLA 557, as shown on **Figures 2a and 2b**.

This HMP forms part of WCPL's Environmental Management System for Wambo. The relationship of this HMP to the Wambo Coal Mine Environmental Management System is shown on **Figure 3**.

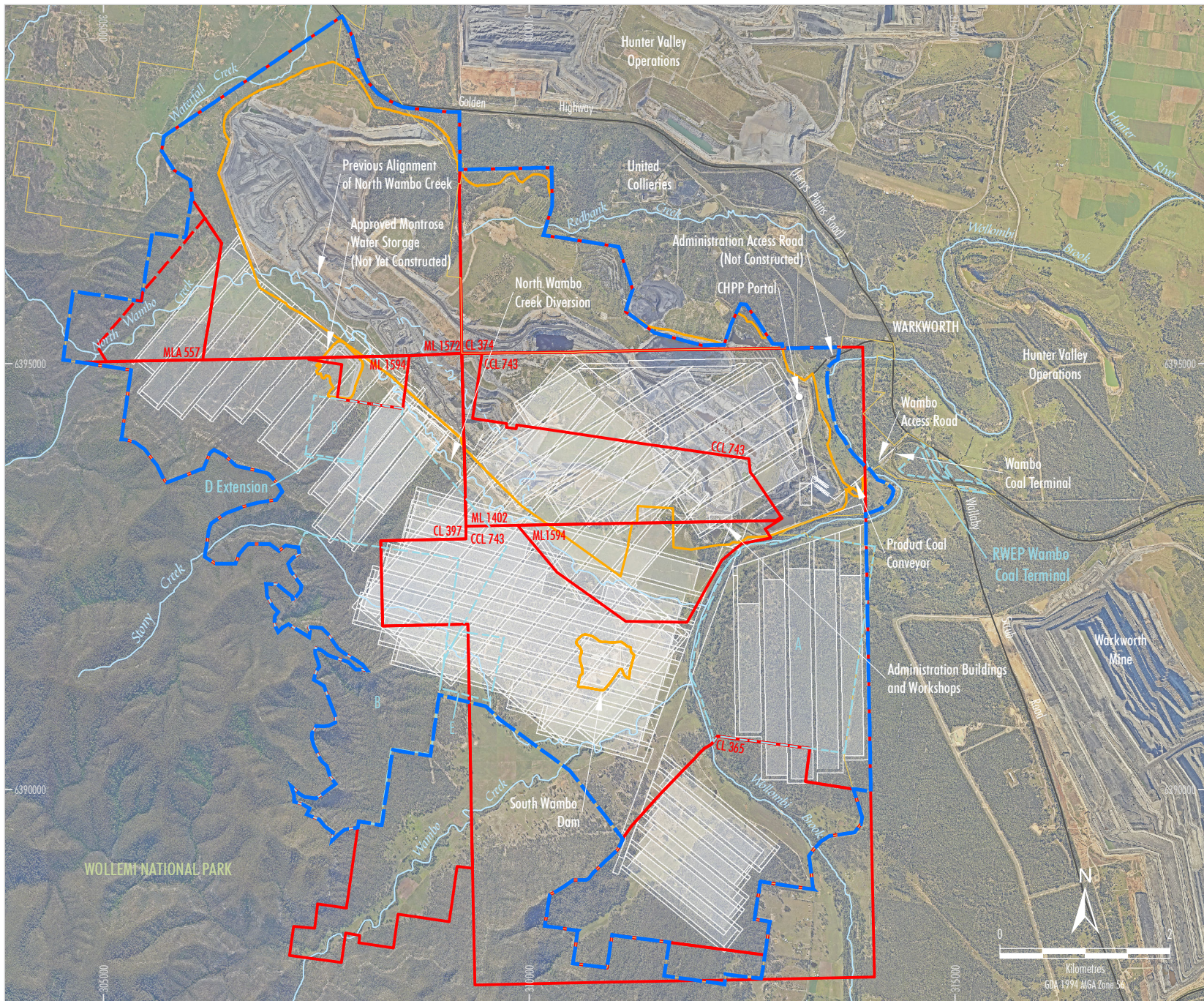


- LEGEND**
- Mining and Coal Lease Boundary
 - - - Mining Lease Application Boundary
 - WCPL Owned Land
 - Existing/Approved Surface Development Area
 - ⊗ Ventilation Shaft
 - - - Remnant Woodland Enhancement Program (RWEPP) Area
 - Approved Underground Development
 - Whybrow Seam
 - Wambo Seam
 - Woodlands Hill Seam
 - Arrowfield Seam
 - Previous Underground Workings in Whybrow Seam

Source: WCPL (2018); NSW Spatial Services (2018)
 Orthophoto: WCPL (May 2019)

* Approved underground development as per South Bates Extension Underground Mine Modification Environmental Assessment. The actual longwall layouts may include minor revisions but are contained within this boundary.

Figure 2a



- LEGEND**
- WCPL Owned Land
 - Mining and Coal Lease Boundary
 - - - Mining Lease Application Boundary
 - Existing/Approved Surface Development Area
 - Approved Underground Development
 - - - Remnant Woodland Enhancement Program (RWEPP) Area
 - - - Extent of HMP

Source: WCPL (2020); NSW Spatial Services (2019)
 Orthophoto: WCPL (May 2019)

Figure 2b

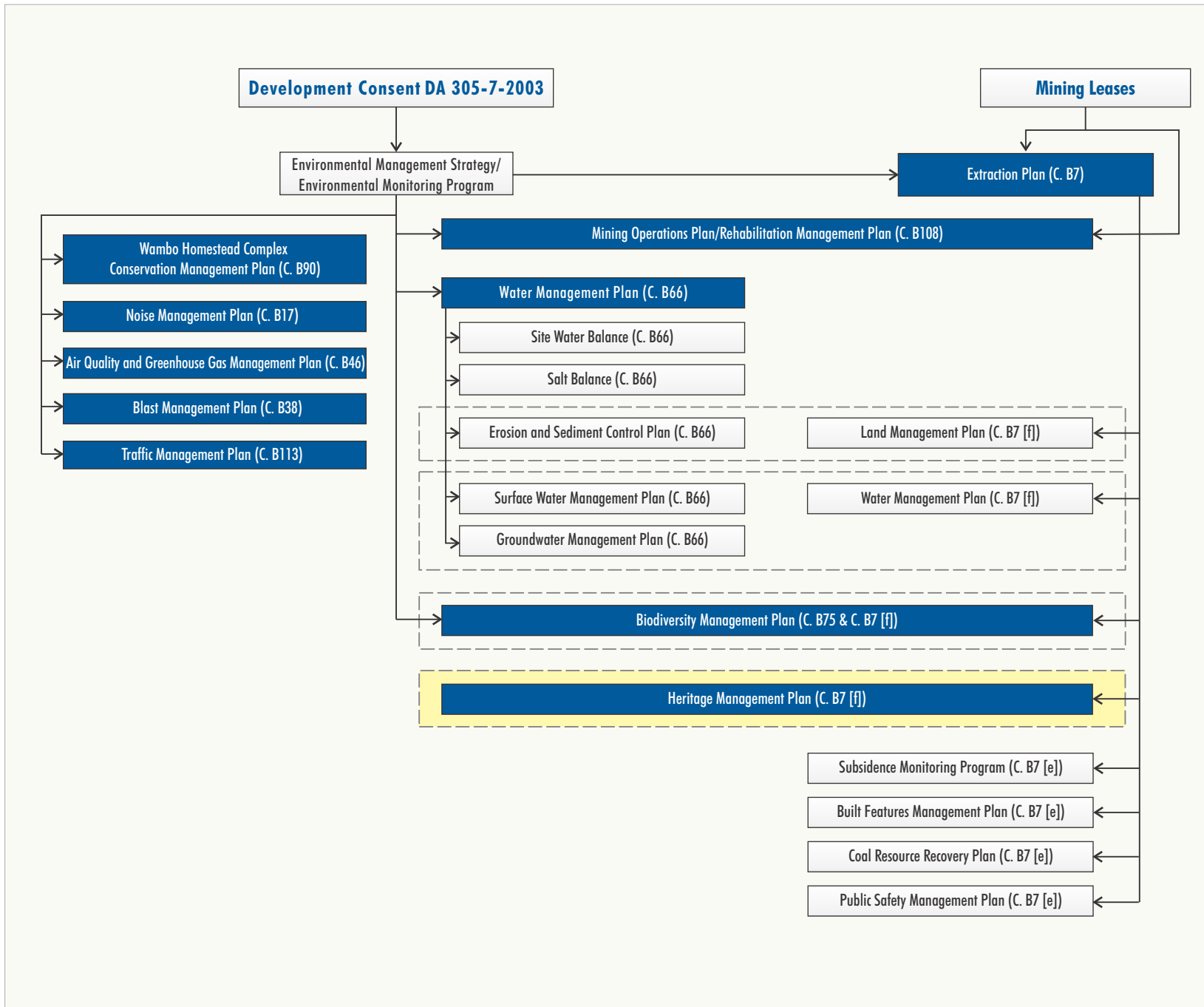


Figure 3

1.4 Statutory Requirements

WCPL's statutory obligations in relation to Aboriginal and historic heritage at Wambo are contained in:

- the conditions of the Development Consent (DA 305-7-2003) (refer to Appendix A);
- the conditions of AHIPs #2222, #C0001474, #C0002000 and #C0003213 (refer to Appendix B);
- the conditions of Care and Control Permit #3130 (refer to Appendix B);
- the NSW *National Parks and Wildlife Act 1974* (NP&W Act); and
- other relevant legislation.

1.4.1 Environmental Planning and Assessment Act 1979

The conditions of Development Consent (DA 305-7-2003) relevant to heritage management plans, and a description of where they are referenced in this HMP, is provided in Appendix A.

1.4.2 Aboriginal Heritage Impact Permits

The NP&W Act provides the primary basis for the legal protection and management of Aboriginal heritage in NSW. Implementation of the Aboriginal heritage provisions of the NP&W Act is the responsibility of the BCD. The aim of the NP&W Act is to prevent unnecessary or unwarranted destruction of Aboriginal objects and to protect and conserve objects where such action is considered warranted.

With the exception of some artefacts in collections, the NP&W Act generally defines all Aboriginal objects to be the property of the Crown. The Act then provides various controls for the protection, management and destruction of these objects. 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' [Section 5(1)].

In practice, archaeologists generally subdivide the legal category of 'object' into different site types, which relate to the way Aboriginal heritage evidence is found within the landscape. The archaeological definition of a 'site' may vary according to survey objectives, however it should be noted that even single and isolated artefacts are protected as objects under the NP&W Act.

Under the terms of the NP&W Act, it is an offence for a person to:

- harm or desecrate an object that the person knows is an Aboriginal object; or
- harm an Aboriginal object ('strict liability offence').

Penalties for infringement of the NP&W Act vary in relation to the nature of the offence but include up to 5000 penalty units or imprisonment for 2 years, or both.

Consents regarding harm to Aboriginal objects are managed through the AHIP system. AHIPs are typically required (apart from Part 3A Major Projects and Part 4 Division 4.1 State Significant Developments) to allow any impacts to an Aboriginal object or Aboriginal place.

Under section 89A of the NP&W Act, a person who is aware of the location of an Aboriginal object that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Chief Executive (previously Director-General) thereof within a reasonable time after the person first becomes aware of that location, is guilty of an offence against this Act unless the person believes on reasonable grounds that the Chief Executive is aware of the location of that Aboriginal object.

Under Section 85A of the NP&W Act, the Chief Executive may "dispose" of Aboriginal objects that are the property of the crown:

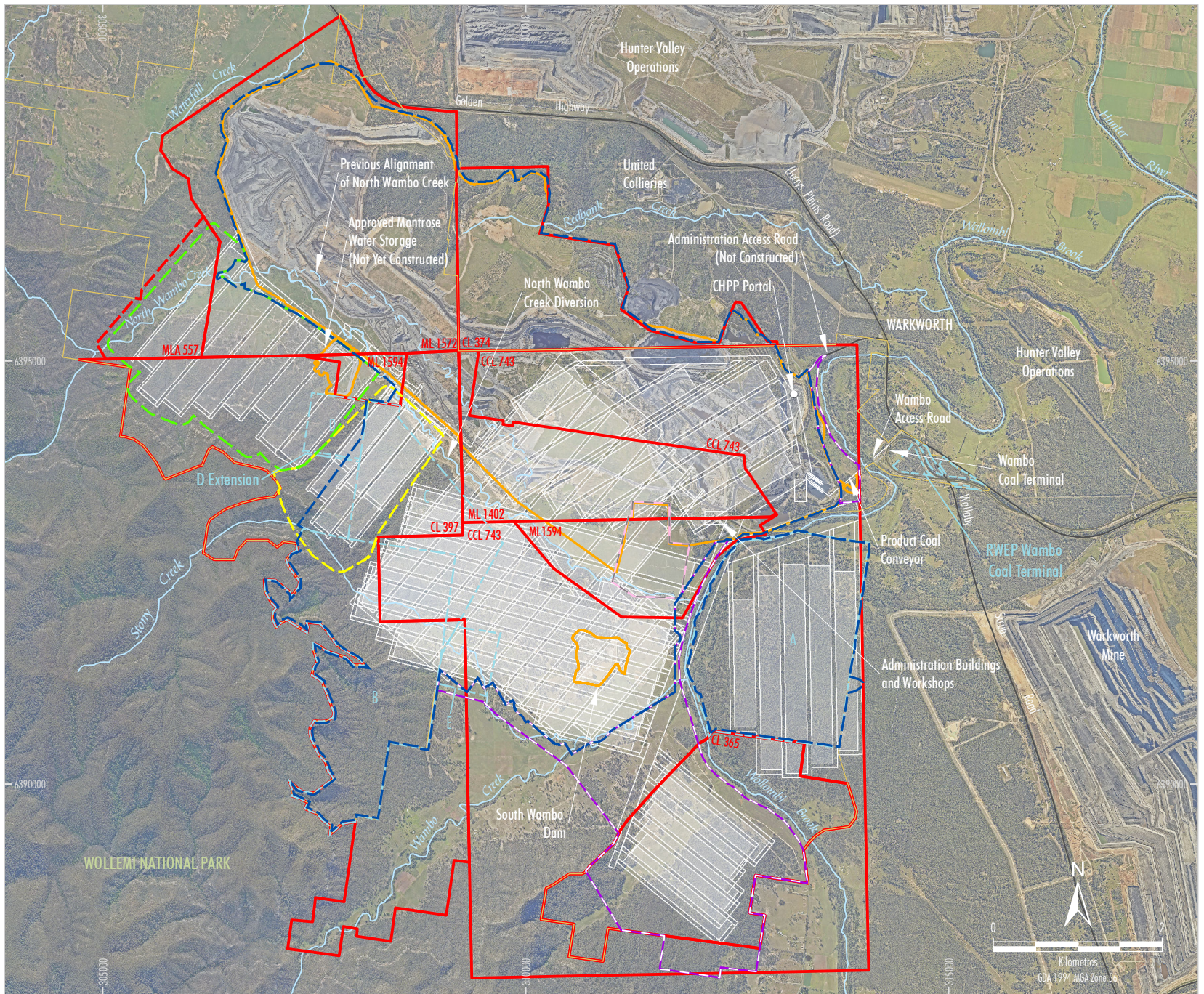
- a) *by returning the Aboriginal objects to an Aboriginal owner or Aboriginal owners entitled to, and willing to accept possession, custody or control of the Aboriginal objects in accordance with Aboriginal tradition, or*
- b) *by otherwise dealing with the Aboriginal objects in accordance with any reasonable directions of an Aboriginal owner or Aboriginal owners referred to in paragraph (a), or*
- c) *if there is or are no such Aboriginal owner or Aboriginal owners - by transferring the Aboriginal objects to a person, or a person of a class, prescribed by the regulations for safekeeping.*

Under Section 85A(3) of the NP&W Act, the regulations may make provision as to the manner in which any dispute concerning the entitlement of an Aboriginal owner or Aboriginal owners to possession, custody or control of Aboriginal objects for the purposes of this section is to be resolved.

AHIP #2222 was issued to WCPL on 20 June 2005 under the NP&W Act (refer to Appendix B). AHIP #2222 allows for the disturbance and/or salvage of all known and unknown Aboriginal objects within the 'Application Area', excluding Aboriginal skeletal remains, in accordance with the Terms and Conditions of AHIP #2222. The extent of the area addressed by AHIP #2222 is shown on **Figure 4**.

The AHIP #2222 application and associated consultation was undertaken in accordance with relevant applicable guidelines and policies at the time of preparation of the EIS and AHIP application, including the NSW Department of Environment and Conservation (2004) *Interim Community Consultation Requirements for Applicants* policy, the *Guidelines for Aboriginal Heritage Impact Assessment in the Exploration and Mining Industries* (NSW National Parks and Wildlife Service [NPWS], 1997a), the *Guidelines for Archaeological Survey Reporting (Aboriginal Cultural Heritage Standards and Guidelines Kit*, NPWS 1997b) and the NPWS (2000) *Aboriginal Cultural Heritage and the Integrated Development Assessment Process* guide.

In accordance with Section 85 of the NP&W Act, WCPL obtained a Care and Control Permit #3130 for the temporary storage of salvaged artefacts until they can be returned to the landscape after the completion of mining and rehabilitation activities. The Care and Control Permit #3130 has been varied to extend its life until 1 March 2025.



- LEGEND**
- WCPL Owned Land
 - Mining and Coal Lease Boundary
 - - - Mining Lease Application Boundary
 - Existing/Approved Surface Development Area
 - Approved Underground Development
 - - - Remnant Woodland Enhancement Program (RWEP) Area
 - - - Consent 2222 Boundary
 - AHIP # C0001474 Boundary
 - AHIP # C0002000 Boundary
 - AHIP # C0003213 Boundary
 - Wambo Homestead Complex Curtilage

Source: WCPL (2020); NSW Spatial Services (2019)
 Orthophoto: WCPL (May 2019)

Peabody
 W A M B O C O A L M I N E
 Wambo Coal Mine
 Heritage Boundaries

Figure 4

AHIP #2222 has been varied on a number of separate occasions including:

- Variation approved 7 May 2010 to extend the timeframe of AHIP #2222 by 5 years to 19 June 2015.
- Variation approved 2 August 2013 to marginally extend the boundary of AHIP #2222 to allow for disturbance and potential impacts associated with the development of Longwalls 9 and 10 at the North Wambo Underground Mine for a very small area at the southern end of the panels that had not been included in the original AHIP #2222.
- Variation approved 29 April 2015 to extend the timeframe of AHIP #2222 to 1 March 2025 (i.e. in line with the approved life of Wambo) and to marginally extend the boundary of AHIP #2222 to allow for disturbance and potential impacts associated with the development of Longwall 10A of the North Wambo Underground Mine for a very small area at the edge of the panel that had not been included in the original AHIP #2222.
- Variation approved 4 September 2017 to include reference to this HMP instead of the previous “Attachment 3 Wambo Development Project – Aboriginal Heritage Research Design and Study Plan (Incorporating Salvage Programme)”.

An additional AHIP #C0001474 was issued by the OEH to WCPL on 19 November 2015 for the development of the South Bates Underground Mine. AHIP #C0001474 is valid until 19 November 2025. A variation application for AHIP #C0001474 was approved on 4 September 2017 to include reference to this HMP. The area covered by AHIP #C0001474 is presented on **Figure 4**.

On 16 January 2017, an additional AHIP #C0002000 was issued by the OEH to WCPL for the development of the South Wambo Underground Mine Modification. AHIP #C0002000 is valid until 16 June 2033. A variation application for AHIP #C0002000 was approved on 4 September 2017 to include reference to this HMP. The area covered by AHIP #C0002000 is presented on **Figure 4**.

On 27 February 2018, an additional AHIP #C0003213 was issued by the OEH to WCPL for the development of the South Bates Extension Underground Mine Modification. AHIP #C0003213 is valid until 27 February 2040. The area covered by AHIP #C0003213 is presented on **Figure 4**.

Copies of AHIPs #2222, #C0001474, #C0002000 and #C0003213 and Care and Control Permit (now referred to as Care Agreements) #3130 are provided in Appendix B. All heritage management actions and impacts relating to Aboriginal heritage within the respective AHIP areas must occur in accordance with the relevant AHIP conditions. Prior to undertaking any actions affecting an Aboriginal heritage site within the AHIP area, the requirements and conditions of the relevant AHIP should be reviewed.

An additional AHIP #2085 was granted to WCPL on 14 December 2004. Aboriginal heritage sites were salvaged under AHIP #2085 in advance of the construction of the rail loop. AHIP #2085 has since expired, however all salvaged materials are still managed in accordance with Care and Control Permit #3130.

This HMP will be updated to incorporate all relevant provisions of any future issued AHIPs (as necessary).

1.5 Consultation on the Heritage Management Plan

Consultation undertaken to date at Wambo in relation to the management of Aboriginal heritage has been extensive, including consultation with the Aboriginal community in relation (but not limited) to the following:

- Application for AHIP #2222 and Care and Control Permit #3130 and subsequent variations, as documented within those applications.
- Application for AHIP #C0001474 and subsequent variation, as documented within that application.
- Application for AHIP #C0002000 and subsequent variation, as documented within that application.
- Application for AHIP #C0003213, as documented within that application.
- On-going Aboriginal heritage surveys, salvages and other heritage management activities at Wambo.
- Cultural heritage impact assessments (including but not limited to):
 - Wambo Development Project (White, 2003).
 - Proposed Montrose East Underground Modification (RPS Australia East Pty Limited [RPS], 2011) (withdrawn prior to determination).
 - North Wambo Underground Mine Modification (RPS, 2012a).
 - North Wambo Underground Mine Longwall 10A Modification (RPS, 2014).
 - South Bates (Wambo Seam) Underground Mine Modification (RPS, 2015).
 - South Wambo Underground Mine Modification (RPS, 2016).
 - South Bates Extension Modification (Kuskie, 2017a; 2017g).

WCPL undertook consultation on the previous iteration of the HMP¹ which included²:

- Provision of a draft version of the previous HMP iteration (Version 0) to the OEH (now BCD) on 9 December 2016 for consultation under Schedule 4 Condition 22C(h) of Development Consent (DA 305-7-2003). The OEH indicated on 21 December 2016 that the management measures proposed in the HMP were adequate and appropriate in relation to the South Bates Underground Mine given the nature of the archaeological record and the range of activities to be undertaken.
- Provision of a revised draft version of the previous HMP iteration (Version 1) to DPE (now DPIE) and OEH (now BCD) on 16 January 2017 as part of the Extraction Plan for the South Bates Underground Mine Longwalls 11 to 16 under Schedule 4 Condition 22C(h) of Development Consent (DA 305-7-2003). The DPE requested (on 16 May 2017) that the HMP be updated to provide a description of consultation outcomes. No further comments were received from the OEH.
- Provision of a draft version of the previous HMP iteration (Version 2) to the Registered Aboriginal Parties (RAPs) at Wambo on 3 March 2017 for their review and comment as part of the proposed applications for variations to AHIPs #2222, #C0001474 and #C0002000 (and other relevant AHIP[s]) (to allow the AHIPs to refer to this HMP instead of the previous "Attachment 3 Wambo Development Project – Aboriginal Heritage Research Design and Study Plan [Incorporating Salvage Programme]" that formed the basis of the AHIP #2222 application [as appended to AHIPs #2222, #C0001474 and #C0002000]). Comments were requested by 5 April 2017.

¹ This HMP is a new iteration which reflects the revised Development Consent (DA 305-7-2003) following determination of the United Wambo Joint Venture Project (Modification 16). Notwithstanding, the content of the previous HMP has been largely retained and all consultation undertaken for the previous iteration of the HMP remains relevant.

² Note, Schedule 4 Condition 22C(h) is now Schedule 2 Condition B7(f).

- Provision of a revised version of the previous HMP iteration (Version 4) to the RAPs at Wambo and OEH (now BCD) for their review and comment with a 21 day review period (in accordance with Section 8.2 of this HMP).

WCPL received written comments from Tocomwall Pty Ltd on 9 March 2017, also representing the Plains Clans of the Wonnarua People's Registered Native Title Claimants. Tocomwall Pty Ltd expressed an interest in involvement in the further investigations described in Section 4.11. No concerns were raised in relation to the proposed management of Aboriginal heritage. No other comments were received from the RAPs on the previous HMP.

On 23 April 2018, OEH (now BCD) wrote to WCPL noting that it was satisfied that the revisions made in Version 4 of the previous HMP still adequately managed Aboriginal cultural heritage within the Wambo Mine Complex and the range of activities undertaken within the operational footprint of the mine (Appendix G).

The Heritage Division, OEH (now BCD) provided comments on the previous HMP iteration to DPE (now DPIE) on 5 July 2018 in relation to management of non-Aboriginal heritage. These comments were addressed and a reconciliation of the comments is provided in Appendix G.

2.0 Aboriginal Heritage Sites and Values

2.1 Previous Aboriginal Heritage Investigations

A number of Aboriginal cultural heritage surveys and assessments have previously been undertaken at Wambo in relation to the approved and proposed mining activities and other developments and infrastructure. These investigations include:

- Dyall (1980) surveyed the northern part of the Wambo lease area.
- Brayshaw (1984) surveyed the north-eastern portion of the Wambo lease area.
- Corkill (1990) conducted a preliminary survey sampling within an area of about 550 hectares (ha) along South Wambo Creek and Stony Creek. Test excavations were undertaken at two sites.
- White (nee Rich, 1991a, 1991b) undertook survey sampling within an area of 4 km length and 0.5 to 1.5 km width along North Wambo Creek and within an area of 1.5 km length and 0.25 to 0.45 km width along Stony Creek, and undertook test excavations at two sites on Wambo Creek, in relation to an EIS prepared by Envirosiences Pty Ltd (1991) into the expansion of Wambo Mine.
- Kuskie (1998a) investigated the Jerrys Plains Coal Terminal and Rail Line, which included a then proposed balloon loop and rail loading facility within Wambo Mine, west of Wollombi Brook.
- Kuskie (1998b) investigated a proposed haul road, stockpile area and conveyor route within the Wambo lease.
- Kuskie (2000) investigated proposed haul road routes from Wambo Mine to Lemington Mine, in relation to links to the Jerrys Plains Coal Terminal.
- White (2003) undertook a comprehensive, broad assessment for the Wambo Coal Mine EIS. The assessment encompassed an area of 60 square kilometres, through sample surveys, community consultation and reporting. This assessment provided the foundation for WCPL obtaining AHIP #2222.
- RPS (2009 - 2015) undertook several due diligence surveys, surveys for mine expansion constraints studies, and surface collections and excavations under the relevant AHIPs.
- RPS (2011) assessed the proposed Montrose East Underground Modification, a plan for three new longwall panels and associated facilities in an area of approximately 250 ha. The application for a Modification was subsequently withdrawn by WCPL following public exhibition, but prior to approval.
- RPS (2012a) assessed the North Wambo Underground Mine Modification, a proposal to develop two additional longwall panels in the Wambo Seam, with an area of about 200 ha subject to survey sampling.
- RPS (2012b) conducted a due diligence assessment of an approximate 24 ha area in which a water storage area and related surface facilities were proposed for the Montrose Water Storage Modification.
- RPS (2014a) conducted an assessment for the North Wambo Underground Mine Longwall Panel 10A Modification.
- RPS (2014b) analysed site distribution patterns at Wambo using data from previous surveys and salvages, including those undertaken but not reported by Navin Officer under AHIPs #2085 and #2222, and Kayandel (2007, 2009).
- RPS (2015) conducted an assessment for the South Bates (Wambo Seam) Underground Mine Modification.
- RPS (2016a) conducted an assessment for the South Wambo Underground Mine Modification.

- RPS (2016b) reported on the salvages undertaken between 2004 and 2006 by Navin Officer under AHIPs #2085 and #2222 for the Wambo rail loop and rail spur and within the Project approval area for the Mine, that were not reported on by Navin Officer.
- Stephenson and Kuskie (2016a, 2016b) reassessed 12 reported grinding groove locations at Wambo (Wambo Sites 117, 296, 304, 329, 330, 331, 332, 377, 386, 387, 388 and 473).
- Kuskie (2016a) reassessed Wambo Site 312.
- Kuskie (2016b, 2017f) undertook a due diligence assessment for a proposed Electricity Transmission Line easement realignment near Wollombi Brook.
- Kuskie (2016c) undertook a due diligence assessment for a program of soil test pits at various locations within the South Bates Extension Modification area.
- Kuskie (2016d) undertook a due diligence assessment for a program of drilling within the South Bates Extension Modification area.
- Two sites reported by RPS (Wambo Sites 304 and 325) within the area covered by AHIP #2222 were salvaged by South East Archaeology (Kuskie 2016e).
- Canning (2016) and OzArk (2016) undertook a cultural heritage assessment for the United Wambo Open Cut Coal Mine.
- Kuskie (2017a) conducted an assessment of the proposed South Bates Extension Modification. Minor survey coverage gaps were subject to an additional survey in 2017 (Kuskie 2017g).
- Kuskie (2017b, 2017c, 2017d, 2018c, 2018e, 2019a, 2019d and 2020) undertook due diligence assessments for drilling programs within and adjacent to the existing Wambo leases in January, February and May 2017, May and June 2018, January and May 2019, and January 2020.
- Kuskie (2017e) undertook a reinspection of 50 Aboriginal sites within the potential subsidence impact area of Longwall Panels 8A to 10A (LW8A-10A) at the North Wambo Underground Mine.
- Kuskie (2018a) reported on the salvage in February 2018 of an isolated artefact "United IF-6" (#37-5-0693) reported by OzArk (2016) within the area covered by AHIP #2222.
- Kuskie (2018b) salvaged a small portion of Wambo Site 31 (#37-5-0034) under AHIP #C0002000 and the Wambo HMP.
- Kuskie (2018d) reported on the salvage of Wambo Sites 311, 321, 483, 485-489 and 498, South Bates Soil Test 2/A and South Bates Soil Test 6/A in the South Bates Extension area under AHIP #C0003213 and the Wambo HMP in May 2018.
- Kuskie (2019b) reported on the salvage of 24 open artefact sites (Wambo Sites 23-26, 369, 401, 454-464 and newly identified sites 508-512) under AHIPs #C0002000 and #2222 and the Wambo HMP, in December 2018 and January 2019.
- Kuskie (2019c) reported on the salvage of eight open artefact sites (Wambo Sites 382, 384, 385, 449, 450, 451, 452 and 471) under AHIPs #C0001474 and #2222 and the Wambo HMP, in February 2019.

As described in Section 1.4.2, the management of Aboriginal heritage at Wambo is conducted in accordance with the requirements of AHIPs #2222, #C0001474, #C0002000 and #C0003213 that were issued under Section 90 of the NP&W Act (in relation to those specific AHIP areas) and in accordance with Section 90 of the NP&W Act and relevant policy requirements and guidelines relating to Aboriginal community consultation and heritage assessment as applicable at the time in relation to areas outside of those addressed by the AHIPs.

2.2 Aboriginal Heritage Sites

An Aboriginal Heritage Site Database has been developed for Wambo and is maintained by WCPL (refer to Section 4.13). The database is based on the numerous archaeological assessments undertaken at Wambo prior to and following initial approval in 2004 and data from the Aboriginal Heritage Information Management System (AHIMS). In accordance with Section 4.13 of this HMP, the Aboriginal Heritage Site Database is a 'live document' that will be continually updated over the life of the mine (for example, when new Aboriginal heritage sites are identified within the Wambo area, when Aboriginal heritage sites within the Wambo area are subject to salvage or further heritage investigation, when Aboriginal heritage sites within the Wambo area are subject to development impacts, and when previously recorded locations within the Wambo area are subsequently determined through further investigation not to be an Aboriginal heritage site).

The previously recorded Aboriginal heritage sites at Wambo and the immediate surrounds are presented on **Figure 5**. It is noted that **Figure 5** includes those sites that have been subsequently managed and/or salvaged under relevant AHIPs, as well as sites that remain extant and *in situ*.

Based on the previous investigations undertaken at Wambo and the immediate surrounds (refer above), a total of over 490 Aboriginal heritage sites have previously been recorded (at the time of preparation of this HMP). These sites are overwhelmingly open artefact sites (including artefact scatters and isolated finds) (refer to Table 2). A number of these sites have been subject to actions under the previously issued AHIPs, and at the time of preparation of this HMP, more than approximately 160 known sites remain within the HMP area (that have not been subject to total salvage and/or impact).

In accordance with Schedule 2 Condition B7 of DA 305-7-2003, Appendix C presents an assessment of the potential environmental consequences related to the current Extraction Plan(s), in relation to Aboriginal heritage.

Table 2: Summary of Previously Recorded Aboriginal Heritage Sites at Wambo and Surrounds

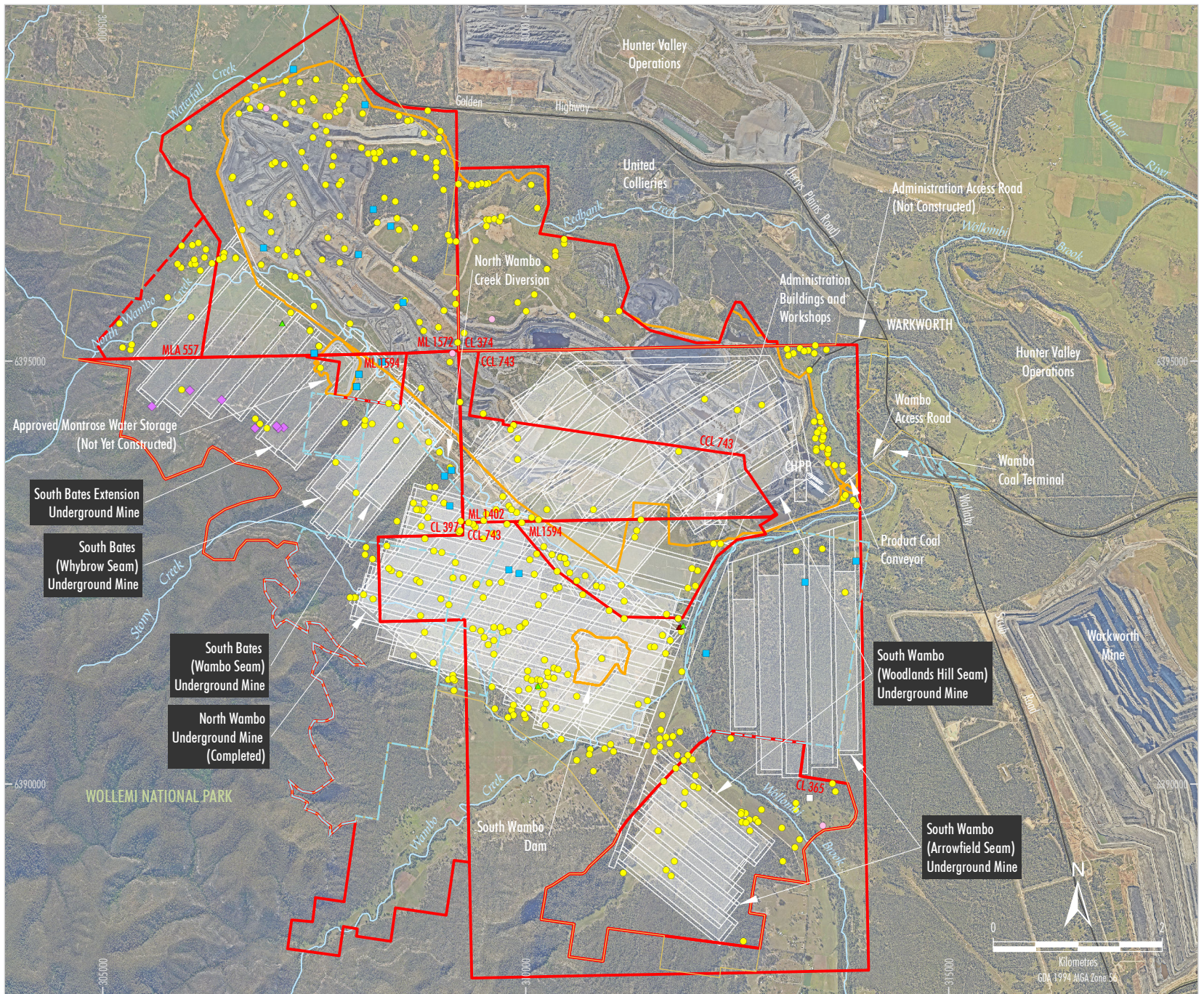
Site Type	Number of Sites ¹
Open Artefact Sites ²	480
Potential Archaeological Deposits (PAD)	20
Scarred Trees	3
Bora Ground	1
Earth Mounds	2
Grinding Grooves	4
Rock Shelters with Artefacts	1
Rock Shelters with PADs	7
TOTAL	518

Source: WCPL Aboriginal Heritage Sites Database (March 2019).

Note: This table excludes those Aboriginal heritage sites which, following their original recording, have been subsequently re-assessed as not being of Aboriginal origin. These previously recorded sites include 12 grinding grooves and one scarred tree, which have been determined by independent expert assessment not to be of Aboriginal origin (Kuskie, 2016a, Stephenson and Kuskie 2016a, 2016b) and have been accepted by AHIMS as such.

¹ This total includes those sites that have already been subject to management (e.g. salvage and/or excavation).

² Including artefact scatters and isolated finds with or without PADs.



- LEGEND**
- WCPL Owned Land
 - Mining and Coal Lease Boundary
 - - - Mining Lease Application Boundary
 - Existing/Approved Surface Development Area
 - Approved Underground Development
 - - - Remnant Woodland Enhancement Program (RWEF) Area
 - Aboriginal Heritage Sites
 - Open Artefact Site
 - Grinding Groove
 - ▲ Scarred Tree
 - ▲ Earth Mound
 - Potential Archaeological Deposit
 - Ceremonial, Bora Ground
 - ◆ Rock shelter with PAD

Source: WCPL (2020); NSW Spatial Services (2019)
 Orthophoto: WCPL (May 2019)



W A M B O C O A L M I N E

Previously Recorded
 Aboriginal Heritage Sites
 at the Wambo Coal Mine

Figure 5

2.3 Aboriginal Cultural Values

Over the course of numerous Aboriginal cultural heritage assessments at Wambo, the RAPs and/or Aboriginal stakeholders have been consulted about the cultural significance of Aboriginal objects and places, and a number of specific and general cultural values have been identified.

Aboriginal cultural values may relate to:

- sites or places associated with ceremonies, spiritual/mythological beliefs and traditional knowledge, which date from the pre-contact period and have persisted until the present time;
- sites or places associated with historical associations, which date from the post-contact period and are remembered by people today (for example, plant and animal resource use areas and known camp sites); and
- sites or places of contemporary significance (including areas for which Aboriginal objects remain), for which the significance has been acquired in recent times.

Specific cultural values or places have been identified and documented in the broader Wambo area and surrounds, including:

- The Bora Ground east of Wollombi Brook (AHIMS #37-6-0056 and #37-5-0055) (Wambo Site 2) (White, 2003; Brayshaw, 2003). It is noted that although there are two AHIMS records for the Bora Ground, it is widely accepted that these are different records for a single site. It is also noted that a third possible location for the Bora Ground was identified by Brayshaw (2003), however this was never registered on AHIMS. All possible locations for the Bora Ground are on the eastern bank of Wollombi Brook, outside the current extent of longwall mining and direct impacts from Wambo. The Bora Ground has been previously identified as being of high cultural significance to the Aboriginal community (White 2003).
- Dyall (1980) and Brayshaw *et al.* (1996:22) in relation to site #37-6-0135 (Wambo Site 24) indicate that the terrace in this location was potentially a culturally significant 'meeting place' of different Aboriginal groups.

Other contemporary cultural values have been reported for the Wambo area, including (for example, Perry, 2003; WCPL, 2016; Kuskie, 2017a; 2017g):

- All Aboriginal heritage sites are culturally significant (especially grinding grooves/surfaces and scarred trees).
- The banks of the creeks and natural connecting ridgelines in the Wambo area and surrounds have specific cultural significance, as these areas would have been suitable for camping and procurement of food and water.
- Artefact sites are of cultural significance and related to other sites in the Wambo area, particularly to the other sites in the Wollombi Brook, North Wambo Creek, Wambo Creek and Stony Creek areas.
- The significance of pathways through the locality, including the potential access from North Wambo Creek to Jerrys Plains Ridge.

WCPL acknowledges that all Aboriginal heritage sites are considered to be culturally significant to the Aboriginal people who have a traditional connection to Country.

3.0 Protocol for the Continuing Involvement of the Aboriginal Community

3.1 Registered Aboriginal Parties

The RAPs for Wambo have been identified through previous consultation undertaken for the original EIS, subsequent modifications, the applications for AHIPs #2222, #C0001474, #C0002000 and #C0003213 (and other relevant AHIP[s]) and Care and Control Permit #3130 (including variations), and the on-going management of Aboriginal heritage at Wambo.

A list of the 68 RAPs for Wambo (current at the time of preparation of this HMP) is provided in Appendix D.

3.2 Continuing Consultation with Registered Aboriginal Parties

WCPL acknowledges that Aboriginal heritage is of primary interest to the Aboriginal community and that Aboriginal people have the right to be consulted and involved in relation to the management of their heritage. WCPL recognises that the Aboriginal community has a paramount role in identifying cultural significance and cultural heritage values.

WCPL is committed to maintaining on-going consultation with RAPs throughout the life of Wambo. However, it is the responsibility of RAPs to ensure that any changes to contact details (eg. full name, postal address, telephone number, email address etc.) are provided in a timely manner to WCPL. These details will be updated on the register of RAPs which will be maintained by WCPL over the life of Wambo.

Consultation in relation to updates and/or revisions to the HMP are described in Section 8 and, in relation to heritage field investigations, are described in Section 3.3.

Other consultation will occur with the RAPs in accordance with the AHIPs and this HMP including:

- For the AHIP #2222 area, in relation to any proposal to modify the salvage methodology (Schedule B Special Condition 5), in relation to work covered by the AHIP including any reasonable request to involve the Aboriginal community in the work (General Terms and Conditions 13) and upon request by the OEH (now BCD), provide a summary of findings with photographs, diagrams etc as required to local Aboriginal communities (General Terms and Conditions 14).
- For the AHIP #C0001474 area, in relation to analysis of any Aboriginal objects subject to community collections (Operational Condition 9) and provision of a copy of any AHIP variation or transfer notice to the RAPs within 14 days of receipt of the notice (Operational Condition 20).
- For the AHIP #C0002000 area, in relation to the provision of a copy of any AHIP variation or transfer notice to the RAPs within 14 days of receipt of the notice (Operational Condition 19).
- For the AHIP #C0003213 area, in relation to analysis of any Aboriginal objects subject to community collections (Operational Condition 10) and provision of a copy of any AHIP variation or transfer notice to the RAPs within 14 days of receipt of the notice (Notification and Reporting Condition 22).
- In general, making available to RAPs copies of all heritage reports produced under this HMP (refer to Section 4.5).
- Any heritage reports produced under this HMP that require the review and input of the RAPs (for example, heritage surveys and salvage investigations) are distributed in a draft format to the RAPs for review. Final heritage reports would be prepared that address and incorporate any input received within the specified timeframe from the RAPs (refer to Section 3.3).

In accordance with Schedule 2 Condition A22 of Development Consent (DA 305-7-2003), evidence of this consultation will be maintained by WCPL and provided to the Secretary where requested.

3.3 Involvement of Registered Aboriginal Parties in Field Investigations

WCPL recognises that Wambo lies within the boundaries of the Wanaruah Local Aboriginal Land Council, a statutory body under the NSW *Aboriginal Land Rights Act 1983* with responsibilities relating to cultural heritage. Further, WCPL acknowledges that consultation with and the input of Registered Native Title Claimants (under the Commonwealth *Native Title Act 1993*) and other RAPs is also important to the assessment, management and preservation of Aboriginal heritage values at Wambo.

Engagement of RAPs in field investigations will be at the discretion of WCPL and on an as required basis. Engagement may be based upon previous experience, fitness for work and the ability to provide valid and current insurances.

The following process will be undertaken for the involvement of representatives of the RAPs in heritage field investigations at Wambo, in relation to works required under AHIP #2222 and/or AHIP #C0001474 and/or AHIP #C0002000 and/or AHIP #C0003213 (for field investigations and consultation relating to investigations outside of the relevant AHIP areas undertaken with respect to either the BCD *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* [NSW Department of Environment, Climate Change and Water {DECCW}, 2010a] and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* [DECCW, 2010b] or the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* [DECCW, 2010c] refer below):

- WCPL will engage representative(s) of the RAPs to participate in all heritage field investigations as and where required under AHIP #2222 and/or AHIP #C0001474 and/or AHIP #C0002000 and/or AHIP #C0003213 (or other relevant AHIP[s]), and generally according to any commercial agreements they have entered into with WCPL.
- Where the methodology is consistent with that already approved by the RAPs for Wambo or in this HMP or the AHIPs, WCPL will provide the RAPs engaged for any field investigation with a minimum of three business days notice of the date of commencement of the field investigation, unless a shorter period is agreed to by the engaged stakeholders. WCPL will provide safe access to the investigation area and induct representatives to an appropriate level for Workplace Health and Safety purposes.
- Where the methodology is different from that already approved by the RAPs for Wambo or in this HMP, WCPL will provide the attending RAPs with a copy of the Proposed Methodology for any forthcoming archaeological survey or salvage and allow a minimum of 14 days for the attending RAPs to provide comment, including identification of issues or areas of cultural significance that might affect, inform or allow refinement of the methodology. The Proposed Methodology will include relevant mapping and figures. WCPL will document and consider all comments received from the attending RAPs in the finalisation of the methodology.
- The RAPs will provide suitably qualified and/or experienced representatives to participate in archaeological survey, collection, excavation or monitoring required under this HMP and relevant AHIP. The representatives will comply with all reasonable requirements of WCPL at all times when at Wambo.
- All reports produced in regard to surface collection, salvage excavation and/or analysis arising from the AHIPs may include comments provided by the attending RAPs in the field in regard to cultural significance, values or features of the sites and/or area. WCPL will make available to all RAPs final copies of all heritage reports produced under the AHIPs (refer to Section 4.5).

The following process will be undertaken for the involvement of representatives of the RAPs in heritage field investigations at Wambo, in relation to works outside of the AHIP areas undertaken with respect to the BCD (DECCW, 2010c) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*:

- WCPL will engage representative(s) of the RAPs (where available³) to participate in all heritage field investigations as and where required outside of the AHIP areas undertaken with respect to the BCD (DECCW, 2010c) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*, and generally according to any commercial agreements they have entered into with WCPL.
- WCPL will provide the RAPs engaged for any field investigation with a minimum of three business days notice of the date of commencement of the field investigation, unless a shorter period is agreed to by the engaged stakeholders. WCPL will provide safe access to the investigation area and induct representatives to an appropriate level for Workplace Health and Safety purposes.
- The RAPs will provide suitably qualified and/or experienced representatives to participate in the due diligence survey. The representatives will comply with all reasonable requirements of WCPL at all times when at Wambo.
- All reports produced in regard to due diligence investigations may include comments provided by the attending RAPs in the field in regard to cultural significance, values or features of the sites and/or area. WCPL will make available to all RAPs final copies of heritage reports produced under Due Diligence (refer to Section 4.5).

The following process will be undertaken for the involvement of representatives of the RAPs in heritage field investigations at Wambo, in relation to works required outside of the relevant AHIP areas undertaken with respect to the BCD *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010a) and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010b):

- The RAPs for Wambo have been identified through previous consultation at Wambo undertaken in accordance with the initial Stage 1 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010b) (refer to Appendix D), and providing the project area is located within the Wambo area relevant to the previous identification of RAPs, it is assumed that the previous identification of RAPs will suffice and Stage 1 will not be repeated⁴.
- WCPL will provide the RAPs with a copy of the Proposed Methodology for any forthcoming archaeological survey or test excavations under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010a) and allow a minimum of 28 days for the RAPs to provide comment, including identification of issues or areas of cultural significance that might affect, inform or allow refinement of the methodology. The Proposed Methodology will include relevant mapping and figures. WCPL will document and consider all comments received from the attending RAPs in the finalisation of the methodology.
- WCPL will engage representative(s) of the RAPs to participate in all heritage field investigations as and where required in relation to works required outside of the relevant AHIP areas undertaken with respect to the BCD *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010a) and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010b), and generally according to any commercial agreements they have entered into with WCPL.

³ Subject to suitable notification requirements being met by WCPL, the due diligence field investigation may commence on occasions where RAPs are unavailable, to avoid unnecessary delays to operations at Wambo.

⁴ If not, Stage 1 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010b) must be implemented.

- WCPL will provide the RAPs engaged for any field investigation with a minimum of three business days notice of the date of commencement of the field investigation, unless a shorter period is agreed to by the engaged stakeholders. WCPL will provide safe access to the investigation area and induct representatives to an appropriate level for Workplace Health and Safety purposes.
- The RAPs will provide suitably qualified and/or experienced representatives to participate in archaeological survey or test excavation. The representatives will comply with all reasonable requirements of WCPL at all times when at Wambo.
- Draft versions of any reports produced will be provided to all RAPs for their review and comment prior to finalisation. All comments received within 28 days will be documented and considered by WCPL in finalisation of the report.
- WCPL will make available to all RAPs final copies of the heritage reports, including within 14 days of any AHIP application being lodged.

The Wambo Workplace Health and Safety and insurance requirements are subject to periodic review and updates by WCPL outside of the requirement for this HMP to be revised. All contractors, including participating archaeologists and RAPs, will be notified of any relevant changes to fieldwork workplace health and safety and/or insurance requirements and it is the responsibility of attending archaeologists and RAPs to ensure that current insurances are provided prior to commencement of any works.

Notwithstanding the above, WCPL retains at their sole discretion the right to engage any RAPs to provide the above services as needed. However, the above process does not exclude any Aboriginal person or party, regardless of their association with any of the RAPs or not, from being consulted in relation to Wambo and the management of heritage under this HMP.

4.0 Management of Aboriginal Heritage

This section outlines the management and mitigation measures proposed for identified and potential Aboriginal heritage evidence at Wambo, consistent with the requirements of Development Consent (DA 305-7-2003) (as modified), the approved AHIPs #2222, #C0001474, #C0002000 and #C0003213 (and other relevant AHIP[s]) and other relevant heritage legislation (e.g. NP&W Act) and policies or guidelines (e.g. the BCD *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* [DECCW, 2010a] and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* [DECCW, 2010b] and BCD [DECCW, 2010c] *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*) where relevant.

As such, prior to undertaking any actions affecting an Aboriginal heritage site within a relevant AHIP area, the requirements and conditions of that AHIP (#2222 and/or #C0001474 and/or #C0002000 and/or #C0003213, or other relevant AHIP[s]) should be reviewed (refer to Appendix B).

It is noted that this HMP applies to valid sites of Aboriginal origin only. Should possible Aboriginal heritage evidence be identified (or have been previously recorded) which is then subsequently determined not to be of an Aboriginal origin by a suitably qualified archaeologist (in relation to material evidence), anthropologist (in relation to cultural values) or arborist or forestry specialist (in relation to scarred trees, in conjunction with a qualified archaeologist) in consultation with the attending RAPs, a technical report would be prepared. This report would be provided to the BCD and made available to the RAPs. A copy would be forwarded to the AHIMS Registrar so that the status of the evidence can be appropriately recorded (as necessary). In the event that a previously identified site is determined to not be of an Aboriginal origin, no further management would be required.

4.1 Surface Disturbance Permit Process

WCPL has implemented a Surface Disturbance Permit (SDP) procedure and checklist, which is applicable to surface disturbance works at Wambo. The SDP aims to identify and manage any environmental restraints, including Aboriginal heritage sites, and permitting required prior to disturbance.

The SDP is implemented and approved by WCPL's Environmental Department prior to any land disturbance activities taking place on undisturbed or rehabilitated land and includes the identification of previously recorded Aboriginal heritage sites and whether the area is located within existing approved AHIP boundaries.

The SDP applies to WCPL owned land, mining leases and privately owned land where an agreement with the landowner is in place.

A copy of the SDP is provided in Appendix E.

The SDP process is as follows:

- Prior to any direct ground disturbance activities commencing in rehabilitation or Greenfield areas, the WCPL Environmental Department will prepare a SDP.
- Approval of the SDP must be obtained prior to the commencement of direct ground disturbance activities.
- WCPL will identify whether the proposed impact area is located within the extent of the approved AHIP boundaries.

- If the proposed impact area is located within the extent of the approved AHIP boundaries, the following protocols will apply:
 - WCPL will determine whether any known heritage sites may be subject to impacts (by checking the WCPL Aboriginal Heritage Site Database, and where the subject land is not owned or directly controlled by WCPL, by undertaking an updated search of the AHIMS register).
 - In locations where an archaeological survey has been undertaken and has identified no Aboriginal heritage evidence, the proposed works can progress with no additional action required.
 - In locations where impacts are proposed and a known Aboriginal heritage site requiring salvage or archaeological excavation will be impacted, WCPL will engage a suitably qualified archaeologist to undertake the required salvage in accordance with this HMP and the relevant AHIP prior to surface disturbance occurring.
 - In locations where impacts are proposed and a known Aboriginal heritage site approved for harm under the relevant AHIP and/or a newly identified Aboriginal heritage site cannot be avoided, these sites will be managed in a manner consistent with the management required by the relevant AHIP (refer to Appendix B) and Section 4.8.1 of this HMP.
- No direct surface disturbance works can occur outside of the extent of the approved AHIPs without being subject to a due diligence assessment in accordance with the NSW Minerals Industry *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (NSW Minerals Council, 2010) and/or the BCD *Due Diligence Code of Practice of the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010b), or subject to approval under the EP&A Act and subsequent AHIP. Should such disturbance be required in areas where Aboriginal heritage sites are known to occur, WCPL would seek a new AHIP and/or a variation to the existing AHIP(s) as needed. Refer to Section 4.8.2 for further details.
- Notwithstanding, WCPL will undertake low impact general land management activities (e.g. grass seed harvesting, slashing access tracks/fire breaks) on land within the Wambo area that may be outside the extent of the approved AHIP(s). These works will avoid known Aboriginal heritage sites. In the event that a new Aboriginal heritage site is identified during these works, the protocol described in Section 4.8.2 would be implemented.

Regardless of the above described process, and as discussed in Section 2.3, the Bora Ground is located outside of the current extent of longwall mining and surface development, and hence will not be subject to direct impacts from Wambo.

4.2 Surface Salvage Protocol

4.2.1 Procedures for Site Recording

Where not already undertaken, Aboriginal heritage sites scheduled for surface collection and/or test excavation will be subject to recording with reference to the BCD *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010) and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011). Recording will be undertaken:

- by a suitably qualified archaeologist experienced in detailed recording of the relevant site type; and
- in consultation with attending RAPs.

Upon conclusion of the detailed recording:

- All data collected will be submitted via inclusion in the relevant AHIMS site record.
- A reassessment of the site's significance will be undertaken, if warranted (based on recommendations from a suitably qualified archaeologist).
- The WCPL Aboriginal Heritage Site Database will be updated as required.

4.2.2 Protocols for Surface Collection

In accordance with Condition 7 of AHIP #C0001474 and AHIP #C0002000, and Condition 8 of AHIP #C0003213, RAPs will be provided an opportunity to collect Aboriginal objects where practicable and safe to do so across the relevant AHIP area, prior to any impacts occurring to those specific sites/objects. As described in the supporting application for AHIP #2222, RAPs will be invited to observe, and where appropriate, participate in any salvage activities (e.g. recording, collection, storage and replacement).

In accordance with the AHIP #2222 application and permit conditions, surface collection of artefacts will occur for open artefact sites within the area covered by AHIP #2222 on a progressive basis prior to ground disturbance works in the specific areas. The potential significance of an Aboriginal heritage site guided this surface collection sampling strategy.

Surface collections required under Section 4.8.1 of this HMP for newly identified open artefact sites within an AHIP area may also be undertaken using this protocol, where required and permitted under applicable AHIP Conditions.

The objective of the surface collection component of the salvage program is to record and recover a representative sample of visible surface artefacts from within open artefact sites.

Surface collection will be undertaken by a combined team of suitably qualified archaeologist(s) and the attending RAP(s), and will generally involve systematic collection procedures selected by the suitably qualified archaeologist(s) with respect to the nature and extent of the evidence and collection area, including:

1. delineation of the collection area and the flagging of all visible artefacts within each site;
2. the recording of individual artefact locations using a GPS (and other techniques where appropriate such as using measurements offset from baselines, or within a grid such as 5 x 5 metre squares);
3. photography of the site; and
4. collection and bagging of identified artefacts (with a unique sequential number for each artefact within each site recorded and labelled on the bag containing the item).

Artefact recording and reporting (and artefact analysis where required) will occur as outlined in Sections 4.4 and 4.5.

Should a previously recorded Aboriginal heritage site (or previously recorded evidence within a site) not be able to be relocated after a reasonable search (to be determined by the suitably qualified archaeologist[s] in consultation with the attending RAPs) then the site will be considered to have been salvaged for the purposes of this HMP and the relevant AHIPs.

4.3 Archaeological Excavation and Sub-surface Salvage Protocol

The requirements in relation to archaeological salvage excavations are outlined in Table 6 of the AHIP #2222 application. Eleven Aboriginal heritage sites and two PADs within the AHIP #2222 area (i.e. Wambo Sites 154, 168, 239, 247, 248, 258, 259, 263, 268, 286, 287, PAD N and PAD R) were scheduled for salvage in accordance with the methodology specified in Attachment 3 of the AHIP application. Salvage has been completed for these sites.

As such, the remainder of this section relates to any requirement for salvage excavation within other open artefact sites within the AHIP areas. It is noted that the "methodology for excavation using a backhoe or excavator" included within the original AHIP #2222 application is not considered acceptable practice and is not endorsed by the BCD *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010) and is therefore not included here for any newly identified open artefact sites. It is also noted that the "methodology for excavation using a mechanical grader" has proven highly successful as a final stage of salvage (after any necessary surface collections and hand excavations) but that this methodology related to the 11 sites and two PADs noted above. However, in the event that additional sites are identified requiring salvage by this methodology (refer to Section 4.8.1), procedures are specified below.

In addition to those Aboriginal heritage sites specifically described as requiring excavation (or sub-surface investigation) in AHIPs #2222, #C0001474, #C0002000 and/or #C0003213, it is noted that archaeological excavation may be considered at any additional open artefact sites or deposits (including within rock shelters, where they may occur) where development activities lead to the identification of sub-surface evidence of potential significance (as determined in consultation with a suitably qualified archaeologist).

This program for open artefact sites or PADs will include an initial exploratory phase followed, when warranted, by a more targeted investigation of the site's research potential or salvage of the open artefact site as follows:

1. Initial sub-surface testing using one or more linear transects of hand excavated, regularly-spaced shovel test pits (Section 4.3.1).
2. Controlled salvage excavation of areas with high research potential as identified through Phase 1 (the initial sub-surface testing) (Section 4.3.2).
3. Broad-area mechanical salvage excavation (surface scrapes) of areas with research potential as identified through Phase 1 (the initial sub-surface testing) and/or application of an occupation model and predictive model.

If the initial program of testing determines that the site does not hold high scientific significance in accordance with the *Burra Charter* (Australia ICOMOS, 2013) and the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011), then the second phase of investigation (i.e. controlled salvage excavation) will not be undertaken⁵.

⁵ For instance, if initial sub-surface testing revealed evidence of low spatial integrity at the site (e.g. high levels of ground disturbance) or few sub-surface artefacts, there may remain little value in a more detailed scientific investigation of the site through controlled salvage excavation.

4.3.1 Initial Sub-surface Testing

The objective of the initial phase of the archaeological excavation program is to determine the nature, extent and composition of each Aboriginal heritage site. Data collected during this phase will be used to inform the need for a further controlled salvage excavation phase (where required), which is designed to target *in situ* concentrations of sub-surface cultural deposits of potential research value.

Following the initial sub-surface testing (shovel test pits), only sites that are evaluated by the suitably qualified archaeologist(s) as containing or having further potential for deposits of high scientific significance (i.e. high research value) will be subject to the second phase of more detailed excavation. For all other sites and deposits (i.e. of low or moderate archaeological significance) further sub-surface investigation or controlled salvage excavation will not occur.

Initial sub-surface testing of open artefact sites where a valid AHIP is applicable will be undertaken as follows:

- One or more transects of shovel test pits will be excavated along the length and/or width of the site. Areas of grossly modified terrain (e.g. dams) will be excluded from the sampling process.
- Approximately 0.5 m x 0.5 m (0.25 square metres [m²]) test pits will be dug by hand (shovel) at each designated shovel test pit point.
- For the initial sub-surface testing, all excavated material will be sieved through 5 millimetre (mm) aperture screens (or a smaller size screen as deemed appropriate by the suitably qualified archaeologist[s]).
- The number and spacing of transects and shovel test pits may be varied depending on the nature and scale of the site being assessed, subject to advice from a suitably qualified and experienced archaeologist(s) and in consultation with the attending RAPs.
- Artefact recording, analysis and reporting will occur as outlined in Section 4.4 and 4.5.

The above requirements may be modified if suitable based on advice from a suitably qualified archaeologist(s).

4.3.2 Controlled Salvage Excavation

Where controlled salvage excavation of open artefact sites where a valid AHIP is applicable is determined to be warranted (based on advice from a suitably qualified and experienced archaeologist(s) and in consultation with the attending RAPs), the following process will generally be implemented at a level appropriate to the extent and nature of the site:

- Controlled salvage excavation will be undertaken by a suitably qualified archaeologist(s), with assistance provided by the attending RAPs.
- All excavation will be carried out manually using trowels, shovels and mattocks (where appropriate).
- Open area excavation will proceed in 1 m² units.
- All excavation units (i.e. shovel test pits and open area 1 x 1 m² squares) will be assigned a unique identifier.
- The first excavation unit may be excavated and documented in 5 centimetre (cm) spits at each area – either PAD or site – being investigated. Based on the evidence of the first excavation unit, 10 cm spits or sediment profile/stratigraphic excavation (whichever is smaller) may then be implemented.
- Excavation will cease at culturally sterile units or bedrock in all instances – the identification of sterile stratigraphic units will draw upon a geomorphological understanding of the wider Wambo area.

- Photographic and/or scale-drawn records of exposed soil profiles in open area excavations will be made.
- If specific archaeological features (e.g. hearths) are identified, the entire feature will be excavated and recorded. Features will be photographed and scale plans drawn.
- All excavated soils will be wet or dry-sieved (dependent on composition) through 5 mm and/or 3 mm sieves, as deemed appropriate by a qualified archaeologist, and with reference to the BCD *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010).
- All material remaining in the sieve will be sorted by a qualified archaeologist to identify and retain all cultural items. All remaining non-cultural material will be discarded.
- Artefacts recovered from sieving will be retained in plastic zip-lock bags and labelled with appropriate provenance data and assigned a unique reference number.
- A standard data recording form will be used for each 1 x 1 m² excavation unit and will include (as a minimum) site name, date, recorder, square identifier, volume of deposit excavated per spit and number of spits.
- Upon completion of excavation, the location of all excavation units will be incorporated into the topographic survey plan for the site.
- All excavation units will be backfilled upon conclusion of excavations at the site.
- Artefact recording, analysis and reporting will occur as outlined in Section 4.4 and 4.5.

The above requirements may be modified if suitable based on advice from a suitably qualified archaeologist(s).

4.3.3 Mechanical Salvage Excavation (Surface Scrapes)

For open artefact sites specified in this HMP for which surface scrapes (and localised hand excavations of features of significance) are required, these procedures will:

- Be undertaken by a suitably qualified archaeologist(s), with assistance provided by the attending RAPs.
- Be undertaken prior to any surface disturbance impacts occurring to those specific areas or sites.
- Aim to identify the broader nature of the spatial distribution of evidence at the site, collection of identified artefacts, and the inspection for, identification of, and salvage prior to disturbance of any significant, unexpected or unusual features.
- Involve systematic procedures selected by the suitably qualified archaeologist(s) with respect to the nature and extent of the evidence and potential impacts, but involving delineation of the surface scrape area, use of a dozer, grader or similar machinery to progressively expose the surface (firstly by removal of vegetation, then by subsequent removal of thin [for example, 2-5 cm] layers of soil), inspection for and collection of any visible artefact evidence after each pass of the machinery, recording of individual artefact positions (for example, by using measurements offset from baselines, or by collection within a grid such as 5 x 5 m squares, or by GPS of individual artefacts) with the provenance recorded and labelled on the bag containing the item, and photography and recording of each surface scrape location.

- Involve where any features of potential significance (for example, in situ hearths/fireplaces or dense artefact clusters representative of activity areas) are identified during the surface scrapes, hand excavation of those features in order to retrieve the evidence that comprises the feature, in accordance with the procedures outlined in Section 4.3.2. Hence, where identified, these features will be temporarily protected from further surface scrapes or other impacts until controlled hand excavation has been undertaken.
- Involve where features (e.g. fireplaces, hearths or heat-treatment pits) are identified that contain samples suitable for radiocarbon or other methods of direct dating, retrieval of these samples and submission to an accredited laboratory for dating may be undertaken.
- Artefact recording, analysis and reporting will occur as outlined in Section 4.4 and 4.5.

4.3.4 Excavation Program to Test for the Presence of Deep Archaeological Deposits

As required by AHIP #2222, a program of exploratory excavations will be conducted at a selection of aggrading landform contexts (such as valley floor alluvium, and alluvial fans on the basal slopes) in the open cut area, with the aim of determining if palaeosols (fossil soil layers) with archaeological potential are present.

A backhoe or excavator would be used to excavate pits or trenches at selected locations (up to 20 at the discretion of the archaeologist). These would be exploratory in nature and would have a principal aim of revealing a section through the sedimentary profile so that any potentially occurring palaeosols may be revealed.

In the event that a palaeosol with archaeological potential was revealed in one of these initial excavations, then a subsequent hand excavation would be conducted in an adjacent location, using the procedures in Section 4.3.2.

The extent, scope and methodology of any follow-on salvage excavations would be determined according to the nature and significance of any archaeological material recovered. The BCD would be consulted on the extent, scope and methodology of such excavations, in accordance with Special Condition 5 of AHIP #2222.

4.4 Artefact Analysis

Consistent with the requirements of AHIP #2222 (Special Condition 3) all artefacts recovered from the salvage program will be recorded by a suitably qualified archaeologist with expertise in lithic analysis and the artefactual material will be subject to an appropriate level of archaeological analysis.

Additionally, a small number of artefacts may be subject to further analysis (e.g. use-wear and residue analysis) and radiocarbon dating and analysis of pollen, phytoliths and microfauna where required. The analysis of collected artefacts will seek to further the knowledge of past human behaviour in the Wambo area.

Consistent with the requirements of AHIPs #C0001474, #C0002000 and #C0003213, artefacts recovered from the salvage program will be recorded.

These procedures are outlined in further detail below, to ensure compliance with the AHIPs (for those activities undertaken in accordance with the AHIPs) and to establish procedures relevant for any future AHIPs.

In general:

- Retrieved artefacts will be washed and dried if necessary and recorded by a suitably qualified archaeologist with expertise in lithic analysis. A minimal level of information will be recorded for every artefact collected to ensure compliance with the AHIP, enable analysis with respect to research questions, and enable completion of the AHIMS site record. As a minimum this will include provenance, stone material type, lithic item type, size, and comments on other relevant attributes (eg. presence and nature of any use-wear or residues). Individual artefacts of significance may be photographed and/or illustrated. Analysis of use-wear and/or residues may be undertaken by a suitably qualified expert for a small number of artefacts, as determined by the suitably qualified archaeologist.
- Any shell and bone material retrieved will be recorded, with identification to genus or species level where possible and counts of minimum numbers undertaken. Similar shell and bone items will be bagged together for each unit spit.
- Following recording of artefacts into a database, individual objects will be bagged separately in resealable, labelled plastic bags, with provenance information recorded on waterproof ink on the plastic bag label strips. Artefact bags will be grouped together for each excavation or collection area or site and further provenance information included on metal tags.

Post-excavation analyses will not delay mining (or associated) activities within the boundaries of any salvaged sites, once salvage activities have been completed in accordance with the relevant AHIP.

4.5 Archaeological Salvage Program Reporting

Reporting associated with archaeological salvage at Wambo will be undertaken consistent with the requirements of AHIPs #2222, #C0001474, #C0002000 and #C0003213. A summary of the reporting requirements is provided in Table 3. The reporting:

- Will be prepared by a suitably qualified archaeologist with reference to the *Aboriginal Heritage Standards and Guidelines Kit* (DEC, 1997) and/or *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b) whichever is relevant at the time of reporting, and the requirements of this HMP, documenting the methods, results (including a plan of the site and excavation area, artefact databases and analysis with respect to relevant research questions) and Aboriginal community involvement.
- Copies will be made available to the RAPs following completion.
- Copies of the reports will be provided to the BCD following completion.
- Updated AHIMS Aboriginal Site Recording Forms and/or Aboriginal Site Impact Recording Forms will be lodged with the AHIMS.

Table 3: AHIP Reporting Requirements

AHIP	Condition	Reporting Requirement
#C0001474	Condition 18	<ul style="list-style-type: none"> WCPL will provide written notice to the OEH (now BCD) within 7 days of the completion of actions authorised by the AHIP.
#C0002000	Condition 17	
#C0003213	Condition 20	
#C0001474	Condition 25	<ul style="list-style-type: none"> An Aboriginal Site Impact Recording Form will be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within 6 months of the completion of the actions authorised by the AHIP.
#C0002000	Condition 24	
#C0003213	Condition 27	
#2222	Condition 4, Schedule B	<ul style="list-style-type: none"> WCPL will provide OEH (now BCD) with a schedule of the Aboriginal heritage sites to be subject to salvage in advance of all subsequent fieldwork phases.
#2222	Condition 5, Special Salvage Conditions	<ul style="list-style-type: none"> WCPL will provide OEH (now BCD) with a salvage report at the completion of salvage activities or expiry of the AHIP or any renewal thereof, whichever occurs first. The report shall include a complete list of all material recovered, a detailed description of the methods of excavation/collection and analysis used, a detailed plan of the site including the location of collection areas, all trenches, auger holes and spoil heaps, and a summary of consultation undertaken with the relevant Local Aboriginal Land Councils or relevant RAPs.
#2222	General Condition 15	<ul style="list-style-type: none"> The holder of the Consent shall keep field records and a copy of all such records shall be lodged with the OEH (now BCD) at the termination of each field work period.

Reporting requirements are further discussed in Section 8 of this HMP.

4.6 Ancillary Infrastructure

The specific Aboriginal heritage management requirements presented in this HMP are made with direct reference to known Aboriginal heritage sites. Although the nature and general location of the components at Wambo is known, the specific design and placement of ancillary facilities is determined progressively over the life of mine and may be subject to change.

In addition to surface disturbance within the existing/approved Surface Development Area at Wambo (**Figures 2a and 2b**), additional ancillary infrastructure may also be required.

Ancillary infrastructure includes (but is not limited to), for example:

- The construction and/or maintenance of access tracks (e.g. for the installation and/or maintenance of surface infrastructure).
- Gas management infrastructure.
- Subsidence monitoring and remediation works (where required).
- Surface rehabilitation works (where required).
- Other associated minor infrastructure, plant, equipment and activities etc.

The location and design of ancillary infrastructure will be flexible and will be located in an attempt to avoid known Aboriginal heritage sites as far as practicable. While the design and location of the ancillary infrastructure is somewhat flexible, some Aboriginal heritage sites may not be able to be avoided completely. Where this occurs, appropriate management measures will be implemented including salvage activities where necessary (and/or as required by the relevant AHIP[s]).

Proposed ancillary surface infrastructure areas will be subject to the SDP procedure outlined in Section 4.1.

4.7 Subsidence Management and Monitoring of Aboriginal Heritage Sites

A subsidence management and monitoring program will be implemented at Wambo to monitor the potential subsidence impacts associated with underground mining operations. Monitoring is undertaken at specific subsidence monitoring line locations consistent with the requirements of the relevant approved subsidence monitoring program.

A summary of the key management and monitoring measures that will be implemented at Wambo is provided in Tables 4 and 5.

Table 4: Summary of Key Management Measures for Aboriginal Heritage Sites within AHIP Boundaries

Site Type	Likelihood of Impact	Description of Management Measure	Responsibility ¹
Artefact Scatters, Isolated Finds and Open Context PADs	Unlikely	<ul style="list-style-type: none"> Based on the recommendations of RPS (2015, 2016) and Kuskie (2017a), the site will be left <i>in situ</i>. If monitoring identifies significant cracking or erosion in the immediate area of an artefact scatter or isolated find, WCPL would engage a suitably qualified archaeologist to salvage by surface collection the identified Aboriginal objects in accordance with the protocols in Section 4.2.2 of this HMP and transfer them to the temporary keeping place in accordance with AHIPs #2222, #C0001474, #C0002000 and #C0003213 and Care and Control Permit #3130, in consultation with attending RAPs. 	Environment and Community Manager
Scarred Trees	Unlikely	<ul style="list-style-type: none"> Based on the recommendations of RPS (2016) and Kuskie (2017a), scarred trees will be left <i>in situ</i>. If monitoring identified no change from the baseline record, then this will be documented. If monitoring identifies any adverse changes then appropriate stabilisation works and/or salvage will be considered. 	Environment and Community Manager
Rock Shelters with PAD	Unlikely	<ul style="list-style-type: none"> Based on the recommendations of Kuskie (2017a), rock shelters with PAD will be left <i>in situ</i>. Monitoring of Wambo Site 499 and Wambo Site 507 would be undertaken after undermining to assess and document any impacts. 	Environment and Community Manager

¹ Or relevant equivalent.

Table 4: Summary of Key Management Measures for Aboriginal Heritage Sites within AHIP Boundaries (Continued)

Site Type	Likelihood of Impact	Description of Management Measure	Responsibility ¹
All	-	<ul style="list-style-type: none"> WCPL will maintain a database of site locations and locate any surface remediation activities to avoid impacts to Aboriginal heritage sites where practicable (and essential outside of an AHIP area). If a site is to be impacted by surface remediation activities and it is located within an AHIP area, that site will be salvaged in accordance with the procedures outlined in Sections 4.1 to 4.3 and 4.6. 	Environment and Community Manager

Table 5: Summary of Monitoring Program for Aboriginal Heritage Sites

Site Type	Monitoring Parameter	Timing/Frequency	Responsibility ¹
Artefact Scatter/ Isolated Finds/PADs	Surface cracks and/or erosion in the vicinity of the sites ² .	Prior to commencement of underground mining. Monthly during extraction of longwall panels in immediate proximity to the sites.	Mine Surveyor.
Scarred Trees	Baseline recording ³ of the confirmed and possible scarred trees will be undertaken by a suitably qualified archaeologist (and a surveyor where required), including noting the tilt of the trees.	Prior to commencement of underground mining.	Appropriately qualified specialist.
Scarred Trees	The tilt and condition of the confirmed and possible scarred trees will be recorded to identify if there is any change from the baseline recording ² .	Post-mining.	Appropriately qualified specialist.
Rock Shelters with PAD	The condition of Wambo Site 499 and Wambo Site 507 will be recorded to identify instances of block/rock fall, cracking, opening of bedding planes, exfoliation and/or overhang collapse.	Post-mining.	Appropriately qualified specialist.

¹ Or relevant equivalent.

² If no change is detected then this will be documented. If any adverse changes that threaten the stability of the tree are identified, then appropriate stabilisation works and/or salvage will be considered and undertaken as required.

³ Where sufficient data for a baseline record has not already been obtained by WCPL.

4.8 Protocol for the Management of Previously Unrecorded Aboriginal Heritage Evidence

4.8.1 Aboriginal Heritage Sites Located within AHIP Boundaries

As described in Schedule A of AHIP #2222 and Schedule C2 of AHIPs #C0001474, #C0002000 and #C0003213, approval has been granted for harm to all Aboriginal objects in or under the land to which each AHIP applies (apart from human remains). In the event that a previously unrecorded Aboriginal heritage site (new location of heritage evidence) is identified⁶, management actions will be implemented (including surface collection and/or archaeological excavation) consistent with the requirements of AHIPs #2222, #C0001474, #C0002000 and #C0003213.

In the first instance for all newly identified Aboriginal heritage sites:

- Work will stop immediately in the vicinity of the Aboriginal heritage evidence, and the new site will be reported to the WCPL Environment and Community Manager as soon as practicable.
- The WCPL Environment and Community Manager will identify an appropriate course of action with respect to the identified Aboriginal heritage site, in consultation with relevant specialists (e.g. the suitably qualified archaeologist) and attending RAPs as necessary. WCPL will ensure that the extent of the identified and/or potential heritage evidence is immediately identified by a suitably qualified archaeologist in consultation with representatives of the attending RAPs and protected from any further inadvertent impact until appropriate management has been determined.

The following text provides a guide for possible management and mitigation measures that could be applied to newly identified sites. The actual management and mitigation measures implemented would be determined on a case by case basis, and would be informed by advice from a suitably qualified archaeologist and in consultation with the attending RAPs.

Where surface impacts are proposed to a newly identified open artefact site/PAD, and avoidance of surface impacts is not feasible, the following process may be considered:

- Where the site is assessed by a suitably qualified archaeologist as being of low archaeological significance and impacts cannot be avoided, following detailed recording of the heritage evidence (refer to protocols in Section 4.2.1), impacts will be permitted to occur without further action.
- Where the site is assessed by a suitably qualified archaeologist as being of moderate archaeological significance, where impacts are substantial, the evidence within the impact area will be subject to surface collection (refer to protocols in Section 4.2.2) before impacts are permitted to occur.
- Where the site is assessed by a suitably qualified archaeologist as being of moderate to high, or high archaeological significance, and impacts cannot be avoided, following detailed recording of the evidence, WCPL will determine in consultation with a suitably qualified archaeologist the extent of proposed impacts:
 - Where the impacts are considered to be substantial, the evidence within the impact area will be subject to surface collection (refer to protocols in Section 4.2.2) and any other management and/or mitigation measures, such as hand excavation or surface scrapes (refer to protocols in Section 4.3), as determined in consultation with the attending RAPs before impacts are permitted to occur (and/or as required by the relevant AHIP[s]).

⁶ Excludes new evidence identified in a location where evidence has previously been recorded (for example, new stone artefacts identified during the surface collection or excavation of a known site) and excludes human skeletal remains (refer to Section 4.9).

- Where the impacts are considered to be minimal, impacts will be permitted to occur after the evidence within the impact area has been subject to surface collection (and/or as required by the relevant AHIP[s]) (refer to protocols in Section 4.2.2).

In the event of a newly identified scarred tree, initial consideration may be given as to whether the scar is likely to be of cultural origin, potentially involving input from a suitably qualified archaeologist and/or arborist or forestry specialist. Where surface impacts are proposed to a newly identified Aboriginal scarred tree (including from direct surface works and subsidence), and avoidance of surface impacts is not feasible, the archaeologist and/or arborist or forestry specialist may be engaged to offer advice on the tree's removal, in consultation with the attending RAPs. The Aboriginal scarred tree may be removed, with a four step procedure involving:

1. Pre-removal preparation.
2. Removal/relocation.
3. Storage.
4. Management/preservation.

Where impacts are proposed to a newly identified open grinding groove site (including from direct surface works and subsidence), where feasible WCPL will seek to redesign the proposed works such that impacts are minimised or avoided. However, when avoidance of impacts to a newly identified open grinding groove site is not feasible the following process may be considered:

- Where the site is assessed as being of low, low to moderate, or moderate significance, following detailed recording of the evidence, impacts will be permitted to occur without further action.
- Where the site is assessed as being of moderate to high, or high significance, following detailed recording of the evidence, engineering solutions to reduce the risk of cracking of the grooves (where subsidence impacts are proposed) or salvage of the grooves (where surface impacts are proposed) would be considered in consultation with a qualified engineer. Further analysis may also be considered (e.g. use-wear and residue analysis), as determined by the consensus agreement of WCPL and the attending RAPs before impacts are permitted to occur. In the event that consensus agreement cannot be reached between WCPL and the attending RAPs about the mitigation strategy, the WCPL Environment and Community Manager will determine that strategy in consultation with a suitably qualified archaeologist.
- Where low-level continuing land-use impacts are proposed (for example, pastoral use) WCPL will ensure that relevant information about the nature and location of any sites of moderate or high significance is provided to relevant personnel and contractors, and other landowners and users of the land, and where feasible impacts avoided. However, following detailed recording of the evidence, low-level impacts can be permitted to occur without further action.

Where impacts from direct surface works are proposed to a newly identified rock shelter with PAD or rock shelter with artefacts, where feasible WCPL will seek to redesign the proposed works such that impacts are minimised or avoided. However, when avoidance of direct surface impacts to a newly identified rock shelter with PAD or rock shelter with artefacts is not feasible the following process may be considered:

- Where the site is assessed as being of low or low to moderate significance and impacts cannot be avoided, following detailed recording of the evidence, impacts will be permitted to occur without further action.

- Where the site is assessed as being of moderate or high significance, following detailed recording of the evidence, where the consensus agreement of WCPL and the attending RAPs is reached, the site will be subject to test excavation and consideration of further mitigation measures (salvage excavation) as per the procedures established in Section 4.3.4 of this HMP. In the event that consensus agreement cannot be reached between WCPL and the attending RAPs about the mitigation strategy, the WCPL Environment and Community Manager will determine that strategy in consultation with a suitably qualified archaeologist.

Where impacts from subsidence are predicted to occur to a newly identified rock shelter with PAD or rock shelter with artefacts, the following process may be considered:

- Where the site is assessed as being of low or low to moderate significance and subsidence impacts cannot be avoided, following detailed recording of the evidence, impacts will be permitted to occur with monitoring (refer to Section 4.7 of this HMP).
- Where the site is assessed as being of moderate or high significance, following detailed recording of the evidence, where the consensus agreement of WCPL and the attending RAPs is reached, the site will be subject to test excavation and consideration of further mitigation measures (salvage excavation) as per the procedures established in Section 4.3.4 of this HMP. In the event that consensus agreement cannot be reached between WCPL and the attending RAPs about the mitigation strategy, the Environment and Community Manager will determine that strategy in consultation with a suitably qualified archaeologist. Monitoring will also occur (refer to Section 4.7).

In the event of a newly identified site type other than the site types specified above (or skeletal remains which are addressed in Section 4.9), a suitably qualified archaeologist will propose management actions (suitable to the nature and scientific significance of the site and level of potential impacts) for discussion with attending RAPs. Following these discussions, management actions will be implemented and documented accordingly. Correspondence will be provided to all RAPs (including those not attending in the field) to advise of the new site type and to document the undertaken and/or proposed management measures. Appropriate notification will be provided to the OEH (now BCD) in accordance with the specific AHIP requirements and the WCPL Aboriginal Heritage Site Database will be updated as needed (noting that this update is not required to occur prior to the implementation of the agreed management measure).

An Aboriginal Site Recording Form (and an Aboriginal Site Impact Recording Form, where relevant) will be completed and submitted to the BCD in relation to any newly identified Aboriginal heritage sites. The WCPL Aboriginal Heritage Site Database will be updated as needed (noting that this update is not required to occur prior to the implementation of the agreed/relevant management measure).

4.8.2 Aboriginal Heritage Sites Located outside of AHIP Boundaries

In the event that previously unidentified Aboriginal objects are discovered throughout the life of Wambo in locations outside of the extent of the approved AHIPs (i.e. #2222, #C0001474, #C0002000 and #C0003213 or other relevant approved AHIP[s]), the following procedures (in consideration of the NP&W Act) will be implemented:

1. All works will cease immediately in the area to prevent any potential or further impacts to the Aboriginal object(s).
2. Notify the WCPL Environment and Community Manager (or relevant equivalent) immediately. The Environment and Community Manager (or relevant equivalent) will assess whether works can continue in the area with safeguards in place (e.g. temporary fencing and signage) to ensure that impacts do not occur to the identified heritage evidence.

3. A suitably qualified archaeologist will (in consultation with attending RAPs, when the object is determined to be of Aboriginal origin⁷) determine the nature, extent and significance of the object(s).
4. The suitably qualified archaeologist would prepare an Aboriginal Site Recording Form for the newly identified site and submit the form for registration on the AHIMS register. The WCPL Aboriginal Heritage Site Database will be updated as needed.
5. WCPL would ensure that impacts to the site are avoided without prior approval/permits in place (e.g. a variation to an existing AHIP or the issue of a new AHIP).
6. In the event that the site has been potentially impacted, the procedure described in Section 8.4 would be implemented.

4.9 Protocol for the Discovery of Human Remains

Schedule A of AHIP #2222 and Condition 6 of AHIPs #C0001474, #C0002000 and #C0003213 specify that human remains are excluded from the areas to which the AHIPs apply and must not be harmed.

In the event that human remains (skeletal material) are discovered, the following procedure is to be followed:

1. When suspected human remains are exposed, all work is to cease immediately in the near vicinity of the find location and the area is to be secured so as to avoid any potential harm to the remains.
2. The WCPL Environment and Community Manager (or relevant equivalent) is to be notified immediately.
3. The WCPL Environment and Community Manager (or relevant equivalent) is to notify the Police immediately.
4. The WCPL Environment and Community Manager (or relevant equivalent) is to contact the BCD and the NSW Department of Planning, Industry and Environment (DPIE) to identify that possible skeletal remains have been discovered and advise that the Police have been notified. WCPL will facilitate, in cooperation with the Police, DPIE and the BCD, the identification of the skeletal remains by an appropriately qualified person.
5. An area (to be determined following advice from the BCD and the Police) is to be cordoned off by temporary fencing around the exposed suspected human remains site - work can continue outside of this area as long as there is no risk of interference to the human remains or the assessment of human remains.
6. Should the remains be identified as Aboriginal, WCPL will notify the RAPs, and if the Police require no further involvement (as authorised in writing), WCPL will manage the remains in consultation with the RAPs and the BCD, with advice from a suitably qualified heritage expert.
7. Do not recommence work at the location until all legal requirements and the reasonable requirements of BCD and the RAPs have been adequately addressed and written authorisation has been provided by the BCD.

⁷ As defined under the NSW *National Parks and Wildlife Act, 1974*.

4.10 Temporary Storage Location and Management of Recovered Aboriginal Objects

In accordance with the requirements of AHIPs #2222, #C0001474, #C0002000 and #C0003213, any salvaged Aboriginal objects (removed from the Wambo area by actions authorised by the AHIP conditions) will be moved as soon as practicable to the temporary storage location.

The temporary storage location is a locked and signed storage container located adjacent to the Wambo Coal administration building (via Jerrys Plains Road, Wambo, NSW 2330), in accordance with Care and Control Permit #3130. Access to the temporary storage location is controlled by the WCPL Environment and Community Manager.

Any Aboriginal objects (to the extent that they are stone artefacts) that are collected from Wambo will be managed in accordance with Requirement 26 'Stone Artefact Deposition and Storage' outlined in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010).

The storage of recovered Aboriginal objects at the temporary storage facility is subject to any future agreement reached about the long-term management of the Aboriginal objects. This may include (but is not limited to) the permanent transferral of Aboriginal objects to a RAP, transferral to another party for storage and/or display (such as a local museum, historical society or educational institution) and/or the relocation of the objects on the rehabilitated land. WCPL will undertake consultation with the RAPs regarding the long-term management of the Aboriginal objects. Application to the BCD for a Care Agreement may be required.

4.11 Aboriginal Community Access

Throughout the life of Wambo, RAPs may wish to access sites and/or areas for cultural purposes (e.g. education, ceremony). WCPL is committed to facilitating reasonable access consistent with personnel Workplace Health and Safety requirements.

RAPs wishing to access the Wambo area should contact the WCPL Environment and Community Manager (or relevant equivalent) in writing at PMB 1, Singleton, NSW 2330. If a written request is unable to be made, RAPs should contact WCPL via telephone on (02) 6570 2245.

The request for access should include, at a minimum, the following details:

- Purpose of the visit(s).
- The area or Aboriginal heritage sites to be visited.
- The names of all persons proposed to take part in the visit(s).
- The intention (or not) to record the visit using audiovisual equipment (including video footage, photographs or audio recordings) (noting that specific permission for this remains at the discretion of WCPL).

A minimum of 10 working days written notice is required and access will be permitted by WCPL once an agreement has been reached between the RAP representatives and WCPL regarding the conditions of access. Access, in all instances, will be subject to relevant operational and safety considerations and cannot be guaranteed. There will be no unauthorised access to Wambo. Access to some sites and areas may be restricted during periods of mining.

4.12 Maintenance of Aboriginal Heritage Site Database

As described in Section 2, a comprehensive Aboriginal Heritage Site Database is maintained by WCPL. This database includes (but is not limited to) the following information for Aboriginal heritage sites located at Wambo:

- The unique Wambo Site identifier number and AHIMS register number where applicable.
- Site type (e.g. isolated find/s, artefact scatter, scarred trees etc.).
- Brief site description (e.g. number/density and attributes).
- Site extent (e.g. 10 m diameter).
- Coordinates (GDA94 Zone 56).
- Relevant management measure(s).

The information within this database will be made available to all relevant WCPL staff and contractors when developing maps/drawings/figures to ensure that any disturbance works consider the location of known Aboriginal heritage sites.

Updates to the WCPL Aboriginal Site Database will be undertaken as required, including when new Aboriginal sites are identified within the Wambo area, when Aboriginal heritage sites within the Wambo area are subject to salvage or further heritage investigation, when Aboriginal heritage sites within the Wambo area are subject to development impacts, and when previously recorded locations within the Wambo area are subsequently determined through further investigation not to be an Aboriginal heritage site.

It is noted that changes to the management status of the known Aboriginal heritage sites listed in the WCPL Aboriginal Heritage Site Database will be required as a result of the progressive conduct of heritage salvage activities and other actions on-site. Also, in some circumstances (for example, an increase to the spatial extent of a site may result in a change in the level or type of impact or revised level of significance), updates may be required to the proposed management measure for a site. Any changes to the proposed management measure for any of the Aboriginal heritage sites will be undertaken based on advice from a suitably qualified and experienced archaeologist and in consultation with the attending RAPs.

5.0 Historic Heritage Sites, Values and Management

A number of historic heritage surveys and assessments have been previously undertaken across the Wambo area and surrounds. The most recent large-scale historic heritage survey and assessment was conducted by EJE Town Planning (2003) as part of the Wambo Development Project EIS, which included surveys of lands in the vicinity of Wambo and an assessment of the heritage significance of sites identified during these surveys.

In addition to the EJE Town Planning (2003) survey and assessment, other previous investigations undertaken at Wambo and the immediate surrounds include (but are not limited to):

- Various archaeological assessments and surveys undertaken for the Modifications to Wambo (RPS, 2011, 2012a, 2012b, 2014, 2015, 2016a).
- Historic heritage assessment undertaken for the United Wambo Open Cut Coal Mine Project (Umwelt, 2016).
- Historic heritage assessment undertaken for the South Bates Extension Modification (EJE Heritage, 2017).
- On-going heritage management activities at Wambo.

5.1 Historic Heritage at Wambo

The assessment undertaken by EJE Town Planning (2003) identified the Wambo Homestead Complex as the only item of non-Aboriginal heritage significance in the Wambo area (EJE Town Planning, 2003). The Wambo Homestead Complex is located on the western side of Wollombi Brook and comprises eight distinct buildings and the remnants of barns with many fences to mounting yards and paddocks still in existence. The Wambo Homestead Complex curtilage is the boundary of the State Heritage Register of NSW listing, and is presented on **Figures 4 and 6**.

In addition to the Wambo Homestead Complex, a number of other historic heritage items were recorded within the Wambo area and surrounds. The remaining sites are summarised in Table 6 and are presented on **Figure 6**.

In accordance with Schedule 2 Condition B7 of DA 305-7-2003, Appendix C presents an assessment of the potential environmental consequences related to the current Extraction Plan(s), in relation to historic heritage.

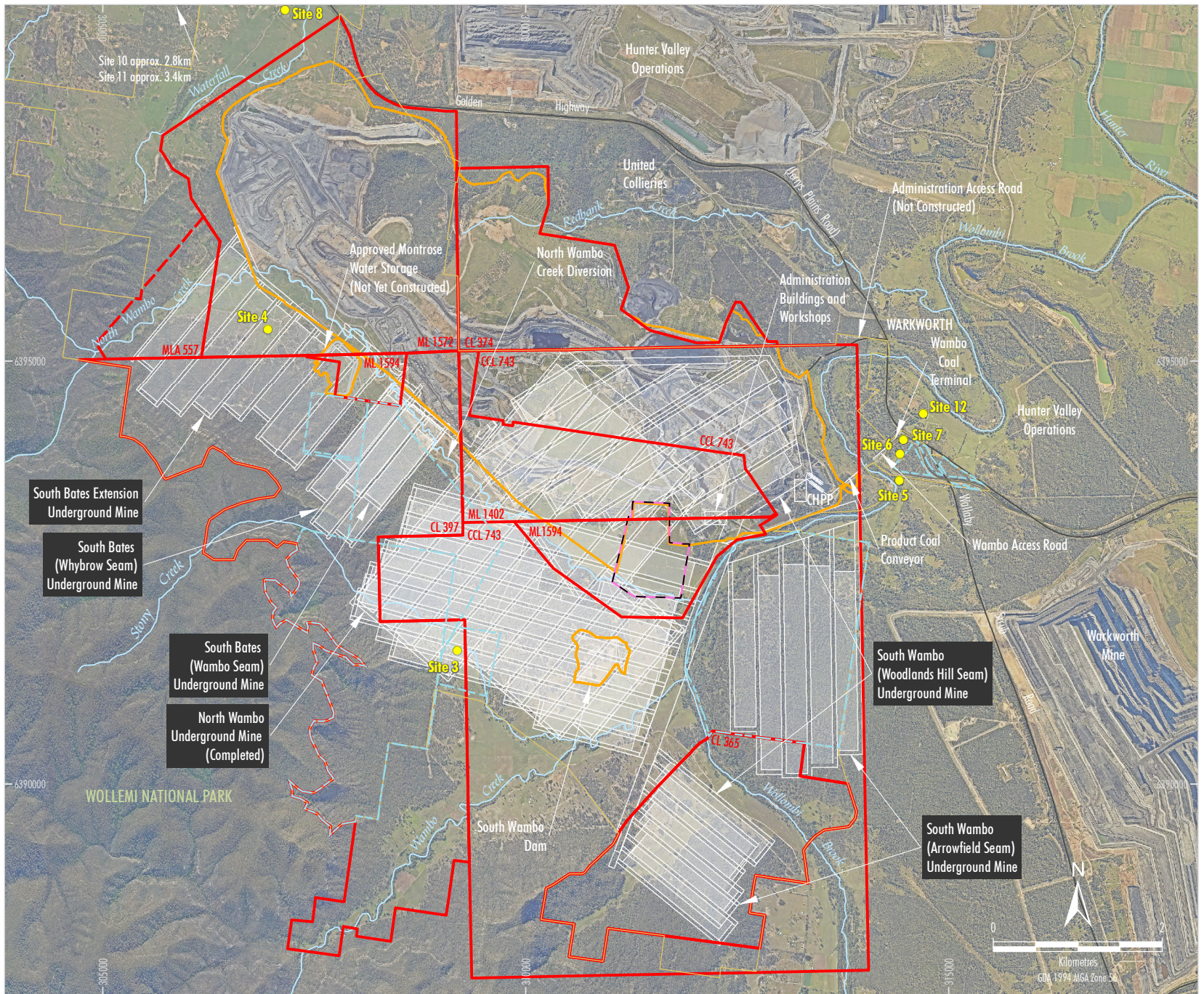
Table 6: Items of Historic Heritage Previously Recorded at Wambo and Surrounds

Site Number	Site Name	Description	Significance	Mitigation and Management
Site 3	Abandoned Homestead A	Located adjacent to Stony Creek within the underground mining footprint. The site consists of the remains of a cottage, four outbuildings and a pit mine. A number of moveable items are located at the site. The remains are ruins and therefore in very poor physical condition.	Minor Local Significance	WCPL will compile the photographic record of the Abandoned Stony Creek Cottage Site from 2003 and recent photos from 2015 and submit these to the Heritage Council and a local historic society for their records.

Table 6: Items of Historic Heritage Previously Recorded at Wambo and Surrounds (Continued)

Site Number	Site Name	Description	Significance	Mitigation and Management
Site 4	Whynot Homestead	Located to the southwest of the open cut footprint. The site is a federation period small farm site consisting of a weatherboard cottage and outbuildings. Overall the buildings are in sound condition.	Limited Local Significance	WCPL has completed an archival recording of the Whynot Homestead and outbuildings in accordance with the Development Consent. In accordance with recommendations made by EJE Heritage (2017) and MSEC (2020), the Whynot Homestead will be fenced to prevent access prior to subsidence occurring, with demolition to be considered in the future if the structure(s) present an ongoing safety concern.
Site 5	Abandoned Homestead B	Located adjacent to Wollombi Brook in the vicinity of the Project rail loop. Homestead B consists of an abandoned cottage and shed. The physical condition of the buildings is poor.	Local Significance	This item will be unaffected by Wambo.
Site 6	Piggery and Butcher's Hut	Located within the footprint of the Project rail loop. The Piggery and Butcher's Hut are dilapidated and beginning to fall apart.	Minor Local Significance	The piggery and butcher's shed will be clearly identified during construction activities to prevent accidental damage. No other measures are considered necessary.
Site 7	Aerial Footing	Located 200 m north of Site 6. Site 7 consists of a base plate and four stay points for an aerial or other tall, thin structure.	No Significance	No measures are considered necessary.
Site 8	"Montrose" Homestead	Located 400 m northwest of the open cut mine footprint. It consists of a brick and weatherboard homestead and a number of outbuildings including an old wool shed. The buildings are in good condition.	Slightly Significant	No specific mitigation measures are considered necessary.
Site 10	Roman Catholic Cemetery	Old Roman Catholic Cemetery is located at Jerrys Plains.	Local Significance	No measures are considered necessary.
Site 11	Old Anglican Cemetery	Old Anglican Cemetery is located at Jerrys Plains.	Regional Significance	No measures are considered necessary.
Site 12	St Philips Anglican Church and Cemetery	St Philips Anglican Church and Cemetery are located at Warkworth. The buildings and cemetery are in good condition.	Regional Significance	No measures are considered necessary.

Source: After EJE Town Planning (2003); EJE Heritage (2017).



- LEGEND**
- WCPL Owned Land
 - Mining and Coal Lease Boundary
 - - - Mining Lease Application Boundary
 - Existing/Approved Surface Development Area
 - Approved Underground Development
 - - - Remnant Woodland Enhancement Program (RWEF) Area
 - Wambo Homestead Complex Curtilage
 - Non-Aboriginal Heritage Sites

Source: WCPL (2020); NSW Spatial Services (2019)
 Orthophoto: WCPL (May 2019)

Peabody
 W A M B O C O A L M I N E
 Previously Recorded
 Historic Heritage Sites
 at the Wambo Coal Mine

Figure 6

5.2 Performance Measures

This HMP has been developed to manage the potential environmental consequences of the secondary workings on heritage sites or values in accordance with Schedule 2 Condition B7 of Development Consent (DA 305-7-2003). In accordance with Schedule 2 Condition B1 and B4 of Development Consent (DA 305-7-2003), WCPL must ensure that there is no exceedance of the subsidence impact performance measures listed in Tables 1 and 2 of Schedule 2 of Development Consent (DA 305-7-2003).

The performance measure specified in Table 1 of Schedule 2 of Development Consent (DA 305-7-2003) relevant to heritage sites and values is listed in Table 7.

Table 7: Heritage Performance Measure

Feature	Subsidence Impact Performance Measure
Wambo Homestead Complex	Negligible impact on heritage values, unless approval has been granted by the Heritage Branch and/or the Minister.

Source: Table 1 of Schedule 2 of Development Consent (DA 305-7-2003).

Note: "Heritage Branch" in Table 1 of Schedule 2 of Development Consent (DA 305-7-2003) should be read as "BCD".

5.3 Management of Historic Heritage

The management of the Wambo Homestead Complex is outlined in the Wambo Homestead Complex Conservation Management Plan (required under Schedule 2 Condition B90 of DA 305-7-2003).

The management of the remaining items of historic heritage would be conducted in accordance with Table 6.

As described in Section 4.1, WCPL has implemented a SDP procedure and checklist, which is applicable to surface disturbance works at Wambo. The SDP aims to identify and manage any environmental restraints, including historic heritage sites, and permitting required prior to disturbance.

The SDP is implemented and approved by WCPL's Environmental Department prior to any land disturbance activities taking place on undisturbed or rehabilitated land and includes the identification of previously recorded historic heritage sites.

The SDP applies to WCPL owned land, mining leases and privately owned land where an agreement with the landowner is in place. A copy of the SDP is provided in Appendix E.

If during the life of the mine, any previously unknown potential archaeological relics are uncovered or identified, all work shall immediately cease in that area. A written response by a suitably qualified historical archaeologist shall assess the nature and significance of the resource, along with the proposal for the treatment of the relics. The written response shall be submitted for the approval of the Secretary, Department of Planning and Environment to determine an appropriate course of action prior to the recommencement of work in the vicinity of the item. This information must also be provided to the Heritage Council of NSW in accordance with Section 146 of the NSW *Heritage Act, 1977*.

6.0 Heritage Inductions and Aboriginal Cultural Education Program

Schedule 2 Condition B86 of Development Consent (DA 305-7-2003) requires WCPL to ensure that 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.

Condition 1 of AHIPs #C0001474, #C0002000 and #C0003213 requires that WCPL ensures that all persons involved in actions or works covered by that AHIP are made aware of and comply with the conditions of that AHIP.

Training forms an integral part of environmental management at Wambo. All personnel and contractors at Wambo undergo General Induction Training before being allowed to commence work on the site. This includes specific training in flora and fauna risks, the location of Domains, Vegetation Clearance Protocols (including SDPs), cultural heritage and rehabilitation. Competency assessments are completed as part of this training.

Employees and permanent full-time contractors also undergo specific training undertaken as tool-box talks. This type of training is provided on an as-needed basis, for example, when introducing a new procedure such as the SDP process, or following identification of a new environmental risk, relevant changes in legislation or a change in operations. The Environmental Representative in consultation with the WCPL Environment and Community Manager (or relevant equivalent) undertakes the identification of environmental training needs of personnel and the delivery method, including source material as appropriate.

All Wambo site specific employee and contractor inductions (including those inductions for construction personnel) include an Aboriginal cultural heritage component, which outlines current protocols and responsibilities with respect to the management of Aboriginal heritage for Wambo. It also provides an overview of the general Aboriginal heritage site types present and procedures for reporting the identification of Aboriginal heritage sites.

All personnel, contractors and subcontractors undertaking construction works are to be informed as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW, prior to commencing work on site.

WCPL will maintain an accurate record of all employee and contractor inductions in accordance with Schedule 2 Condition B86 of Development Consent (DA 305-7-2003).

7.0 Community Complaint Response

All heritage related community complaints received by WCPL will be recorded within the Community Complaints Register. The Environment and Community Manager (or relevant equivalent) will investigate the complaint, which will include, where possible, contacting the complainant within 24 hours to discuss the complaint. A review of the effectiveness of the corrective or preventative actions will be conducted within a month of the complaint and the relevant work procedures updated if required.

Preliminary investigations will commence as soon as practicable upon receipt of a complaint to establish if WCPL is responsible. All efforts will be made to determine the likely causes contributing to the complainant's concerns.

WCPL will attempt to address the complainant's concerns such that a mutually acceptable outcome is achieved. However, if required, the Independent Dispute Resolution Process in Development Consent (DA 305-7-2003) would be referred to.

WCPL will retain a copy of the Community Complaints Register for at least 4 years. The Environment and Community Manager (or relevant equivalent) will ensure the latest Community Complaints Register is posted on the WCPL website.

8.0 Review and Reporting

8.1 Annual Review

Prior to the end of March each year, WCPL will review the environmental performance of Wambo and submit an Annual Review report to the DPIE. This report will:

- describe the development (including any rehabilitation) that was carried out in the previous calendar year, and the development that is proposed to be carried out over the current calendar year;
- include a comprehensive review of the monitoring results and complaints records of the development over the previous calendar year, which includes a comparison of these results against the:
 - relevant statutory requirements, limits or performance measures/criteria;
 - requirements of any plan or program required under this consent;
 - monitoring results of previous years; and
 - relevant predictions in the Environmental Assessment;
- identify any non-compliance or incident which occurred in the previous calendar year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence;
- 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 calendar year to improve the environmental performance of the development.

A copy of the Annual Review will be forwarded to other relevant government agencies, including the BCD.

8.2 Heritage Management Plan Review

The HMP will be reviewed at any time when, in the view of WCPL, it is necessary or convenient to review the HMP for the effective administration of heritage matters connected with Wambo.

Notwithstanding, a review of the HMP will occur:

- Following approval of a modification to the conditions of Development Consent (DA 305-7-2003).
- Following the identification of an Aboriginal site type at Wambo that is not currently addressed within this HMP (noting that this update is not required to occur prior to the implementation of the agreed management measures in Section 4.8).
- Following changes to AHIP or permit conditions relating to heritage.
- During the review and/or preparation of relevant Extraction Plans.
- During (or following approval) of a new AHIP application or an application to vary existing AHIPs and/or care and control permits.
- Within three months of the submission of an annual review under Schedule 2, Condition D10, an Audit report under Schedule 2, Condition D11, or an Incident Report under Schedule 2, Condition D8 of DA 305-7-2003.

If the HMP is to be revised as a result of a review (and where the changes proposed are material in nature, for example, involving amendments to Sections 3 or 4 of this HMP), copies of the draft document will be made available to the RAPs for review and comment, with a minimum 21 day review period prior to finalisation, with the final document taking into consideration any comments provided by the RAPs within the specified time period. Where any proposed amendment to the HMP would require a variation to an AHIP, the BCD will be consulted and an application for a variation to that AHIP will be lodged and approval obtained prior to the implementation of any relevant revisions.

Subject to agreement by the BCD, WCPL may submit a revised HMP for approval without undertaking consultation with RAPs or agencies, in instances where the changes proposed to the HMP are not material in nature. In the context of this HMP, changes that would not be considered material in nature may include updates to the project description of Wambo (Section 1), updates to the heritage background (Section 2), updates to the list of RAPs (Appendix D), updates to the salvage status of known sites and/or the incorporation of additional sites (for example those recorded during on-going salvage works and recording during future heritage investigations where the impact to and management of the sites has been discussed in consultation with the RAPs).

8.3 Website Updates

A comprehensive summary of any monitoring results relevant to this HMP will be made publicly available at the WCPL website: <http://www.peabodyenergy.com/content/404/australia-mining/new-south-wales/wambo-mine/approvals-plans-and-reports-wambo-mine>. Information on the website will be updated regularly as required by Development Consent (DA 305-7-2003).

WCPL will also ensure that any information relevant to the management of heritage is uploaded to the website (and kept up to date). This includes:

- the documents listed in Schedule 2 Condition A2(c) of the Development Consent (DA 305-7-2003);
- all current statutory approvals for the development;
- all approved strategies, plans and programs required under the conditions of Development Consent (DA 305-7-2003);
- detailed plans for the Phases of the development;
- minutes of Community Consultative Committee meetings;
- regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of Development Consent (DA 305-7-2003);
- a comprehensive summary of the monitoring results of the development reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
- a complaints register (updated monthly);
- the Annual Reviews of the development;
- audit reports prepared as part of any Independent Environmental Audit of the development and WCPL's response to the recommendations in any audit report; and
- any other matter required by the Planning Secretary.

8.4 Reportable Environmental Incidents

All reportable incidents relating to Aboriginal heritage will be reported to the BCD and DPIE in accordance with the requirements of AHIPs #2222, #C0001474, #C0002000 and #C0003213 (and/or other relevant AHIP[s]). A summary of these requirements is presented in Table 8.

Table 8: AHIP #C0001474, #C0002000 and #C0003213 Requirements for Reportable Incidents

AHIP Reference	Reportable Requirements
AHIP #C0001474 Condition 22 AHIP #C0002000 Condition 21 AHIP #C0003213 Condition 24	<i>The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:</i> (a) <i>any contravention of s.86 of the Act not authorised by an AHIP, and/or</i> (b) <i>any contravention of the conditions of this AHIP.</i>
AHIP #C0001474 Condition 23 AHIP #C0002000 Condition 22 AHIP #C0003213 Condition 25	<i>Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written report, which includes the following:</i> (a) <i>the nature of the incident</i> (b) <i>the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places</i> (c) <i>the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate</i> (d) <i>any conditions of an AHIP which may have been breached, and</i> (e) <i>the measures which have been taken or will be taken to prevent a recurrence of the incident.</i>
AHIP #C0001474 Condition 24 AHIP #C0002000 Condition 23 AHIP #C0003213 Condition 26	<i>The incident report must be provided to the OEH office within the timeframe specified in this request.</i>

Note: References to OEH should be considered references to BCD.

In accordance with Schedule 2 Condition D8 of the Development Consent (DA-305-7-2003), WCPL will notify DPIE and any other relevant agencies immediately after WCPL becomes aware of the incident (including any in relation to items of historic heritage).

In the event that a known Aboriginal heritage site located outside an approved disturbance area (i.e. located outside the extent of the relevant AHIP[s] or located within an AHIP area but for which specified salvage procedures have not yet been implemented) or any Aboriginal heritage evidence (including previously unknown objects) without approval for harm (i.e. not covered by and managed in accordance with an AHIP), is unintentionally damaged, the following procedure will apply:

- Work will stop immediately in the vicinity of the Aboriginal heritage evidence, and the incident will be reported to the Environment and Community Manager as soon as practicable upon becoming aware of the incident.
- In the event that the incident has caused, or threatens to cause, impacts to Aboriginal heritage not approved under an AHIP, the Environment and Community Manager will report the incident to the BCD and DPIE immediately in accordance with the requirements of the AHIPs (Table 8) and the Development Consent (DA 305-7-2003).

- Where applicable, WCPL will ensure that the extent of the heritage evidence is immediately identified by a suitably qualified archaeologist in consultation with representatives of the attending RAPs and protected from any further inadvertent impact.
- WCPL will identify an appropriate course of action with respect to the identified impact(s) or incident, in consultation with relevant specialists (e.g. suitably qualified archaeologist), attending RAPs where relevant, and relevant agencies, with regard to the requirements of the AHIPs (Table 8) and the Development Consent (DA 305-7-2003) where applicable.

Within seven days of the date of the incident, WCPL will provide the Secretary and any relevant agencies with a detailed report on the incident to include:

- the cause, time and duration of the event;
- the name, address and business hours telephone number of employees or agents of the licensee who witnessed the event;
- the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary;
- details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- any other relevant matters.

9.0 Contingency Plan

9.1 Adaptive Management

WCPL will assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Sections 4 and 5. Any exceedance of these criteria and/or performance measures constitutes a breach of the conditions of Development Consent (DA 305-7-2003) and may be subject to penalty or offence provisions under the NSW *Environmental Planning and Assessment Act, 1979* or NSW *Environmental Planning and Assessment Regulation, 2000*.

Where any exceedance of these criteria and/or performance measures has occurred, WCPL will, at the earliest opportunity:

- take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;
- consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and
- implement remediation measures as directed by the Secretary, to the satisfaction of the Secretary.

With respect to any potential exceedance or contravention of the conditions of AHIP #2222, AHIP #C0001474, AHIP #C0002000 and/or AHIP #C0003213 (and/or other relevant AHIP[s]) WCPL will implement the procedures in Section 8.4 of this HMP.

9.2 Management of Incidents and Non-compliances

Environmental incidents, including those relating to heritage, are managed and reported in accordance with the requirements detailed in Section 8.4.

If a non-compliance of any approval condition is identified, WCPL will investigate the non-compliance and implement corrective actions as required (refer to Sections 8.4 and 9.1). Reporting of non-compliances will be undertaken in accordance with WCPL's statutory requirements.

A review of the effectiveness of the corrective or preventative action will be undertaken within one month of the occurrence of the incident and the relevant procedures will be updated as required.

10.0 Roles and Responsibilities

Key responsibilities of WCPL personnel in relation to this HMP are summarised in Table 9. Responsibilities may be delegated as required.

Table 9: Heritage Management Plan Responsibilities Summary

Responsibility	Task
General Manager	<ul style="list-style-type: none"> • Ensure resources are available to WCPL personnel to facilitate the completion of responsibilities under this HMP. • Ensure timely and accurate Incident Reporting under this HMP.
Technical Services Manager	<ul style="list-style-type: none"> • Ensure the Subsidence Monitoring Program is implemented.
Environment and Community Manager	<ul style="list-style-type: none"> • Ensure monitoring and reporting required under the relevant AHIPs and this HMP are carried out within specified timeframes, are adequately checked and processed and are prepared to the required standard. • Coordinate the on-going review of this HMP. • Ensure that heritage is considered in the approval of Surface Disturbance Permits. • Liaise with relevant stakeholders regarding heritage impacts. • Coordinate incident investigation processes and ensure Incident Reports required under this HMP are prepared within specified timeframes and to the required standard. • Undertake implementation of management measures for Aboriginal and historic heritage sites in accordance with this HMP and relevant AHIPs.
Mine Surveyor	<ul style="list-style-type: none"> • Undertake all subsidence monitoring to the required standard within the specified timeframes and ensure data are adequately checked, processed and recorded.
All Employees and Contractors	<ul style="list-style-type: none"> • Ensure the effective implementation of this HMP with respect to their work activities and areas. • Ensure any potential or actual heritage issues, including environmental incidents, are reported to the Project Manager, Supervisor or Task Coordinator immediately.
Registered Aboriginal Parties	<ul style="list-style-type: none"> • Provide WCPL with up to date contact details.

11.0 References

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**APPENDIX A
DEVELOPMENT CONSENT (DA 305-7-2003) RECONCILIATION**

Table A-1: Development Consent (DA 305-7-2003) Requirements

Development Consent (DA 305-7-2003) Condition	HMP Section
PART B SPECIFIC ENVIRONMENTAL CONDITIONS – SUBSIDENCE	
Extraction Plan	
<p>B7. <i>The Applicant must prepare an Extraction Plan for all second workings on the site to the satisfaction of the Planning Secretary. Each Extraction Plan must:</i></p> <p>...</p> <p>(c) <i>provide updated predictions of the potential subsidence effects, subsidence impacts and environmental consequences of the proposed mining covered by the Extraction Plan, incorporating any relevant information obtained since this consent;</i></p> <p>(d) <i>describe in detail the performance criteria to be implemented to ensure compliance with the performance measures in Table 1 and Table 2, and manage or remediate any impacts and/or environmental consequences to meet the rehabilitation objectives in condition B104, including:</i></p> <p>(i) <i>a trigger action response plan to identify risks and specific follow up actions to avoid exceedances of the performance measures; and</i></p> <p>(ii) <i>a contingency plan that expressly provides for adaptive management where monitoring indicates that there has been an exceedance of the performance measures, or where any such exceedance appears likely;</i></p> <p>...</p> <p>(f) <i>include a:</i></p> <p>...</p> <p>(iv) Heritage Management Plan, which has been prepared in consultation with BCD and relevant stakeholders for Aboriginal and non-Aboriginal heritage, to manage the potential impacts and/or environmental consequences of the proposed second workings on heritage items; and</p> <p>...</p>	<p>Addressed in Appendix C.</p> <p>Addressed in Sections 5 and 6 and Appendix C.</p> <p>Addressed in Section 9 and Appendix C.</p> <p>Addressed in Section 9.</p> <p>Management of potential impacts and/or environmental consequences on heritage items are addressed in Sections 4 and 5 and Appendix C.</p>
PART B SPECIFIC ENVIRONMENTAL CONDITIONS – HERITAGE	
Heritage Operating Conditions	
<p>Notes:</p> <ul style="list-style-type: none"> <i>The Applicant is required to obtain consent from BCD under Section 90 of the National Parks Wildlife Act 1974 to destroy Aboriginal objects on the site.</i> <i>The Applicant must comply with the requirements of any Aboriginal Heritage Impact Permit/s issued for the development, including any approved salvage program.</i> <p>B83. <i>The Applicant must ensure that the development does not cause any direct or indirect impact on any identified heritage items located outside the approved disturbance area, beyond those predicted in the document/s listed in condition A2(c) or approved under a permit issued under the <u>National Parks and Wildlife Act 1974</u>.</i></p> <p>B84. <i>The Applicant must ensure that Aboriginal objects salvaged from the site are housed in a keeping place established for the purpose.</i></p> <p>B85. <i>If suspected human remains are discovered on the site, then all work surrounding the area must cease, and the area must be secured. The Applicant must immediately notify NSW Police Force and BCD, and work must not recommence in the area until authorised by NSW Police Force and BCD.</i></p> <p>B86. <i>The Applicant must ensure that 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.</i></p>	<p>Addressed in Section 4.</p> <p>Addressed in Section 4.10.</p> <p>Addressed in Section 4.9.</p> <p>Addressed in Section 6.</p>

Table A-1: Development Consent (DA 305-7-2003) Requirements (Continued)

Development Consent (DA 305-7-2003) Condition	HMP Section
PART B SPECIFIC ENVIRONMENTAL CONDITIONS – HERITAGE (CONTINUED)	
<p>Heritage Operating Conditions (continued)</p> <p>B87. The Applicant must undertake ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.</p>	Addressed in Section 3.
<p>Aboriginal Cultural Heritage Management Plan for Remnant Woodland Enhancement Area A</p> <p>B88. The Applicant must develop a management plan to manage Aboriginal cultural heritage in Remnant Woodland Enhancement Area A (referred to in Table 9 above) within 12 months of entering into a Conservation Agreement over that area, or as otherwise agreed by the Planning Secretary. The management plan must be:</p> <ul style="list-style-type: none"> (a) prepared by a suitably qualified and experienced person/s; (b) developed in consultation with BCD and the Registered Aboriginal Parties; and (c) approved by the Planning Secretary. <p>B89. The Applicant must implement the Aboriginal Cultural Heritage Management Plan for Remnant Woodland Enhancement Area as approved by the Planning Secretary.</p>	Addressed in Appendix F.
<p>Wambo Homestead</p> <p>B90. The Applicant must prepare a conservation management plan for the Wambo Homestead Complex in accordance with Heritage Branch guidelines, to the satisfaction of the Heritage Branch. This plan must:</p> <ul style="list-style-type: none"> (a) describe the measures to be implemented to conserve, manage and interpret the cultural significance of the Wambo Homestead Complex; (b) contain a timetable for implementing conservation measures; and (c) detail ongoing maintenance and inspection programs. <p>B91. In circumstances where safe access to the Wambo Homestead Complex is able to be provided, opportunities are to be offered to the local community to visit the site during and after its conservation.</p> <p>B92. The Applicant must undertake annual photographic recording of all structures within the Wambo Homestead Complex. The photographs are to be of archival quality in accordance with the Heritage Branch guidelines, <u>How to Prepare Archival Records of Heritage Items 1994</u>, and <u>Guidelines for Photographic Recording of Heritage Items 1994</u>. The photographic record is to be lodged with the Heritage Branch, and a copy is to be submitted to the Department and the Council.</p>	Complete. Refer to the Wambo Homestead Complex Conservation Management Plan.
<p>Road Rehabilitation</p> <p>B93. Following the cessation of the use of the coal haulage road which traverses the Wambo Homestead Complex property, the land is to be returned to its former condition (pre-1999) and the half palisade fence on the southern alignment of the mounting yard is to be reinstated as required by the 1999 approval of the Heritage Branch for construction of the road.</p>	Will be undertaken as required.
<p>Movable Heritage Items</p> <p>B94. The Applicant must liaise with the Power House Museum and Museums and Galleries Foundation regarding the significance of movable heritage which shall be displaced by the proposed open cut mining and suitable repositories for the conservation and storage of any significant items.</p>	Will be undertaken as required.

Table A-1: Development Consent (DA 305-7-2003) Requirements (Continued)

Development Consent (DA 305-7-2003) Condition	HMP Section
PART B SPECIFIC ENVIRONMENTAL CONDITIONS – BLASTING	
Wambo Homestead	
<p>B33. Ground vibration and air blast levels are to be monitored, using a monitoring station established within the Wambo Homestead Complex, and recorded for each blast conducted by the Applicant within 2 km of the Wambo Homestead Complex.</p>	Refer to the Blast Management Plan.
<p>B34. The Applicant must appoint a structural engineer with expertise and experience in vibration and blast monitoring to examine all monitoring records from the Wambo Homestead Complex blast monitoring station. The appointment of the structural engineer is to be approved in writing by the Heritage Branch.</p>	Refer to the Blast Management Plan.
<p>B35. The structural engineer is to report to the Applicant on the monitoring results each month for blasting within 2 km of the Wambo Homestead Complex and 6 monthly for the remainder of open cut mining operations and make recommendations to ensure the conservation and prevention of damage to the significant heritage structures. Copies of these reports are to be forwarded to the Heritage Branch.</p>	Refer to the Blast Management Plan.
<p>B36. The structural engineer is to inspect the Wambo Homestead Complex structures annually and as soon as practical, but no later than 3 days after blasting monitoring which exceeds the criteria in Table 5. During the period between blasting monitoring being recorded which exceeds the criteria in Table 5 and the engineer's inspection, ground vibration from blasting is to be limited to a level which will prevent further blasting damage. The structural engineer is to advise the applicant and the Heritage Branch of any action required to repair the damage.</p>	Refer to the Blast Management Plan.
<p>B37. The structural engineer is to make an assessment of whether blasting within 2 km of the Wambo Homestead Complex is to cease or be managed in order to stabilise or repair the damage, and so advise the applicant and the Heritage Branch. If blasting has been required to cease, it is not to resume until the damage has been stabilised or repaired, and the written approval for resumption has been issued by the Heritage Branch.</p>	Refer to the Blast Management Plan.
PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING	
Adaptive Management	
<p>D4. The Applicant must assess and manage development-related risks to ensure that there are no exceedances of the criteria and performance measures in this consent. Any exceedance of these criteria or performance measures constitutes a breach of this consent and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.</p> <p>Where any exceedance of these criteria or performance measures has occurred, the Applicant must, at the earliest opportunity:</p> <ul style="list-style-type: none"> (a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur; (b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and (c) implement reasonable remediation measures as directed by the Planning Secretary. 	Section 9.

Table A-1: Development Consent (DA 305-7-2003) Requirements (Continued)

Development Consent (DA 305-7-2003) Condition	HMP Section
PART D ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING (CONTINUED)	
Management Plan Requirements	
<p>D5. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include where relevant:</p> <p>(a) summary of relevant background or baseline data;</p> <p>(b) details of:</p> <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); • any relevant limits or performance measures and criteria; and • the specific indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; <p>(c) any relevant commitments or recommendations identified in the documents listed in condition A2(c);</p> <p>(d) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>(e) a program to monitor and report on the:</p> <ul style="list-style-type: none"> • impacts and environmental performance of the development; • effectiveness of any management measures set out pursuant to paragraph (d); <p>(f) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>(g) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>(h) a protocol for managing and reporting any:</p> <ul style="list-style-type: none"> • incident, non-compliance or exceedance of any impact assessment criterion and performance criterion); • complaint; or • failure to comply with other statutory requirements; and <p>(i) a protocol for periodic review of the plan.</p>	<p>Sections 2 and 5.</p> <p>This section.</p> <p>Section 5 and Appendix C.</p> <p>Section 5 and Appendix C.</p> <p>Section 5 and Appendix C.</p> <p>Sections 4 and 5.</p> <p>Sections 4 and 5.</p> <p>Section 9.</p> <p>Section 9.</p> <p>Sections 7 and 9.</p> <p>Section 8.</p>
<p>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</p>	

**APPENDIX B
ABORIGINAL HERITAGE IMPACT PERMITS AND CARE AND CONTROL
PERMIT**

Issue of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

Your reference: South Bates Extension Modification (Longwalls 17 to 25) AHIP application.
Our reference: AHIMS No. 4236 / SF17/14773 DOC17/527164-2
Notice number: C0003212
Contact: Nicole Davis, Archaeologist, Hunter Central Coast Branch, 0409 393 343.

Mr Steve Peart
Environment and Community Manager
WAMBO COAL PTY LIMITED
PMB 1
SINGLETON NSW 2330

NOTICE OF THE ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT C0003213

Issued pursuant to section 90C (4) of the *National Parks and Wildlife Act 1974*

BACKGROUND

- A. Wambo Coal Pty Limited (WCPL) (the applicant) applied to the Office of Environment and Heritage (OEH) under section 90A of the *National Parks and Wildlife Act 1974* (NPW Act) for an Aboriginal Heritage Impact Permit (AHIP). The AHIP application is in relation to the South Bates Extension Modification to the approved Wambo Coal Mine (Development Consent DA 305-7-2003 [originally granted 2004 with subsequent modifications]). There are both open cut and underground mining operations approved and currently operating at the Wambo Coal Mine under the current DA, with earlier operations having commenced in 1969.
- B. The South Bates Extension Modification (the Modification) involves an extension of mining in the Whybrow Seam to include nine additional long wall panels (Longwalls 17 to 25) to the north-west of the currently approved longwalls at the South Bates Underground Mine, part of the Wambo Coal Mine. The Modification will utilise the existing approved infrastructure at the South Bates Underground Mine, with the addition of two new ventilation shafts and other ancillary infrastructure, including gas drainage.
- C. South East Archaeology (SEA) were engaged by WCPL to undertake a full Aboriginal Cultural Heritage Assessment for the proposed Modification area. The Modification area is approximately 508 hectares in size, in which conventional subsidence impacts may occur. This investigation comprised of an assessment and recording of Aboriginal heritage evidence (Aboriginal archaeological sites) or cultural values specific to the Modification area and assessment of significance of this evidence. The investigation of the potential impacts upon both physical evidence and cultural values (intangible), and the formulation of Aboriginal cultural heritage management recommendations for the Modification area was undertaken in consultation with the Registered Aboriginal Parties (RAPs) for this AHIP application.
- D. There were 66 RAPs involved in the assessment process, which included 9 days of

Issue of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

- archaeological field survey and recording in November 2016, as well as supplementary survey for 2 days in June 2017 and one day in July 2017. Forty-one (41) Aboriginal sites were identified within the Modification area (20 of which had been previously recorded), which included 30 open artefacts scatters, 3 potential archaeological deposits (PADs), 7 rock shelters with PAD and one possible scar tree.
- E. The *potential impacts* of the Modification on Aboriginal cultural heritage relate to *indirect impacts* to the ground surface associated with underground mining induced subsidence, direct impacts will be minimal. Any impacts to Aboriginal cultural heritage within the Modification area are considered to be low locally, and low to negligible within a regional context.
- F. WCPL is seeking an AHIP to allow for the *potential impacts* from the development of the South Bates Extension Modification, specifically the development and operation of Longwalls 17 to 25 and possible indirect impacts on the forty-one (41) identified Aboriginal sites and any previously unidentified Aboriginal objects within the Modification area.
- G. WCPL is seeking an area based AHIP to be valid for twenty-two (22) years (in line with the approved life of the mine) that will allow for the *potential impacts* due to associated underground mining induced subsidence to the forty-one (41) identified Aboriginal sites and any previously unidentified Aboriginal objects.
- H. OEH supports the AHIP application and management recommendations which include potential 'harm' by means of:
- Community collection (if required) across the AHIP application area;
 - Harm to certain Aboriginal objects through the proposed works; &
 - Harm to all unknown Aboriginal objects within the AHIP application area.
- I. The AHIP application, management recommendations and methodology proposed to mitigate any potential harm to Aboriginal cultural heritage as a result of indirect impacts to the ground surface associated with underground mining induced subsidence, has the support of the RAPs for the AHIP application.
- J. OEH received the application on 24 October 2017 and further information was received on 20 December 2017 (*Modification approval from DOPE*), and 14 February 2018.

ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT

1. OEH has considered the application and supporting information provided, and matters under section 90K of the NPW Act and has decided to issue an **AHIP No. C0003213** subject to conditions.
2. The AHIP is attached.
3. You should read the AHIP carefully and ensure you comply with its conditions.

It is an offence under section 90J of the NPW Act to fail to comply with the conditions of the AHIP. The maximum penalty that a court may impose on a corporation for failing to comply with this AHIP is \$1.1m. OEH can also issue penalty notices for this offence.

Issue of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

STEVEN COX

Senior Team Leader - Planning

Hunter Central Coast Branch

Regional Operations Division

(By Delegation)

Date: 22 February 2018

INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.

Variation of this AHIP

- This AHIP may only be varied on application by the AHIP holder or by OEH to correct typographical errors or resolve inconsistencies between conditions of the AHIP. A permit can only be varied by subsequent variation notices.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
& Heritage

AHIP number: C0003213

(AHIMS Permit ID: 4236)

AHIP Issued To:

Mr Steve Peart
Environment and Community Manager
WAMBO COAL PTY LIMITED
PMB 1
SINGLETON NSW 2330

OEH Office issuing this AHIP

Office of Environment and Heritage
Hunter Central Coast Branch
Regional Operations Division
Level 4, 26 Honeysuckle Drive Newcastle
Locked Bag 1002 DANGAR NSW 2309
Telephone number: (02) 4927 3156
Email: rog.hcc@environment.nsw.gov.au

Additional details for public register

a) Name of development or project	Wambo Coal Mine South Bates Extension Modification
b) Location	Wambo Coal Mine Jerry's Plains Road WARKWORTH NSW 2330
c) Local Government Area(s)	Singleton Local Government Area
d) Description of harm authorised	<ul style="list-style-type: none">• Community collection (if required)• Harm to certain Aboriginal objects through the proposed works• Harm to all unknown Aboriginal objects within the AHIP Application area
e) AHIP commencement date and duration	<i>Commencement:</i> 27 February 2018 <i>Duration:</i> 22 years

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- I. On 24 October 2017, an application was made to the Chief Executive of the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to section 90 of the *National Parks and Wildlife Act 1974* (the Act). The AHIP application is in relation to the South Bates Extension Modification to the approved Wambo Coal Mine (Development Consent DA 305-7-2003 [originally granted 2004 with subsequent modifications]). There are both open cut and underground mining operations approved and currently operating at the Wambo Coal Mine under the current DA, with earlier operations having commenced in 1969
- II. The South Bates Extension Modification (the Modification) involves an extension of mining in the Whybrow Seam to include nine additional long wall panels (Longwalls 17 to 25) to the north-west of the currently approved longwalls at the South Bates Underground Mine, part of the Wambo Coal Mine. The Modification will utilise the existing approved infrastructure at the South Bates Underground Mine, with the addition of two new ventilation shafts and other ancillary infrastructure, including gas drainage
- III. South East Archaeology (SEA) were engaged by Wambo Coal Pty Ltd (WCPL) to undertake a full Aboriginal Cultural Heritage Assessment for the Modification area. The Modification area is approximately 508 hectares in size, in which conventional subsidence impacts may occur. This investigation comprised of an assessment and recording of Aboriginal heritage evidence (Aboriginal archaeological sites) or cultural values specific to the Modification area and assessment of significance of this evidence. The investigation of the potential impacts upon both physical evidence and cultural values (intangible), and the formulation of Aboriginal cultural heritage management recommendations for the Modification area was undertaken in consultation with the Registered Aboriginal Parties (RAPs) for this AHIP application.
- IV. There were 68 RAPs involved in the assessment process, which included 9 days of archaeological field survey and recording in November 2016, as well as supplementary survey for 2 days in June 2017 and one day in July 2017. Forty-one (41) Aboriginal sites were identified within the Modification area (20 of which had been previously recorded), which included 30 open artefacts scatters, 3 potential archaeological deposits (PADs), 7 rock shelters with PAD and one possible scar tree. The *potential impacts* of the Modification on Aboriginal cultural heritage relate to indirect impacts to the ground surface associated with underground mining induced subsidence, direct impacts will be minimal. Any impacts to Aboriginal cultural heritage within the Modification area would be considered to be low locally and low to negligible within a regional context.
- V. WCPL is seeking an AHIP to allow for the *potential impacts* from the development of the South Bates Extension Modification, specifically the development and operation of Longwalls 17 to 25 and possible indirect impacts on the forty-one (41) identified Aboriginal sites and any previously unidentified Aboriginal objects within the Modification area.
- VI. WCPL is seeking an area based AHIP to be valid for twenty-two (22) years (in line with the approved life of the mine) that will allow for the *potential impacts* due to associated underground mining induced subsidence to the forty-one (41) identified Aboriginal sites and any previously unidentified Aboriginal objects.

- VII. OEH supports the AHIP application and management recommendations which include potential 'harm' by means of:
- Community collection (if required) across the AHIP application area;
 - Possible harm to certain Aboriginal objects through the proposed works; &
 - Possible harm to all unknown Aboriginal objects (except human remains) within the AHIP application area.
- VIII. The AHIP application, management recommendations and methodology proposed to mitigate any potential harm to Aboriginal cultural heritage as a result of indirect impacts to the ground surface associated with underground mining induced subsidence, has the support of the RAPs for the AHIP application.
- IX. OEH received the application on 24 October 2017 and further information was received on 20 December 2017 (*Modification approval from DOPE*) and 14 February 2018.
- X. OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for:

- (i) 22 years from the date of commencement, that is, until **27 February 2040**.

D. Proposed Works

The Modification would involve an extension of mining in the Whybrow Seam to include nine additional longwall panels (Longwalls 17 to 25) to the north-west of the currently approved longwalls at the South Bates Underground Mine, part of the Wambo Coal Mine. Access to the additional longwall panels would be via the existing approved Bates South open cut pit wall. The Modification would use the existing approved surface infrastructure at the South Bates Underground Mine, with the addition of two new ventilation shaft sites and other ancillary infrastructure, including gas drainage. The Modification is wholly within the Wambo mining tenements, namely Consolidated Coal Lease 397 and parts of Mining Lease 1594 and Mining Lease 1572.

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
& Heritage

STEVEN COX

Senior Team Leader - Planning

Hunter Central Coast Branch

Regional Operations Division

(By Delegation)

Date: 27 February 2018

CONTENTS

LAND TO WHICH THIS AHIP APPLIES	<u>6</u>
Administrative Conditions	<u>6</u>
Operational Conditions	<u>7</u>
Notification and Reporting Conditions	<u>8</u>
General Conditions	<u>9</u>
SCHEDULES	<u>100</u>
Schedule A: Aboriginal objects which must not be harmed	<u>10</u>
Schedule B: Aboriginal objects that may be harmed through the certain actions	<u>100</u>
Schedule C: Aboriginal objects which may be harmed through the proposed works	<u>112</u>
DICTIONARY	<u>15</u>
INFORMATION ABOUT THIS AHIP	<u>177</u>
APPENDIX A: Area to which this AHIP applies	<u>199</u>

LAND TO WHICH THIS AHIP APPLIES

The lands marked in green in Figure 1 and 2 attached to Appendix A of this AHIP titled, area to which this AHIP applies, and which accompanies the AHIP application (pages 19-20 of this AHIP).

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, OEHL must be notified of their contact details within 14 days of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed,

Community collection

7. If required (see Table 11 of *Wambo Coal Mine, Hunter Valley, New South Wales: South Bates Extension Modification – Aboriginal Cultural Heritage Assessment, a report to Wambo Coal Pty Limited, by Peter Kuskie South East Archaeology Pty Limited, February 2017*) the Registered Aboriginal Parties must be provided with an opportunity to collect Aboriginal objects within the AHIP application area described in Schedule B3, and only where safe and practicable to do so.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
& Heritage

8. The opportunity for community collection must be provided:
 - (a) in accordance with *Wambo Coal Mine, Hunter Valley, New South Wales: South Bates Extension Modification – Aboriginal Cultural Heritage Assessment, a report to Wambo Coal Pty Limited, by Peter Kuskie South East Archaeology Pty Limited, February 2017*, that was provided with the application, and
 - (b) before any harm of Aboriginal objects described in Schedule C can commence in the area.
9. Aboriginal objects that are recovered during the community collection may be analysed on-site and/or may be taken off-site for further analysis as decided by the Registered Aboriginal Parties.
10. If any previously unidentified Aboriginal objects or sites (other than Human remains – refer to Condition 23) within the AHIP area become exposed to potential harm during the life of the South Bates Extension Modification, they will be managed in accordance with the approved *Wambo Coal Heritage Management Plan*.
11. If an opportunity for community collection has been provided and this collection does not occur, the AHIP holder may proceed with any actions to harm Aboriginal objects described in Schedule C, in accordance with the conditions of this AHIP.

Harm of certain Aboriginal objects through the proposed works

12. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in Schedule A.
13. Aboriginal objects described in Schedule C must not be harmed unless:
 - (a) all opportunities for community collection of Aboriginal objects described in Schedule B3 have been provided in the area.

Temporary storage of certain Aboriginal objects

14. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location in the table below, pending any agreement reached about the long-term management of the Aboriginal objects.
15. The temporary storage location is as follows:

Location name:	Wambo Coal Cultural Heritage Temporary Keeping Place OEH Care Agreement # 3130.
Address:	Adjacent to Wambo Coal Administration Building Wambo Coal Mine Jerrys Plains Road WAMBO NSW 2330
Storage particulars:	Locked and signed storage container

16. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Long term management of certain Aboriginal objects

17. Requirement 26 "Stone artefact deposition and storage" in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010, available online at: <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>) must be complied with.

Notification and Reporting Conditions

Notification of commencement and completion of actions

18. Written notice must be provided to the OEH office prior to the commencement of actions authorised by this AHIP.
19. Written notice must be provided to the OEH office within 7 days of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

20. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.
21. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

Human remains

22. If any human remains are discovered and/or harmed in, on or under the land, the AHIP holder must:
 - (a) not further harm these remains
 - (b) immediately cease all work at the particular location
 - (c) secure the area so as to avoid further harm to the remains
 - (d) notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

23. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

24. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
 - (a) the nature of the incident
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places

- (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
 - (d) any conditions of an AHIP which may have been breached, and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
25. The incident report must be provided to the OEH office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

26. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within 6 months of the completion of the actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the OEH website:
<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>
- (ii) Contact details for the AHIMS Registrar can be found on the OEH website:
<http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm>

General Conditions

Indemnity

27. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

28. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

29. Any requirement to provide written notice to the OEH office in this AHIP may be complied with by emailing the notice to the OEH office's email address or by sending by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this AHIP.

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed, as specified by the conditions of this AHIP.

A2 Aboriginal objects that are identified on AHIMS

Not applicable.

A3 No-harm areas

Not applicable.

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only

Not applicable.

B2 Test/Salvage excavations

Not applicable.

B3 Community collection

Community collection may be carried out across the AHIP application area, as required, in accordance with the conditions of this AHIP.

The community collection area includes the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	37-5-0578	Scarred Tree	Wambo Site 324	No	307124	6395449	MGA
Whole	37-5-0604	Open Artefact Site	Wambo Site 310	No	305240	6395159	MGA
Whole	37-5-0605	Open Artefact Site	Wambo Site 311	No	306382	6396192	MGA

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



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Whole	37-5-0664	Open Artefact Site	Wambo Site 321	No	306097	6396146	MGA
Whole	37-5-0767	Open Artefact Site	Wambo Site 483	No	306154	6396073	MGA
Whole	37-5-0782	Open Artefact Site	South Bates Soil Test 2/A	No	305888	6396144	MGA
Whole	37-5-0807	Open Artefact Site	South Bates Soil Test 6/A	No	306206	6396222	MGA
Whole	37-5-0787	Open Artefact Site	Wambo Site 485	No	306065	6396372	MGA
Whole	37-5-0788	Open Artefact Site	Wambo Site 486	No	306222	6396319	MGA
Whole	37-5-0789	Open Artefact Site	Wambo Site 487	No	306085	6396192	MGA
Whole	37-5-0790	Open Artefact Site	Wambo Site 488	No	306434	6396220	MGA
Whole	37-5-0791	Open Artefact Site	Wambo Site 489	No	306294	6396155	MGA
Partial	37-5-0794	Open Artefact Site	Wambo Site 492	No	305198	6395440	MGA
Whole	37-5-0800	Open Artefact Site	Wambo Site 498	No	305610	6395432	MGA

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



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C1 Harm of Aboriginal objects identified on AHIMS

The following Aboriginal objects identified on AHIMS (refer to table below) may be harmed, as specified by the conditions of this AHIP.

Any previously unidentified Aboriginal objects within the area identified in Schedule C2, not recorded on AHIMS, may be harmed in accordance with the conditions of this AHIP (refer Condition 11).

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	37-5-0353	Open Artefact Site	Wambo Site 230	No	307560	6395179	MGA
Whole	37-5-0354	Open Artefact Site	Wambo Site 231	No	307453	6395361	MGA
Whole	37-5-0359	Open Artefact Site	Wambo Site 240	No	306573	6396219	MGA
Whole	37-5-0360	Open Artefact Site	Wambo Site 241	No	306436	6396276	MGA
Whole	37-5-0551	Open PAD	Wambo PAD J	No	308034	6394841	MGA
Whole	37-5-0552	Open PAD	Wambo PAD K	No	308004	6394691	MGA
Whole	37-5-0553	Open PAD	Wambo PAD L	No	307504	6395091	MGA
Whole	37-5-0578	Scarred Tree	Wambo Site 324	No	307124	6395449	MGA
Whole	37-5-0602	Open Artefact Site	Wambo Site 308	No	305330	6395133	MGA
Whole	37-5-0603	Open Artefact Site	Wambo Site 309	No	305347	6395196	MGA
Whole	37-5-0604	Open Artefact Site	Wambo Site 310	No	305240	6395159	MGA
Whole	37-5-0605	Open Artefact Site	Wambo Site 311	No	306382	6396192	MGA
Whole	37-5-0659	Open Artefact Site	Wambo Site 317	No	305932	6396108	MGA

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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Whole	37-5-0663	Open Artefact Site	Wambo Site 320	No	306054	6396149	MGA
Whole	37-5-0664	Open Artefact Site	Wambo Site 321	No	306097	6396146	MGA
Whole	37-5-0767	Open Artefact Site	Wambo Site 483	No	306154	6396073	MGA
Whole	37-5-0782	Open Artefact Site	South Bates Soil Test 2/A	No	305888	6396144	MGA
Whole	37-5-0807	Open Artefact Site	South Bates Soil Test 6/A	No	306206	6396222	MGA
Whole	37-5-0786	Open Artefact Site	Wambo Site 484	No	306133	6396400	MGA
Whole	37-5-0787	Open Artefact Site	Wambo Site 485	No	306065	6396372	MGA
Whole	37-5-0788	Open Artefact Site	Wambo Site 486	No	306222	6396319	MGA
Whole	37-5-0789	Open Artefact Site	Wambo Site 487	No	306085	6396192	MGA
Whole	37-5-0790	Open Artefact Site	Wambo Site 488	No	306434	6396220	MGA
Whole	37-5-0791	Open Artefact Site	Wambo Site 489	No	306294	6396155	MGA
Whole	37-5-0792	Open Artefact Site	Wambo Site 490	No	305774	6395757	MGA
Whole	37-5-0793	Open Artefact Site	Wambo Site 491	No	306047	6395521	MGA
Partial	37-5-0794	Open Artefact Site	Wambo Site 492	No	305198	6395440	MGA
Whole	37-5-0795	Open Artefact Site	Wambo Site 493	No	305936	6394661	MGA

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
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Whole	37-5-0796	Open Artefact Site	Wambo Site 494	No	306941	6394206	MGA
Whole	37-5-0798	Open Artefact Site	Wambo Site 496	No	307224	6395567	MGA
Whole	37-5-0799	Open Artefact Site	Wambo Site 497	No	307577	6394916	MGA
Whole	37-5-0800	Open Artefact Site	Wambo Site 498	No	305610	6395432	MGA
Whole	37-5-0801	Rock shelter with PAD	Wambo Site 499	No	306409	6394540	MGA
Whole	37-5-0802	Rock shelter with PAD	Wambo Site 500	No	307141	6394215	MGA
Whole	37-5-0803	Rock shelter with PAD	Wambo Site 501	No	307081	6394210	MGA
Whole	37-5-0804	Rock shelter with PAD	Wambo Site 502	No	307059	6394230	MGA
Whole	37-5-0805	Rock shelter with PAD	Wambo Site 503	No	305585	6394466	MGA
Whole	37-5-0806	Rock shelter with PAD	Wambo Site 504	No	306038	6394652	MGA
Whole	37-5-0810	Open Artefact Site	Wambo Site 505	No	306858	6394259	MGA
Whole	37-5-0812	Open Artefact Site	Wambo Site 506	No	306803	6394315	MGA
Whole	37-5-0811	Rock shelter with PAD	Wambo Site 507	No	306807	6394212	MGA

C2 Areas where harm of Aboriginal objects is authorised

All Aboriginal objects in, on or under the land which is identified in Figure 1 and 2 at Appendix A of this AHIP titled, area to which this AHIP applies.

DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object	has the same meaning as in the Act.
Act	means the <i>National Parks and Wildlife Act 1974</i> .
AHIMS	means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act.
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading "AHIP issued to".
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Community collection	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
Community collection area	means an area described as a community collection area in Schedule B3
Harm	has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place.
Land	means the land described under the heading "Land to which this AHIP applies".
No-harm areas	means those areas described in Schedule A3.
OEH	Office of Environment and Heritage (NSW).
OEH office	means the office listed on the cover page of this AHIP.
Proposed works	means the works described under the heading "D. Proposed Works" at the front of this AHIP.
Public register	means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Chief Executive of OEH, as described under the heading "Information about this AHIP".
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
Salvage excavation area	means any area described as a salvage excavation area in Schedule B2.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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- Test excavation** means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.
- Test excavation area** means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Chief Executive of OEH is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Chief Executive of OEH under s.89A of the Act using the form available online at www.environment.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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The conditions of an AHIP may be varied at any time by the Chief Executive of OEH in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Chief Executive of OEH to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Chief Executive of OEH and may be subject to conditions.

Suspension and revocation of AHIP

An AHIP may be suspended or revoked at any time at the discretion of the Chief Executive of OEH. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in OEH's possession in accordance with any lawful requirement.

Making copies of reports

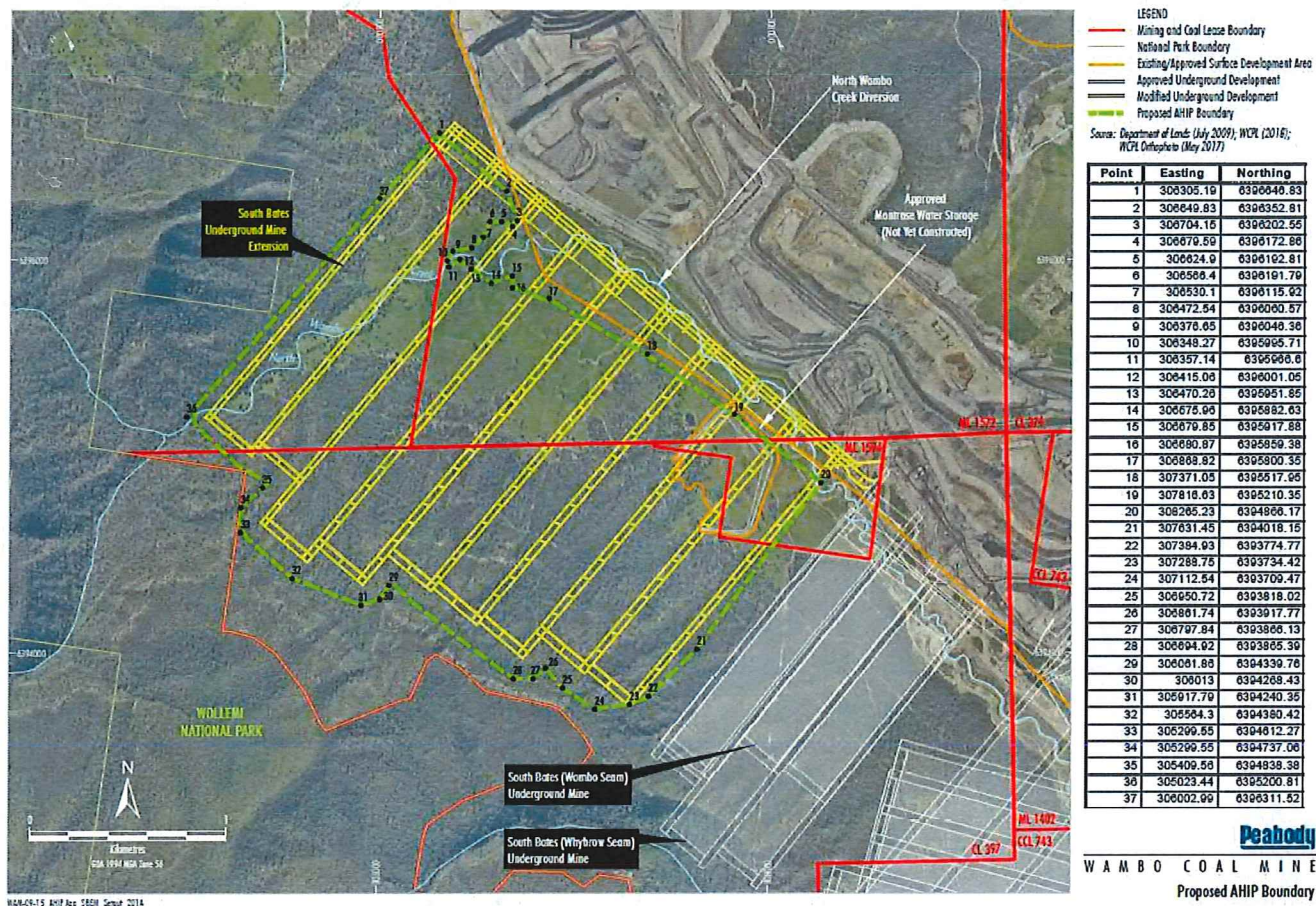
By providing a report, the AHIP holder acknowledges that OEH can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

OEH is able to make copies of any reports provided to OEH under this AHIP.

APPENDIX A: Area to which this AHIP applies.

Figure 1:

Area to which this AHIP applies (marked in green). Sourced from the AHIP application (Figure 1).



Aboriginal Heritage Impact Permit

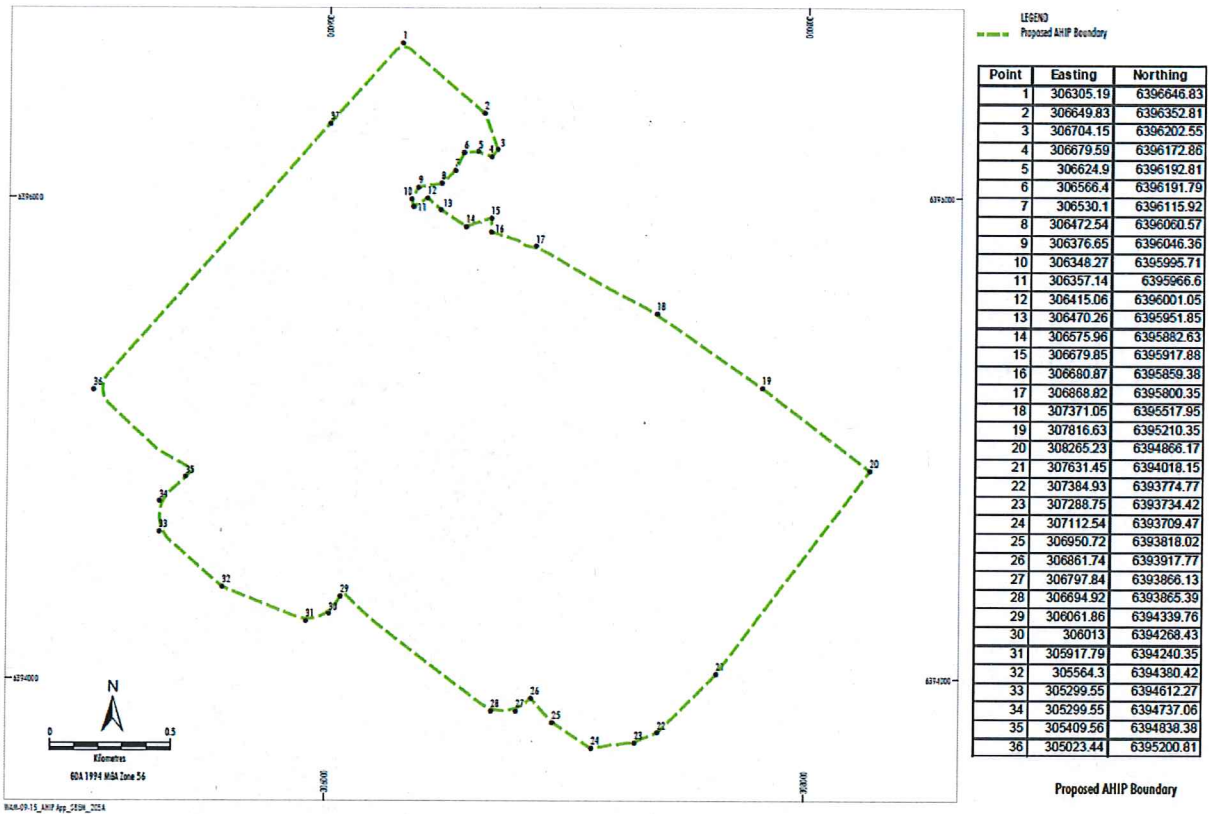
Section 90 of the *National Parks and Wildlife Act 1974*



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Figure 2

AHIP boundary only and GPS coordinates to the land to which this AHIP applies.



Variation of Aboriginal Heritage Impact Permit



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National Parks and Wildlife Act 1974

Your reference: Wambo Coal Mine AHIP Variation Applications No. 2222, No. C0001474 and No. C0002000.
Our reference: AHIMS No. 4014 / DOC17/369955-06
Notice number: C0002939
Contact: Nicole Davis, Archaeologist 0409 394 343

NOTICE ISSUED TO:

Mr Steven Peart
Environment and Community Manager
WAMBO COAL PTY LIMITED
PMB 1
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. C0002000

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

BACKGROUND

- A. Wambo Coal Pty Limited (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. C0002000 (the AHIP) granted under section 90D of the NPW Act. The AHIP relates to the South Wambo Underground Mine Modification, Wambo Coal Mine, and permitted the community collection, harm to certain Aboriginal objects and harm to all unknown Aboriginal objects within the AHIP Application Area.
- B. This AHIP variation seeks to update the AHIP to reflect the recently prepared complex-wide Heritage Management Plan for the Wambo Coal Mine (July 2017) and any subsequent updates as endorsed by OEH. The purpose of the complex-wide Heritage Management Plan is to provide a consolidated description of the management of Aboriginal heritage and historic heritage at Wambo, incorporating the requirements of all the existing AHIP's.
- C. There are three current AHIP's of the Wambo Coal Mine including AHIP No. 2222, No. C0001474 and No. C0002000, which all fall under Development Consent (DA) 305-7-2003.
- D. The complex wide Heritage Management Plan has been prepared in consultation with all the registered Aboriginal parties and OEH. It is the intention of the three variations to ensure consistency across all current AHIP's for the Wambo Coal Mine.
- E. OEH received the application on 11 July 2017.
- F. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

OEH has decided to grant this variation.

By this notice OEH varies AHIP No. C0002000 in the following manner:

Variation of Aboriginal Heritage Impact Permit



Office of
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National Parks and Wildlife Act 1974

Variation (1)

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

(vi) The salvage and management program proposed for this mine modification is consistent with the current approved salvage and management programme implemented at the Wambo Coal Mine in accordance with AHIP's #2222, #2085 and #C0001474 (page 2 of 21).

Is replaced by:

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

(vi) The salvage and management program proposed for this mine modification is to be undertaken in accordance with the *Wambo Coal Heritage Management Plan, Document No. WA-ENV-MNP-510, Peabody Energy, July 2017*, or any subsequent updates as endorsed by OEH.

Variation (2)

Operational Conditions

Community Collection

8. The opportunity for community collection must be undertaken:
 - (a) in accordance with the approved salvage and management methodology programme implement at the Wambo Coal Mine developed in accordance with the conditions detailed in AHIP's #2222, #2085 and C#0001474, and updated to include the sites detailed in this AHIP and the land covered by this AHIP (page 8 of 21).

Is replaced by:

Operational Conditions

Community Collection

8. The opportunity for community collection must be provided:
 - (a) in accordance with *Wambo Coal Heritage Management Plan, Document No. WA-ENV-MNP-510, Peabody Energy, July 2017*, or any subsequent updates as endorsed by OEH, and updated to include the sites detailed in this AHIP and the land covered by this AHIP.

Variation (3)

SCHEDULES

Schedule B: Aboriginal objects that may be harmed through the certain actions

B3 Community Collection

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
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National Parks and Wildlife Act 1974

Community collection may be carried out across the AHIP Application Area (as detailed on page 7 of this AHIP) as required and where practicable in accordance with the revised provisions of the approved salvage and management programme implemented at the Wambo Coal Mine (page 12 of 21).

Is replaced by:

SCHEDULES

Schedule B: Aboriginal objects that may be harmed through the certain actions

B3 Community Collection

Community collection may be carried out across the AHIP Application Area (as detailed on page 7 of this AHIP) as required and where practicable in accordance with the *Wambo Coal Heritage Management Plan, Document No. WA-ENV-MNP-510, Peabody Energy, July 2017*, and any subsequent updates to the Wambo Coal Heritage Management Plan as endorsed by OEH.

Note: You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number C0002000, within 14 days.

A handwritten signature in black ink, appearing to be 'S. Cox', written over a horizontal line.

Steven Cox

Senior Team Leader - Planning

Hunter Central Coast Branch

(By Delegation)

Date: 4 September 2017

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP C0002000 issued on 16 January 2017, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

Variation of Aboriginal Heritage Impact Permit



Office of
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National Parks and Wildlife Act 1974

When this notice begins to operate

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

Variation of this notice

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

Appeals against this decision

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

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



Office of
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AHIP number: C0002000

(AHIMS Permit ID: 4014)

AHIP Issued To:

WAMBO COAL PTY LIMITED
100 Melbourne Street
South Brisbane, QLD 4101
Australia

OEH Office issuing this AHIP

Office of Environment and Heritage

Regional Operations

Hunter Central Coast

Locked Bag 1002 Dangar NSW 2309

Telephone number: (02) 02 4927 3167

Email: rog.hcc@environment.nsw.gov.au

Additional details for public register

a) Name of development or project	SOUTH WAMBO UNDERGROUND MINE MODIFICATION
b) Location	West & South-West of Warkworth NSW
c) Local Government Area(s)	Singleton NSW
d) Description of harm authorised	<ul style="list-style-type: none">• Community collection across the AHIP application area• Harm to certain Aboriginal objects through the proposed works• Harm to all unknown Aboriginal objects within the AHIP application area
e) AHIP commencement date and duration	Commencement: 16 January 2017 Duration: 16 Years and 6 Months (16 June 2033)

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 22 June 2016 an application was made to the Chief Executive of the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act).
- (ii) The application was in relation to the mitigation of harm and management of Aboriginal objects within the proposed mine modification area.
- (iii) A subsidence assessment prepared for the proposed mine modification area (by Mine Subsidence Engineering Consultants) concluded that subsidence effects will extend beyond the boundary of the existing AHIPs #2222, #2085 and #C0001474. The proposed mine modification would also involve an extension of the approved surface development area beyond the boundary of the existing consents.
- (iv) The applicant has applied for an Area Based AHIP to be valid for sixteen (16) years and six (6) months for harm through potential mine related subsidence and mine related surface development activities to seventy-four (74) registered Aboriginal sites. The registered AHIMS sites associated with this project are detailed in Table 1 below.
- (v) A new AHIP is necessary to allow for the extent of subsidence impacts associated with the mine modification, the extension of the surface development areas, possible impacts on known or previously unrecorded sites and their subsurface expression.
- (vi) The salvage and management programme proposed for this mine modification is consistent with the current approved salvage and management programme implemented at the Wambo Coal Mine in accordance with AHIPs #2222, #2085 and #C0001474.
- (vii) OEH supports the AHIP application and extension of existing management recommendations over the proposed AHIP area.
- (i) OEH has considered the application and supporting information provided, and matters under section 90K of the Act and has decided to issue an AHIP subject to conditions.

Table 1: AHIMS Sites Subject to this AHIP

AHIMS Site ID	AHIMS Site Name	Site Feature
37-6-0136	Wambo Site 6	Artefact Scatter
37-6-0135	Wambo Site 5 Warkworth	Artefact Scatter
37-6-1452	JP 38	Artefact Scatter
37-6-0990	JP 37	Artefact Scatter
37-6-0595	Red Pow 1	Artefact Scatter
37-5-0034	Wambo Sites 30 & 31, Wambo Estate & Wambo 4	Artefact Scatter
37-5-0135	Werong No 2	Artefact Scatter & Contact
37-5-0188	NW 18	Scarred Tree
37-5-0195	SW 3 (Story Creek)	Artefact Scatter
37-5-0196	Harris house site	Artefact Scatter

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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AHIMS Site ID	AHIMS Site Name	Site Feature
37-5-0192	SC 4 (Story Creek)	Artefact Scatter
37-5-0642	Wambo Site 334	Earth Mound with Artefacts
37-5-0643	Wambo Site 335	Earth Mound with Artefacts
37-5-0655	Wambo Site 345	Isolated Find
37-5-0633	Wambo Site 349	Artefact Scatter
37-5-0660	Wambo Site 350	Artefact Scatter
37-5-0657	Wambo Site 355	Isolated Find
37-5-0658	Wambo Site 366	Artefact Scatter
37-6-3047	Wambo Site 367	Artefact Scatter with PAD
37-6-3048	Wambo Site 369	Artefact Scatter
37-5-0652	Wambo Site 378	Isolated Find
37-5-0714	Wambo Site 391	Artefact Scatter with PAD
37-5-0716	Wambo Site 393	Isolated Find
37-5-0717	Wambo Site 394	Artefact Scatter
37-5-0718	Wambo Site 395	Artefact Scatter
37-6-3622	Wambo Site 402	Artefact Scatter
37-6-3623	Wambo Site 403	Artefact Scatter
37-6-3624	Wambo Site 404	Artefact Scatter
37-6-3625	Wambo Site 405	Isolated Find
37-6-3626	Wambo Site 406	Artefact Scatter with PAD
37-6-3627	Wambo Site 407	Artefact Scatter
37-6-3628	Wambo Site 408	Artefact Scatter
37-6-3629	Wambo Site 409	Artefact Scatter
37-6-3631	Wambo Site 411	Isolated Find
37-6-3632	Wambo Site 412	Isolated Find
37-6-3633	Wambo Site 413	Artefact Scatter
37-6-3634	Wambo Site 414	Isolated Find
37-5-0724	Wambo Site 415	Artefact Scatter
37-5-0725	Wambo Site 416	Isolated Find
37-5-0726	Wambo Site 417	Isolated Find
37-5-0727	Wambo Site 418	Isolated Find
37-5-0728	Wambo Site 419	Isolated Find
37-5-0729	Wambo Site 420	Artefact Scatter
37-5-0730	Wambo Site 421	Artefact Scatter
37-5-0731	Wambo Site 422	Artefact Scatter
37-5-0732	Wambo Site 423	Artefact Scatter
37-5-0733	Wambo Site 424	Isolated Find
37-5-0734	Wambo Site 425	Artefact Scatter
37-5-0735	Wambo Site 426	Artefact Scatter
37-5-0736	Wambo Site 427	Artefact Scatter
37-5-0737	Wambo Site 428	Isolated Find
37-5-0738	Wambo Site 429	Artefact Scatter
37-5-0739	Wambo Site 430	Artefact Scatter

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



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AHIMS Site ID	AHIMS Site Name	Site Feature
37-5-0740	Wambo Site 431	Isolated Find
37-5-0741	Wambo Site 432	Isolated Find
37-5-0742	Wambo Site 433	Artefact Scatter with PAD
37-5-0743	Wambo Site 434	Isolated Find
37-5-0744	Wambo Site 435	Isolated Find
37-5-0745	Wambo Site 436	Isolated Find
37-5-0746	Wambo Site 437	Artefact Scatter
37-6-3635	Wambo Site 438	Isolated Find
37-5-0747	Wambo Site 439	Artefact Scatter
37-5-0754	Wambo Site 446	Isolated Find
37-6-3636	Wambo Site 453	Artefact Scatter
37-6-3639	Wambo Site 456	Artefact Scatter
37-6-3640	Wambo Site 457	Artefact Scatter
37-6-3641	Wambo Site 458	Artefact Scatter
37-6-3642	Wambo Site 459	Artefact Scatter
37-6-3643	Wambo Site 460	Artefact Scatter
37-6-3645	Wambo Site 462	Isolated Find
37-6-3646	Wambo Site 463	Artefact Scatter
37-5-0761	Wambo Site 470	Isolated Find
37-6-3653	Wambo Site 472	Artefact Scatter
37-5-0765	Wambo Site 475	Artefact Scatter

Note:

1. The extent of the abovementioned sites within the AHIP boundary are presented in the Cultural Heritage Impact Assessment, Enclosure C of the AHIP Application.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for 16 years and 6 months from the date of commencement, that is, until 16 June 2033.

D. Proposed Works

The proposed modification would involve a realignment and extension/relocation of the approved South Wambo (Arrowfield Seam) Underground Mine longwall panels and the mining of the Woodlands Hill Seam rather than the Bowfield Seam. Longwall mining areas associated with the Modification are detailed below:

Area 1 (Woodlands Hill Seam) – The modified mine layout includes additional longwall panels in the Woodlands Hill Seam beneath the approved Surface Development Area.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



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Area 2 (Arrowfield Seam and Woodlands Hill Seam) – The modified mine layout includes a reorientation and minor extension of the approved Arrowfield Seam mine layout in Area 2. The Woodlands Hill Seam is proposed to replace the Bowfield Seam in this location with a reorientation and minor extension to the approved mine layout.

Area 3 (Arrowfield Seam and Woodlands Hill Seam) – The modified mine layout includes an extension of mining in the Arrowfield Seam and Woodlands Hill Seam into Area 3, comprising three longwall panels in the Arrowfield Seam and four longwall panels in the Woodlands Hill Seam.

Area 4 (Approved Arrowfield Seam) – The Modification does not propose any changes to the approved Arrowfield Seam mine layout to the east of Wollombi Brook. The approved Bowfield Seam mine layout is no longer proposed to be mined in Area 4 and therefore there would be a reduction in subsidence impacts in Area 4.

The rearrangement of the South Wambo Underground Mine would require a minor extension of the approved Surface Development Area and result in an extension of the approved mine life by seven years (i.e. to 2032). The Modification Project Area is located wholly within the existing Wambo mining tenements. The Modification would produce additional run-of-mine (ROM) coal and the underground ROM coal production rate would increase from 7.5 to 9.75 million tonnes per annum (Mtpa). However, there would be no change to the currently approved total ROM coal production rate of 14.7 Mtpa.

The Modification would also include an extension of approved open cut mining operations by three years (i.e. up to and including 2020). The Modification would not include any change to the approved total open cut ROM coal production limit. The Modification would not involve changes to any aspects of the approved North Wambo Underground Mine or South Bates Underground Mine.

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

A handwritten signature in black ink, appearing to read 'Karen Thumm', positioned above a dotted line.

KAREN THUMM

**Acting Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations**

(by Delegation)

DATED: 16 January 2017

CONTENTS

LAND TO WHICH THIS AHIP APPLIES	7
Administrative Conditions	8
Operational Conditions	8
Notification and Reporting Conditions	9
General Conditions	11
SCHEDULES	12
Schedule A: Aboriginal objects which must not be harmed	12
Schedule B: Aboriginal objects that may be harmed through the certain actions	12
Schedule C: Aboriginal objects which may be harmed through the proposed works	15
DICTIONARY	18
INFORMATION ABOUT THIS AHIP	20

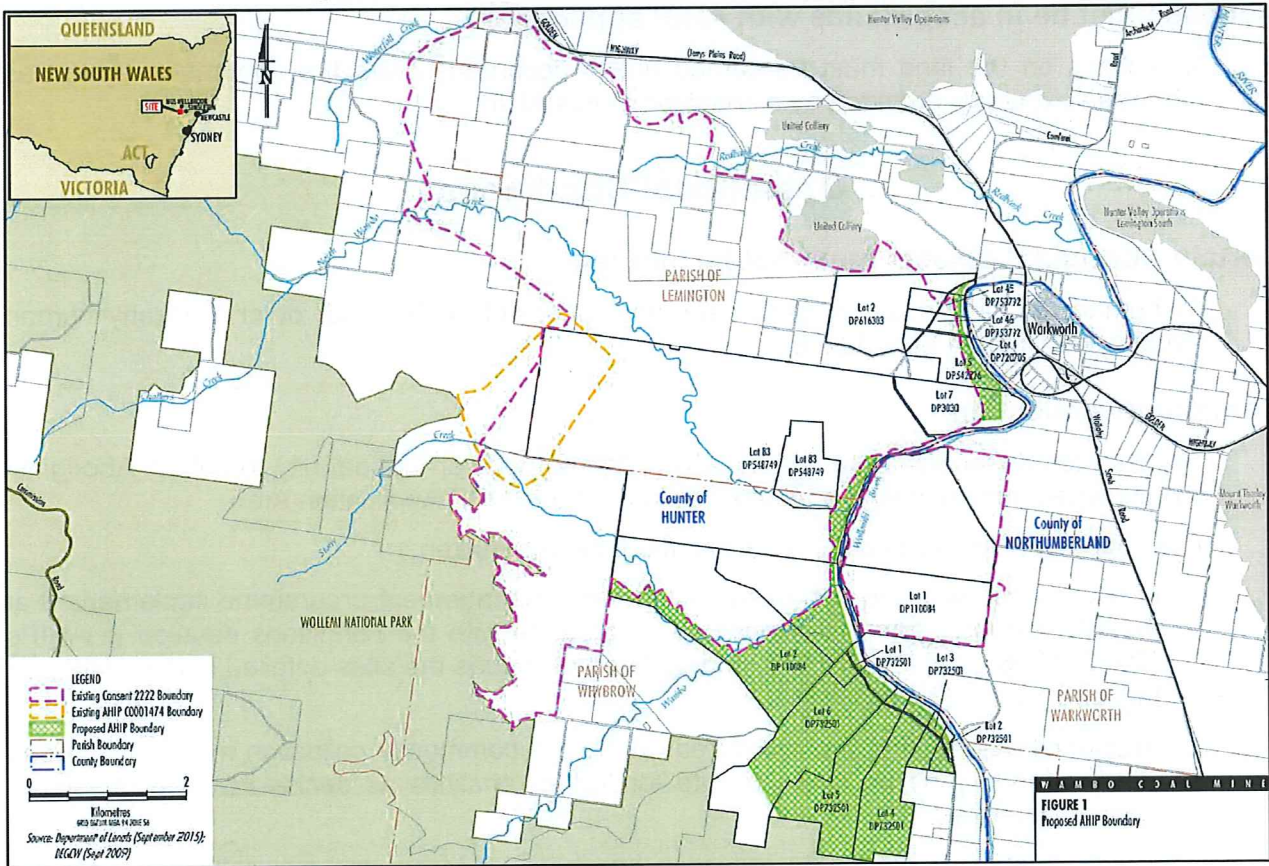
LAND TO WHICH THIS AHIP APPLIES

The lands to which this AHIP applies are detailed in **Table 1** and illustrated in **Figure 1** below.

Table 1: Land Tenure Details from Attachment 1 of AHIP Application.

County	Parish	Lot & DP
Hunter and Northumberland	Lemington, Whybrow and Warkworth	Lot 83 DP 548749
Hunter and Northumberland	Whybrow and Warkworth	Lot 1 DP 110084
Hunter	Whybrow	Lot 2 DP 110084
Hunter	Whybrow	Lot 1 DP 732501
Hunter	Whybrow	Lot 2 DP 732501
Hunter	Whybrow	Lot 3 DP 732501
Hunter	Whybrow	Lot 4 DP 732501
Hunter	Whybrow	Lot 5 DP 732501
Hunter	Whybrow	Lot 6 DP 732501
Hunter	Lemington	Lot 7 DP 3030
Hunter	Lemington	Lot 5 DP 542226
Hunter	Lemington	Lot 4 DP 720705
Hunter	Lemington	Lot 45 DP 753792
Hunter	Lemington	Lot 46 DP 753792
Hunter	Lemington	Lot 2 DP 616303

Figure 1: Land Tenure Map from AHIP Application.



CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, OEH must be notified of their contact details within 14 days of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4.

Community collection

7. The registered Aboriginal parties must be provided with an opportunity to collect Aboriginal objects where practicable and as required across the AHIP Application Area.
8. The opportunity for community collection must be undertaken:
 - (a) in accordance with the approved salvage and management programme implemented at the Wambo Coal Mine developed in accordance with the conditions detailed in AHIPs #2222, #2085 and #C0001474, and updated to include the sites detailed in this AHIP and the land covered by this AHIP.
 - (b) Aboriginal objects that are recovered during the community collection may be analysed on-site and/or may be taken off-site for further analysis as decided by the registered Aboriginal parties.
9. If an opportunity for community collection has been provided and this collection does not occur, the AHIP holder may proceed with any actions to harm Aboriginal objects described in Schedule C, in accordance with the conditions of this AHIP.

Harm of certain Aboriginal objects through the proposed works

10. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorises harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').
11. Aboriginal objects described in Schedule C must not be harmed unless:
 - (a) The salvage and management outcomes proposed for this AHIP area are incorporated into a current version of the approved salvage and management programme implemented at the Wambo Coal Mine; and
 - (b) All opportunities for community collection of Aboriginal objects described in Schedule B3 have been provided.

Temporary storage of certain Aboriginal objects

12. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location detailed in the table below, pending any agreement reached about the long term management of the Aboriginal objects.
13. The temporary storage location is as follows:

Location name:	Wambo Coal Cultural Heritage Temporary Keeping Place
Address:	Adjacent to the Wambo Coal Administration Building Wambo Coal Mine Jerrys Plains Road WAMBO NSW 2330
Storage particulars:	Locked and signed storage container.

14. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Long term management of certain Aboriginal objects

15. Requirement 26 "Stone artefact deposition and storage" in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010, available online at: <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>) must be complied with.

Notification and Reporting Conditions

Notification of commencement and completion of actions

16. Written notice must be provided to the OEH office at least 7 days prior to the commencement of actions authorised by this AHIP.
17. Written notice must be provided to the OEH office within 7 days of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

18. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.
19. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

Human remains

20. If any human remains (other than any human remains described in Schedule B4) are discovered and/or harmed in, on or under the land, the AHIP holder must:
 - (a) not further harm these remains
 - (b) immediately cease all work at the particular location
 - (c) secure the area so as to avoid further harm to the remains
 - (d) notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

21. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

22. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
 - (a) the nature of the incident
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
 - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
 - (d) any conditions of an AHIP which may have been breached, and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
23. The incident report must be provided to the OEH office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

24. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within 6 month of the completion of the actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the OEH website:
<http://www.environment.nsw.gov.au/licences/DECCAHiMSSiteRecordingForm.htm>
- (ii) Contact details for the AHIMS Registrar can be found on the OEH website:
<http://www.environment.nsw.gov.au/contact/AHiMSRegistrar.htm>

General Conditions

Indemnity

25. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

26. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

27. Any requirement to provide written notice to the OEH office detailed in this AHIP may be complied with by emailing the notice to the OEH Regional Operations Group email address (rog.hcc@environment.nsw.gov.au) or by sending by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this AHIP.

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4, as specified by the conditions of this AHIP.

A2 Aboriginal objects that are identified on AHIMS

N/A

A3 No-harm areas

N/A

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only

N/A

B2 Test/Salvage – excavations

N/A

B3 Community collection

Community collection may be carried out across the AHIP Application Area (as detailed on page 7 of this AHIP) as required and where practicable in accordance with the revised provisions of the approved salvage and management programme implemented at the Wambo Coal Mine.

The community collection area includes the known Aboriginal objects, as identified in Table 2 (excluding any Aboriginal objects described in Schedule A).

Table 2: Identified Sites where Community Collection is Authorised by this AHIP

AHIMS Site ID	AHIMS Site Name	Site Feature
37-6-0136	Wambo Site 6	Artefact Scatter
37-6-0135	Wambo Site 5 Warkworth	Artefact Scatter
37-6-1452	JP 38	Artefact Scatter
37-6-0990	JP 37	Artefact Scatter
37-6-0595	Red Pow 1	Artefact Scatter
37-5-0034	Wambo Sites 30 & 31, Wambo Estate & Wambo 4	Artefact Scatter

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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AHIMS Site ID	AHIMS Site Name	Site Feature
37-5-0135	Werong No 2	Artefact Scatter & Contact
37-5-0188	NW 18	Scarred Tree
37-5-0195	SW 3 (Story Creek)	Artefact Scatter
37-5-0196	Harris house site	Artefact Scatter
37-5-0192	SC 4 (Story Creek)	Artefact Scatter
37-5-0642	Wambo Site 334	Earth Mound with Artefacts
37-5-0643	Wambo Site 335	Earth Mound with Artefacts
37-5-0655	Wambo Site 345	Isolated Find
37-5-0633	Wambo Site 349	Artefact Scatter
37-5-0660	Wambo Site 350	Artefact Scatter
37-5-0657	Wambo Site 355	Isolated Find
37-5-0658	Wambo Site 366	Artefact Scatter
37-6-3047	Wambo Site 367	Artefact Scatter with PAD
37-6-3048	Wambo Site 369	Artefact Scatter
37-5-0652	Wambo Site 378	Isolated Find
37-5-0714	Wambo Site 391	Artefact Scatter with PAD
37-5-0716	Wambo Site 393	Isolated Find
37-5-0717	Wambo Site 394	Artefact Scatter
37-5-0718	Wambo Site 395	Artefact Scatter
37-6-3622	Wambo Site 402	Artefact Scatter
37-6-3623	Wambo Site 403	Artefact Scatter
37-6-3624	Wambo Site 404	Artefact Scatter
37-6-3625	Wambo Site 405	Isolated Find
37-6-3626	Wambo Site 406	Artefact Scatter with PAD
37-6-3627	Wambo Site 407	Artefact Scatter
37-6-3628	Wambo Site 408	Artefact Scatter
37-6-3629	Wambo Site 409	Artefact Scatter
37-6-3631	Wambo Site 411	Isolated Find
37-6-3632	Wambo Site 412	Isolated Find
37-6-3633	Wambo Site 413	Artefact Scatter
37-6-3634	Wambo Site 414	Isolated Find
37-5-0724	Wambo Site 415	Artefact Scatter
37-5-0725	Wambo Site 416	Isolated Find
37-5-0726	Wambo Site 417	Isolated Find
37-5-0727	Wambo Site 418	Isolated Find

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
& Heritage

AHIMS Site ID	AHIMS Site Name	Site Feature
37-5-0728	Wambo Site 419	Isolated Find
37-5-0729	Wambo Site 420	Artefact Scatter
37-5-0730	Wambo Site 421	Artefact Scatter
37-5-0731	Wambo Site 422	Artefact Scatter
37-5-0732	Wambo Site 423	Artefact Scatter
37-5-0733	Wambo Site 424	Isolated Find
37-5-0734	Wambo Site 425	Artefact Scatter
37-5-0735	Wambo Site 426	Artefact Scatter
37-5-0736	Wambo Site 427	Artefact Scatter
37-5-0737	Wambo Site 428	Isolated Find
37-5-0738	Wambo Site 429	Artefact Scatter
37-5-0739	Wambo Site 430	Artefact Scatter
37-5-0740	Wambo Site 431	Isolated Find
37-5-0741	Wambo Site 432	Isolated Find
37-5-0742	Wambo Site 433	Artefact Scatter with PAD
37-5-0743	Wambo Site 434	Isolated Find
37-5-0744	Wambo Site 435	Isolated Find
37-5-0745	Wambo Site 436	Isolated Find
37-5-0746	Wambo Site 437	Artefact Scatter
37-6-3635	Wambo Site 438	Isolated Find
37-5-0747	Wambo Site 439	Artefact Scatter
37-5-0754	Wambo Site 446	Isolated Find
37-6-3636	Wambo Site 453	Artefact Scatter
37-6-3639	Wambo Site 456	Artefact Scatter
37-6-3640	Wambo Site 457	Artefact Scatter
37-6-3641	Wambo Site 458	Artefact Scatter
37-6-3642	Wambo Site 459	Artefact Scatter
37-6-3643	Wambo Site 460	Artefact Scatter
37-6-3645	Wambo Site 462	Isolated Find
37-6-3646	Wambo Site 463	Artefact Scatter
37-5-0761	Wambo Site 470	Isolated Find
37-6-3653	Wambo Site 472	Artefact Scatter
37-5-0765	Wambo Site 475	Artefact Scatter

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
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B4 Other

N/A

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

C1 Harm of Aboriginal objects identified on AHIMS

AHIMS Site ID	AHIMS Site Name	Site Feature
37-6-0136	Wambo Site 6	Artefact Scatter
37-6-0135	Wambo Site 5 Warkworth	Artefact Scatter
37-6-1452	JP 38	Artefact Scatter
37-6-0990	JP 37	Artefact Scatter
37-6-0595	Red Pow 1	Artefact Scatter
37-5-0034	Wambo Sites 30 & 31, Wambo Estate & Wambo 4	Artefact Scatter
37-5-0135	Werong No 2	Artefact Scatter & Contact
37-5-0188	NW 18	Scarred Tree
37-5-0195	SW 3 (Story Creek)	Artefact Scatter
37-5-0196	Harris house site	Artefact Scatter
37-5-0192	SC 4 (Story Creek)	Artefact Scatter
37-5-0642	Wambo Site 334	Earth Mound with Artefacts
37-5-0643	Wambo Site 335	Earth Mound with Artefacts
37-5-0655	Wambo Site 345	Isolated Find
37-5-0633	Wambo Site 349	Artefact Scatter
37-5-0660	Wambo Site 350	Artefact Scatter
37-5-0657	Wambo Site 355	Isolated Find
37-5-0658	Wambo Site 366	Artefact Scatter
37-6-3047	Wambo Site 367	Artefact Scatter with PAD
37-6-3048	Wambo Site 369	Artefact Scatter
37-5-0652	Wambo Site 378	Isolated Find
37-5-0714	Wambo Site 391	Artefact Scatter with PAD
37-5-0716	Wambo Site 393	Isolated Find
37-5-0717	Wambo Site 394	Artefact Scatter
37-5-0718	Wambo Site 395	Artefact Scatter
37-6-3622	Wambo Site 402	Artefact Scatter
37-6-3623	Wambo Site 403	Artefact Scatter
37-6-3624	Wambo Site 404	Artefact Scatter
37-6-3625	Wambo Site 405	Isolated Find
37-6-3626	Wambo Site 406	Artefact Scatter with PAD
37-6-3627	Wambo Site 407	Artefact Scatter

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
& Heritage

AHIMS Site ID	AHIMS Site Name	Site Feature
37-6-3628	Wambo Site 408	Artefact Scatter
37-6-3629	Wambo Site 409	Artefact Scatter
37-6-3631	Wambo Site 411	Isolated Find
37-6-3632	Wambo Site 412	Isolated Find
37-6-3633	Wambo Site 413	Artefact Scatter
37-6-3634	Wambo Site 414	Isolated Find
37-5-0724	Wambo Site 415	Artefact Scatter
37-5-0725	Wambo Site 416	Isolated Find
37-5-0726	Wambo Site 417	Isolated Find
37-5-0727	Wambo Site 418	Isolated Find
37-5-0728	Wambo Site 419	Isolated Find
37-5-0729	Wambo Site 420	Artefact Scatter
37-5-0730	Wambo Site 421	Artefact Scatter
37-5-0731	Wambo Site 422	Artefact Scatter
37-5-0732	Wambo Site 423	Artefact Scatter
37-5-0733	Wambo Site 424	Isolated Find
37-5-0734	Wambo Site 425	Artefact Scatter
37-5-0735	Wambo Site 426	Artefact Scatter
37-5-0736	Wambo Site 427	Artefact Scatter
37-5-0737	Wambo Site 428	Isolated Find
37-5-0738	Wambo Site 429	Artefact Scatter
37-5-0739	Wambo Site 430	Artefact Scatter
37-5-0740	Wambo Site 431	Isolated Find
37-5-0741	Wambo Site 432	Isolated Find
37-5-0742	Wambo Site 433	Artefact Scatter with PAD
37-5-0743	Wambo Site 434	Isolated Find
37-5-0744	Wambo Site 435	Isolated Find
37-5-0745	Wambo Site 436	Isolated Find
37-5-0746	Wambo Site 437	Artefact Scatter
37-6-3635	Wambo Site 438	Isolated Find
37-5-0747	Wambo Site 439	Artefact Scatter
37-5-0754	Wambo Site 446	Isolated Find
37-6-3636	Wambo Site 453	Artefact Scatter
37-6-3639	Wambo Site 456	Artefact Scatter
37-6-3640	Wambo Site 457	Artefact Scatter
37-6-3641	Wambo Site 458	Artefact Scatter
37-6-3642	Wambo Site 459	Artefact Scatter
37-6-3643	Wambo Site 460	Artefact Scatter
37-6-3645	Wambo Site 462	Isolated Find
37-6-3646	Wambo Site 463	Artefact Scatter
37-5-0761	Wambo Site 470	Isolated Find
37-6-3653	Wambo Site 472	Artefact Scatter
37-5-0765	Wambo Site 475	Artefact Scatter

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



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C2 Areas where harm to Aboriginal objects is authorised

All Aboriginal objects in, on or under the land identified in **Figure 1** in the *lands to which this AHIP applies* (page 7 of this AHIP).

DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object	has the same meaning as in the Act.
Act	means the <i>National Parks and Wildlife Act 1974</i> .
AHIMS	means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act.
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading "AHIP issued to".
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Community collection	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
Community collection area	means an area described as a community collection area in Schedule B3
Harm	has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place.
Land	means the land described under the heading "Land to which this AHIP applies".
No-harm areas	means those areas described in Schedule A3.
OEH	Office of Environment and Heritage (NSW).
OEH office	means the office listed on the cover page of this AHIP.
Proposed works	means the works described under the heading "D. Proposed Works" at the front of this AHIP.
Public register	means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Chief Executive of OEH, as described under the heading "Information about this AHIP".
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
Salvage excavation area	means any area described as a salvage excavation area in Schedule B2.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



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- Test excavation** means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.
- Test excavation area** means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Chief Executive of OEH is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Chief Executive of OEH under s.89A of the Act using the form available online at www.environment.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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The conditions of an AHIP may be varied at any time by the Chief Executive of OEH in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Chief Executive of OEH to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Chief Executive of OEH and may be subject to conditions.

Suspension and revocation of AHIP

An AHIP may be suspended or revoked at any time at the discretion of the Chief Executive of OEH. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in OEH's possession in accordance with any lawful requirement.

Making copies of reports

By providing a report, the AHIP holder acknowledges that OEH can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

OEH is able to make copies of any reports provided to OEH under this AHIP.

Variation of Aboriginal Heritage Impact Permit



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National Parks and Wildlife Act 1974

Your reference: Wambo Coal Mine AHIP Variation Applications No. 2222, No. C0001474 and No. C0002000.
Our reference: AHIMS No. 3190 / DOC17/369955-05
Notice number: C0002939
Contact: Nicole Davis, Archaeologist 0409 394 343

NOTICE ISSUED TO:

Mr Steven Peart
Environment and Community Manager
WAMBO COAL PTY LIMITED
PMB 1
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. C0001474

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

BACKGROUND

- A. Wambo Coal Pty Limited (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. C0001474 (the AHIP) granted under section 90D of the NPW Act. The AHIP relates to the South Bates (Wambo Seam) Underground Mine Modification, Longwalls 14 to 16, Wambo Coal Mine, and permitted the community collection of nine (9) AHIMS registered Aboriginal sites, harm to certain Aboriginal objects and harm to all unknown Aboriginal objects within the AHIP Application Area.
- B. This AHIP variation seeks to update the AHIP to reflect the recently prepared complex-wide Heritage Management Plan for the Wambo Coal Mine (July 2017) and any subsequent updates as endorsed by OEH. The purpose of the complex-wide Heritage Management Plan is to provide a consolidated description of the management of Aboriginal heritage and historic heritage at Wambo, incorporating the requirements of all the existing AHIP's.
- C. There are three current AHIP's of the Wambo Coal Mine including AHIP No. 2222, No. C0001474 and No. C0002000, which all fall under Development Consent (DA) 305-7-2003.
- D. The complex wide Heritage Management Plan has been prepared in consultation with all the registered Aboriginal parties and OEH. It is the intention of the three variations to ensure consistency across all current AHIP's for the Wambo Coal Mine.
- E. OEH received the application on 11 July 2017.
- F. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

OEH has decided to grant this variation.

Variation of Aboriginal Heritage Impact Permit



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National Parks and Wildlife Act 1974

By this notice OEH varies AHIP No. C0001474 in the following manner:

Variation

Operational Conditions

Community Collection

8. The opportunity for community collection must be provided:
 - (a) In accordance with '*South Bates (Wambo Seam) Underground Mine Modification, Cultural Heritage Impact Assessment, Prepared for Wambo Coal Pty Limited, Prepared by RPS East Australia Pty Ltd, August 2015*', that was provided with the application (Page 5 of 15).

Is replaced by:

Operational Conditions

Community Collection

8. The opportunity for community collection must be provided:
 - (a) In accordance with *Wambo Coal Heritage Management Plan, Document No. WA-ENV-MNP-510, Peabody Energy, July 2017*, or any subsequent updates to the Wambo Coal Heritage Management Plan as endorsed by OEH.

Note: You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number C0001474, within 14 days.

Steven Cox

Senior Team Leader - Planning

Hunter Central Coast Branch

(By Delegation)

Date: 4 September 2017

Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



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INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP C0001474 issued on 19 November 2015, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

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

Variation of this notice

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

Appeals against this decision

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

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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AHIP number: C0001474

(AHIMS Permit ID: 3910)

AHIP Issued To:

Wambo Coal Pty Limited
PMB 1
SINGLETON NSW 2330

OEH Office issuing this AHIP

Office of Environment and Heritage
Regional Operations
(Level 4, 26 Honeysuckle Drive Newcastle)
Locked Bag 1002 DANGAR NSW 2309
Telephone number: (02) 4927 3156
Fax number: (02) 4927 3192

Additional details for public register

a) Name of development or project	South Bates (Wambo Seam) Underground Mine Modification Longwalls 14 to 16 Wambo Coal Mine Warkworth NSW 2330
b) Location	South Bates (Wambo Seam) Underground Mine Modification Longwalls 14 to 16 Lot C DP 33149 Lot 113 DP 753817 Lot 79 DP 753821 Lot 83 DP 548749 Lot 2 DP 709722 Wambo Coal Mine Jerrys Plains Road Warkworth NSW 2330
c) Local Government Area(s)	Singleton
d) Description of harm authorised	<ul style="list-style-type: none">• Community collection across the AHIP application area• Harm to certain Aboriginal objects through the proposed works• Harm to all unknown Aboriginal objects within the AHIP application area
e) AHIP commencement date and duration	<u>Commencement:</u> 19 November 2015 <u>Duration:</u> 10 Years

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 14 October 2015, an application was made to the Chief Executive of the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to section 90 of the *National Parks and Wildlife Act 1974* (the Act). The AHIP application was in relation to proposed mining of Longwalls 14 to 16 at the South Bates (Wambo Seam) Underground Mine.
- (ii) The subsidence assessment prepared for the modification to allow for the addition of three longwalls panels in the Wambo seam concluded that subsidence effects will extend beyond the boundary of the existing AHIP No. 2222.
- (iii) The applicant is therefore seeking an AHIP to allow for the potential impacts from the development of Longwalls 14 to 16 and possible impacts on the nine (9) known Aboriginal sites and any unknown Aboriginal sites within the subsidence footprint.
- (iv) The applicant has applied for an Area Based AHIP to be valid for ten (10) years that will allow for the potential impact to nine (9) AHIMS registered Aboriginal sites including:
 - AHIMS Site # 37-5-0590 (Wambo Site 296)
 - AHIMS Site # 37-5-0591 (Wambo Site 297)
 - AHIMS Site # 37-5-0681 (Wambo Site 382)
 - AHIMS Site # 37-5-0682 (Wambo Site 383)
 - AHIMS Site # 37-5-0683 (Wambo Site 384)
 - AHIMS Site # 37-5-0684 (Wambo Site 385)
 - AHIMS Site # 37-5-0685 (Wambo Site 386)
 - AHIMS Site # 37-5-0686 (Wambo Site 387)
 - AHIMS Site # 37-6-0637 (Wambo Site 388)
- (v) OEH supports the AHIP application and management recommendations which include 'harm' by means of:
 - Community Collection across the AHIP application area (as required);
 - Harm to certain Aboriginal objects through the proposed works; &
 - Harm to all unknown Aboriginal objects within the AHIP application area.
- (vi) OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for:

- (i) Ten (10) years from the date of commencement, that is, until **19 November 2025**.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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D. Proposed Works

The modification will include the addition of three additional longwall panels (Longwalls 14 to 16) in the Wambo Seam below the three approved longwall panels in the Whybrow Seam (Longwalls 11 to 13). Access to the additional longwall panels would be via the existing approved Bates South open pit. The Modification would use the existing and approved Wambo Coal Mine (Wambo) and surface infrastructure. The Modification is wholly within the Wambo mining tenements, namely Consolidated Coal Lease 397 and parts of Mining Lease 1594 and Mining Lease 1462. The Modification AHIP application area (AA) is situated to the south-west of the existing open cut mine and extends across Stony Creek valley, adjoining the Wollemi National Park. The modification AHIP AA encompasses the slopes on either side of the incised v-shaped Stony Creek valley, underlies the Wambo Ridge and the north-east facing screed slopes, foot slopes and toe slopes descending towards the broad u-shaped North Wambo Creek Valley to the north-east.

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

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

RICHARD BATH

Senior Team Leader Planning, Hunter Central Coast Region

Regional Operations

(By Delegation)

Date: 19 November 2015

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
& Heritage

CONTENTS

LAND TO WHICH THIS AHIP APPLIES	5
CONDITIONS	5
Administrative Conditions	5
Operational Conditions	5
Notification and Reporting Conditions	7
General Conditions	8
SCHEDULES	9
Schedule A: Aboriginal objects which must not be harmed	99
Schedule B: Aboriginal objects that may be harmed through the certain actions	9
Schedule C: Aboriginal objects which may be harmed through the proposed works	10
DICTIONARY	12
INFORMATION ABOUT THIS AHIP	14

LAND TO WHICH THIS AHIP APPLIES

The lands to which this AHIP applies is shown on **Figure (1)** - AHIP extent for South Bates (Wambo Seam) Underground Mine Modification, Longwalls 14 to 16, Wambo Coal Mine, Warkworth NSW 2330 (page 11 of this AHIP).

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, OEHL must be notified of their contact details within 14 days of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed.

Community collection

7. The Registered Aboriginal Parties *may* be provided with an opportunity to collect Aboriginal objects where practicable and as required across the AHIP Application Area.
8. The opportunity for community collection must be provided:
 - (a) in accordance with 'South Bates (Wambo Seam) Underground Mine Modification, Cultural Heritage Impact Assessment, Prepared for Wambo Coal Pty Limited, Prepared by RPS Australia East Pty Ltd, August 2015', that was provided with the application, and

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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- (b) before any harm of Aboriginal objects described in Schedule C can commence in the area.
9. Aboriginal objects that are recovered during the community collection may be analysed on-site and/or may be taken off-site for further analysis as decided by the Registered Aboriginal Parties.
10. If an opportunity for community collection has been provided and this collection does not occur, the AHIP holder may proceed with any actions to harm Aboriginal objects described in Schedule C, in accordance with the conditions of this AHIP.

Harm of certain Aboriginal objects through the proposed works

11. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').
12. Aboriginal objects described in Schedule C must not be harmed unless:
- (a) all opportunities for community collection of Aboriginal objects described in Schedule B3 have been provided in the area.

Temporary storage of certain Aboriginal objects

13. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location in the table below, pending any agreement reached about the long term management of the Aboriginal objects.
14. The temporary storage location is as follows:

Location name:	Wambo Coal Cultural Heritage Temporary Keeping Place (Care Agreement # 3130)
Address:	Adjacent to the Wambo Coal Administration Building Wambo Coal Mine Jerrys Plains Road WAMBO NSW 2330
Storage particulars:	Locked and signed storage container.

15. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Long term management of certain Aboriginal objects

16. Requirement 26 "*Stone artefact deposition and storage*" in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010, available online at: www.environment.nsw.gov.au/licences/archinvestigations.htm) must be complied with.

Notification and Reporting Conditions

Notification of commencement and completion of actions

17. Written notice must be provided to the OEH office at least 7 days prior to the commencement of actions authorised by this AHIP.
18. Written notice must be provided to the OEH office within 7 days of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

19. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.
20. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

Human remains

21. If any human remains (other than any human remains described in Schedule B4) are discovered and/or harmed in, on or under the land, the AHIP holder must:
 - (a) not further harm these remains
 - (b) immediately cease all work at the particular location
 - (c) secure the area so as to avoid further harm to the remains
 - (d) notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

22. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

23. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
 - (a) the nature of the incident
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
 - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
 - (d) any conditions of an AHIP which may have been breached, and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
24. The incident report must be provided to the OEH office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

25. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within 6 months of the completion of the actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the OEH website:
www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm
- (ii) Contact details for the AHIMS Registrar can be found on the OEH website:
www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm

General Conditions

Indemnity

26. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

27. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and
 - (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

28. Any requirement to provide written notice to the OEH office in this AHIP may be complied with by faxing the notice to the OEH office's fax number or by sending by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this AHIP.

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed, as specified by the conditions of this AHIP.

A2 Aboriginal objects that are identified on AHIMS

N/A

A3 No-harm areas

N/A

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only

N/A

B2 Test/Salvage – excavations

N/A

B3 Community collection

Community collection *may* be carried out in the across the AHIP Application Area as required and where practicable as shown on (page 11 of this AHIP).

The community collection area includes the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	37-5-0590	Grinding Groove	Wambo Site 296	No	307825	6393822	GDA
Whole	37-5-0591	Isolated Find	Wambo Site 297	No	307758	6393803	GDA
Whole	37-5-0681	Artefact Scatter	Wambo Site 382	No	308184	6294259	GDA
Whole	37-5-0682	Artefact Scatter	Wambo Site 383	No	308098	6394245	GDA
Whole	37-5-	Isolated	Wambo	No	308105	6394301	GDA

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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	0683	Find	Site 384				
Whole	37-5-0684	Artefact Scatter	Wambo Site 385	No	307996	6393438	GDA
Whole	37-5-0685	Grinding Groove	Wambo Site 386	No	307823	6392582	GDA
Whole	37-5-0686	Grinding Groove	Wambo Site 387	No	307721	6392742	GDA
Whole	37-6-0637	Grinding Groove	Wambo Site 388	No	307534	6392947	GDA

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

C1 Harm of Aboriginal objects identified on AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	37-5-0590	Grinding Groove	Wambo Site 296	No	307825	6393822	GDA
Whole	37-5-0591	Isolated Find	Wambo Site 297	No	307758	6393803	GDA
Whole	37-5-0681	Artefact Scatter	Wambo Site 382	No	308184	6294259	GDA
Whole	37-5-0682	Artefact Scatter	Wambo Site 383	No	308098	6394245	GDA
Whole	37-5-0683	Isolated Find	Wambo Site 384	No	308105	6394301	GDA
Whole	37-5-0684	Artefact Scatter	Wambo Site 385	No	307996	6393438	GDA
Whole	37-5-0685	Grinding Groove	Wambo Site 386	No	307823	6392582	GDA
Whole	37-5-0686	Grinding Groove	Wambo Site 387	No	307721	6392742	GDA
Whole	37-6-0637	Grinding Groove	Wambo Site 388	No	307534	6392947	GDA

C2 Areas where harm of Aboriginal objects is authorised

All Aboriginal objects in, on or under the land which is identified on the lands to which this AHIP applies is shown on Figure (1) - AHIP extent for South Bates (Wambo Seam) Underground Mine Modification, Longwalls 14 to 16, Wambo Coal Mine, Warkworth NSW 2330 (page 11 of this AHIP).

Aboriginal Heritage Impact Permit

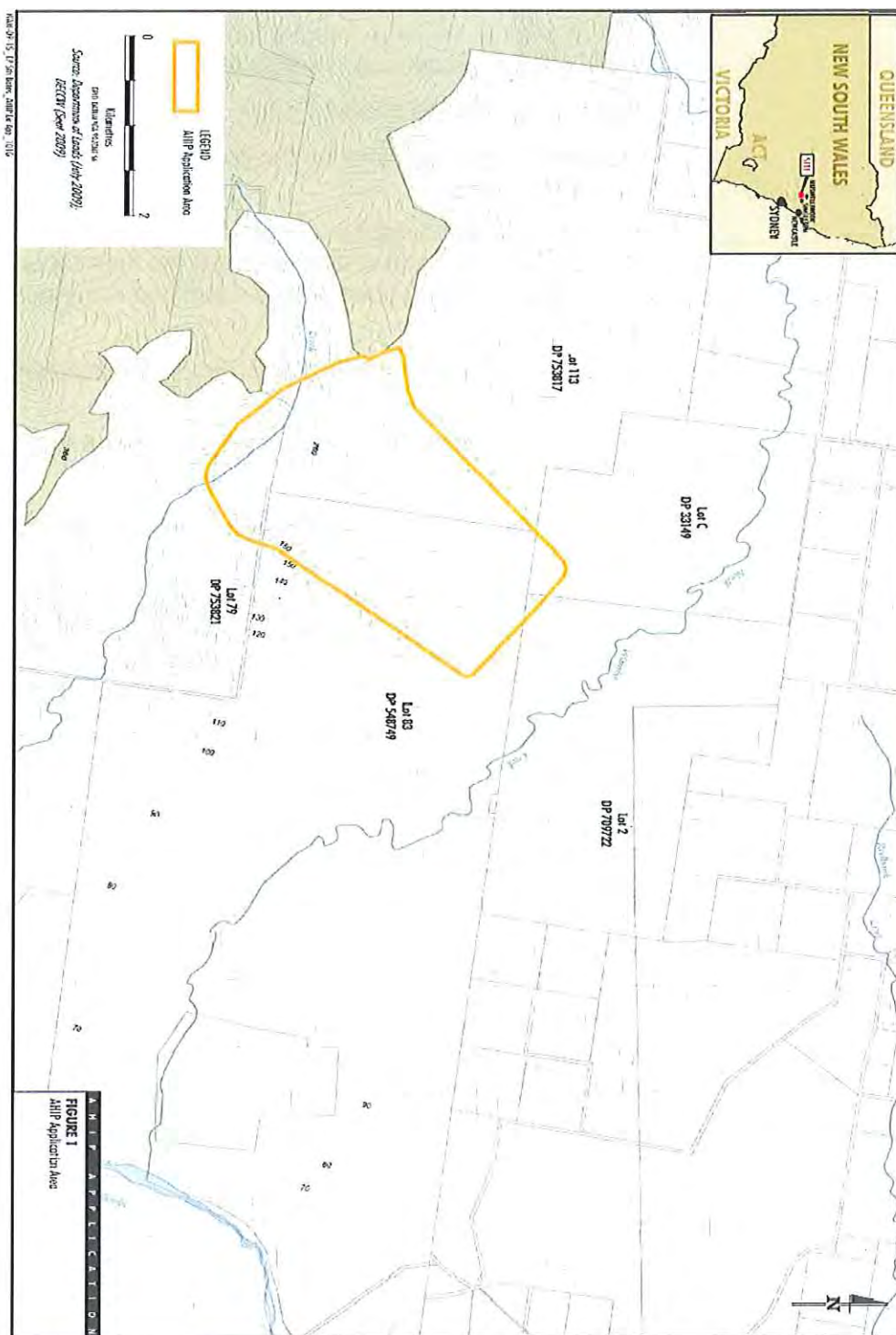
Section 90 of the *National Parks and Wildlife Act 1974*



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Figure (1)

The lands to which this AHIP applies is shown on Figure (1) - AHIP extent for South Bates (Wambo Seam) Underground Mine Modification, Longwalls 14 to 16, Wambo Coal Mine, Warkworth NSW 2330.



DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object	has the same meaning as in the Act.
Act	means the <i>National Parks and Wildlife Act 1974</i> .
AHIMS	means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act.
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading "AHIP issued to".
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Chief Executive	means Chief Executive of the Office of Environment and Heritage (NSW)
Community collection	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
Community collection area	means an area described as a community collection area in Schedule B3
Harm	has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place.
Land	means the land described under the heading "Land to which this AHIP applies".
No-harm areas	means those areas described in Schedule A3.
OEH	Office of Environment and Heritage (NSW).
OEH office	means the office listed on the cover page of this AHIP.
Proposed works	means the works described under the heading "D. Proposed Works" at the front of this AHIP.
Public register	means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Chief Executive of OEH, as described under the heading "Information about this AHIP".
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
Salvage excavation area	means any area described as a salvage excavation area in Schedule B2.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
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- Test excavation** means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.
- Test excavation area** means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Chief Executive of OEH is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Chief Executive of OEH under s.89A of the Act using the form available online at www.environment.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

The conditions of an AHIP may be varied at any time by the Chief Executive of OEH in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Chief Executive of OEH to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Chief Executive of OEH and may be subject to conditions.

Suspension and revocation of AHIP

An AHIP may be suspended or revoked at any time at the discretion of the Chief Executive of OEH. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in OEH's possession in accordance with any lawful requirement.

Making copies of reports

By providing a report, the AHIP holder acknowledges that OEH can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

OEH is able to make copies of any reports provided to OEH under this AHIP.

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

Your reference: Wambo Coal Mine AHIP Variation Applications No. 2222, No. C0001474 and No. C0002000.
Our reference: AHIMS No. 2222 / DOC17/369955-04
Notice number: C0002939
Contact: Nicole Davis, Archaeologist 0409 394 343

NOTICE ISSUED TO:

Mr Steven Peart
Environment and Community Manager
WAMBO COAL PTY LIMITED
PMB 1
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 2222

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

BACKGROUND

- A. Wambo Coal Pty Limited (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. 2222 (the AHIP) granted under section 90D of the NPW Act. The AHIP authorises consent to carry out the destruction of an Aboriginal object/place and permit to collect and/or salvage excavate for the purpose of salvage.
- B. This AHIP variation seeks to update the AHIP to reflect the recently prepared complex-wide Heritage Management Plan for the Wambo Coal Mine (July 2017) and any subsequent updates as endorsed by OEH. The purpose of the complex-wide Heritage Management Plan is to provide a consolidated description of the management of Aboriginal heritage and historic heritage at Wambo, incorporating the requirements of all the existing AHIP's.
- C. There are three current AHIP's for the Wambo Coal Mine including AHIP No. 2222, No. C0001474 and No. C0002000, which all fall under Development Consent (DA) 305-7-2003.
- D. The complex wide Heritage Management Plan has been prepared in consultation with all the registered Aboriginal parties and OEH. It is the intention of the three variations to ensure consistency across all current AHIP's for the Wambo Coal Mine.
- E. OEH received the application on 11 July 2017.
- F. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

OEH has decided to grant this variation.

By this notice OEH varies AHIP No. 2222 in the following manner:

Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

Variation 1

SCHEDULE B:

SPECIAL CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

3. The consent holder shall ensure that the Aboriginal heritage salvage program is conducted in accordance with the methods described in Attachment 3 of the Consent Application (page 2 of 6).

is replaced by:

The consent holder shall ensure that the Aboriginal heritage salvage program is conducted in accordance with the methods described in the *Wambo Coal Heritage Management Plan, Document No. WA-ENV-MNP-510, Peabody Energy, July 2017*, or any subsequent updates to the Wambo Coal Heritage Management Plan as endorsed by OEH.

Variation 2

SCHEDULE B:

SPECIAL CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

4. Prior to the commencement of the first phase of the salvage program that is described in Attachment 3 of the Consent Application, the Consent Holder shall ensure that a schedule of the Aboriginal object/sites to be the subject of that phase is provided to the Department of Environment and Conservation. The consent holder shall ensure that a similar schedule is provided to the Department of Environment and Conservation in advance of all subsequent fieldwork (pages 2-3 of 6).

is replaced by:

An Aboriginal Site Impact Recording Form is to be completed and submitted to the AHIMS Register for each AHIMS site salvaged, within 6 months of the completion of actions authorised by this AHIP.

Variation 3

SCHEDULE B:

SPECIAL CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

5. The Consent Holder shall ensure that any proposal to modify the salvage methodology are firstly discussed with the Aboriginal community, and have the endorsement of the Department of Environment and Conservation, prior to modifications being implemented. This is of particular relevance to Section 3.4.4 of the salvage methodology described in Attachment 3 of the Consent Application, which detailed the proposed 'Excavation Program Designed to Test for the presence of Deep Archaeological Deposits'. The Consent Holder shall ensure that the Department of Environment and Conservation is consulted on the "extent, scope and methodology of any follow-on salvage excavations" that may be proposed in the context of Section 3.4.4 of Attachment 3 (page 3 of 6).

is replaced by:

The consent holder shall ensure that any proposals to modify the salvage methodology outlined in the *Wambo Coal Heritage Management Plan (2017)* are undertaken in consultation with all the Registered Aboriginal Parties, and reviewed by OEH, prior to any modifications being implemented.

Note: You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number 2222, within 14 days.

A handwritten signature in black ink, appearing to be 'S. Cox'.

Steven Cox
Senior Team Leader - Planning
Hunter Central Coast Branch

(By Delegation)

Date: 4 September 2017

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP 2222 issued on 20 June 2005, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

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

Variation of this notice

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

Appeals against this decision

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

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

Your reference: Variation to AHIP # 2222 & Care Agreement # 3130
Our reference: AHIMS No. 2222 / DOC15/93564
Notice number: C0000980
Contact: Nicole Davis, 0409 394 343

NOTICE ISSUED TO

Wambo Coal Pty Limited
Trading as Wambo Coal Pty Limited
PMB 1
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 2222 & CARE AGREEMENT No. 3130

Issued pursuant to section 90D (5) & 87 (1) *National Parks and Wildlife Act 1974* (NPW Act)

BACKGROUND

- A. Wambo Coal Pty Limited (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. 2222 (the AHIP) granted under section 90D of the NPW Act. The AHIP authorises consent to carry out the destruction of an Aboriginal object/place and permit to collect and/or salvage excavate for the purpose of salvage.
- B. There is also a concurrent Care Agreement No. 3130 (the CA) granted under section 87 (1) of the NPW Act, which is in place to manage all Aboriginal objects associated with AHIP # 2222 and AHIP # 2805. In order to ensure that all necessary works are completed and Aboriginal objects appropriately managed, the applicant is also seeking to extend the life of the current Care Agreement bringing it into line with the AHIP.
- C. The applicant, is seeking changes to the AHIP & CA timeframes as the current AHIP (# 2222) & CA (# 3130) expires 19 June 2015, however, the Wambo Coal Mine is approved to March 2025 for a mine life of 21 years (from the date of commencement of Development Consent [DA 308-7-2003]). On this basis, the applicant is seeking an extension to the time period of the existing AHIP & CA for a period of an additional 10 years from the current date of expiry, to allow all necessary works outlined in the current AHIP to be undertaken at the Wambo Coal Mine. OEH supports the extension of the life of both the AHP & CA until 1 March 2025.
- D. The applicant is also seeking the inclusion of additional areas of land. The subsidence assessment prepared for the Modification concluded that *subsidence effects may extend slightly beyond the boundary* of the existing AHIP # 2222, approximately 50 metres. The Aboriginal Cultural Heritage Impact Assessment prepared (by RPS Australia East Pty Ltd March 2015) for the Modification identified no additional sites not already included within the current AHIP. On this basis, the applicant proposes that a minor variation to the existing consent boundary is necessary to include the extent of subsidence for Longwall 10A (where it extends outside of the existing consent boundary) and possible impacts to previously unrecorded sites and/or their subsurface expression. OEH supports the inclusion of additional areas of land.

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974

- E. OEH received the application on 19 March 2015 and a variation to the application was received via email on 20 April 2015.
- F. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT & CARE AGREEMENT

- 1. OEH has decided to grant this variation. By this notice OEH varies AHIP No. 2222 & CA No. 3130 in the following manner:

AHIP Variation 1

Wherever AHIP # 2222 refers to being valid for a period of 5 years, this is now taken to be AHIP # 2222 is valid for a period of 21 years, to bring the AHIP timeframe inline with the life of Wambo Coal Mine, DA 308-7-2003 (expiring 1 March 2025).

AHIP Variation 2

Schedule B on Page 2 of 6 of AHIP # 2222 defines the AHIP area, which reads:

"The "Application Area", as defined in the text and illustrations of the Consent Application".

Is replaced by:

"The 'Application Area', as defined in the text and illustrations of the AHIP variation application which appears as Attachment 1 (page 4) of this Notice of Variation. The additional area of land to be covered by the AHIP includes Part Lot 2 DP 110084 and Part Lot 83 DP 548749 in the Parish of Whybrow, County of Hunter within the Singleton Shire Council local government area".

CA Variation 3

Wherever CA # 3130 refers to being valid for a period of 5 years, this is now taken to be CA # 3130 is valid for a period of 21 years, to bring the CA timeframe inline with the life of Wambo Coal Mine, DA 308-7-2003 (expiring 1 March 2025).

Note: You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP # 2222 & CA # 3130, within 14 days.

Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

RICHARD BATH

Senior Team Leader Planning, Hunter Central Coast Region

Regional Operations

(By Delegation)

Date: 29 April 2015

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP # 2222 & CA # 3130 issued on 20 June 2005, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP & CA.

When this notice begins to operate

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

Variation of this notice

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

Appeals against this decision

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

Issue of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

Your reference: Consent 2222 Variation Application
Our reference: AHIMS No. 2222 / FIL12/7057
Notice number: 1132267
Contact: Roger Mehr, 6773 7005.

WAMBO COAL PTY LIMITED,
Trading as WAMBO COAL PTY LTD,
ABN 13 000 668 057,
PMB 1,
SINGLETON NSW 2330
STANDARD POST

NOTICE OF THE ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT AHIMS #2222

Issued pursuant to section 90C(4) of the *National Parks and Wildlife Act 1974*

BACKGROUND

- A. WAMBO COAL PTY LIMITED trading as WAMBO COAL PTY LTD (the applicant) applied to the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) under section 90A of the *National Parks and Wildlife Act 1974* (NPW Act) for an Aboriginal Heritage Impact Permit (AHIP). The AHIP variation application was in relation to variation of AHIP #2222 to include a small number of Aboriginal objects not covered by the existing AHIP.
- B. OEH received the application on 18-Mar-2013 and further information was received on 03-June-2013.

ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT VARIATION

1. OEH has considered the application and supporting information provided, and matters under section 90K of the NPW Act and has decided to issue an AHIP Variation (Variation #1132265) subject to conditions.
2. The AHIP Variation is attached.
3. You should read the AHIP Variation carefully and ensure you comply with its conditions.

It is an offence under section 90J NPW Act to fail to comply with the conditions of the AHIP. The maximum penalty that a court may impose on a corporation for failing to comply with this AHIP is \$1.1m. OEH can also issue penalty notices for this offence.

Issue of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



Office of
Environment
& Heritage

Mr Richard Bath

Unit Head

North East - Hunter

(by Delegation)

Date: 02-Aug-2013

INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the National Parks and Wildlife Act 1974.

Variation of this AHIP

- This AHIP may only be varied on application by the AHIP holder or by OEH to correct typographical errors or resolve inconsistencies between conditions of the AHIP. A permit can only be varied by subsequent variation notices.

Appeals against this decision

You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

Variation of Aboriginal Heritage Impact Permit



National Parks and Wildlife Act 1974 (NPW Act)

Our reference: AHIMS No. 2222 / DOC13/9706
Notice number: 1132265
Contact: Roger Mehr, 6773 7005

WAMBO COAL PTY LIMITED,
Trading as WAMBO COAL PTY LTD,
ABN 13 000 668 057,
PMB 1,
SINGLETON NSW 2330

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 2222

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

BACKGROUND

- A. WAMBO COAL PTY LIMITED trading as WAMBO COAL PTY LTD (the applicant) applied to the Office of Environment and Heritage, Department of Premier and Cabinet (OEH) to vary Aboriginal Heritage Impact Permit No. 2222 (the AHIP) granted under section 90D *National Parks and Wildlife Act 1974 (NPW Act)*. The AHIP authorises the carrying out of the destruction of an Aboriginal object/place and permit to collect and/or excavate for the purpose of salvage.
- B. OEH received the application on 18-Mar-2013.
- C. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

1. OEH has decided to grant this variation. By this notice OEH varies AHIP Number 2222 in the following manner:

Variation 1.

Schedule B on Page 2 of 6 of AHIP 2222 defines the AHIP area, which reads:

"The "Application Area", as defined in the text and illustrations of the Consent Application".

is replaced by:

"The "Application Area", as defined in the text and illustrations of the AHIP variation application which appears as Attachment 1 of this Notice of Variation".

Variation of Aboriginal Heritage Impact Permit



Office of
Environment
& Heritage

National Parks and Wildlife Act 1974 (NPW Act)

2. You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP Number 2222, within 14 days.

Mr Richard Bath

Unit Head

North East - Hunter

(by Delegation)

Date: 02-Aug-2013

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with **all** conditions of the original AHIP 2222 issued on 20 June 2005, **as amended** by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

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

Variation of this notice

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

Appeals against this decision

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

Aboriginal Heritage Impact Permit

Notice of Variation

National Parks and Wildlife Act 1974 (NPW Act)

Department of Environment & Climate Change NSW



BACKGROUND

1. An AHIP #2222 was issued to Wambo Coal Pty Ltd on the 20 June 2005 by the Department of Environment, Climate Change and Water (DECCW) under sections 87 and 90 of the *National Parks and Wildlife Act 1974 (NPW Act)*.
2. The original heritage consultant engaged conducted part of the works under this AHIP, however, differences of opinions of the contractual arrangements halted any further works from proceeding.
3. In 2010 Wambo Coal Pty Ltd provided documentation to DECCW of their unsuccessful attempts to meet the conditions of the AHIP and for gaining care and control of the salvaged artefacts back from the original consultants.
4. DECCW contacted the consultants holding the objects, with instructions to return them to the location stipulated in AHIP #2222. The salvaged objects were returned to Wambo Coal Pty Ltd on xx date, however, no documentation or reporting of the salvage works were provided with the return of the salvaged objects.
5. Wambo Coal Pty Ltd appointed another consultant to finalise the works under AHIP #2222. In an effort to collate, analyse and sort through the salvage process and objects to complete the reporting process required under AHIP #2222, Wambo Coal and their consultant requested additional time be granted.
6. On the 19 April 2010, Wambo Coal Pty Ltd requested the Director-General of the DECCW to extend the period of AHIP #2222 for an additional 5 years.
7. DECCW understands that none of the original salvage reporting or documentation was provided, therefore, to adequately report on the process, additional time is required.
8. Wambo Coal Pty Ltd has conducted consultation with the local Aboriginal groups and has received full support from each representative.

NOTICE OF VARIATION

I, Monica Collins, Acting Manager Planning and Aboriginal Heritage Section, North East Branch of the Department of Environment, Climate Change and Water (DECCW), as the Director-General of DECCW's delegate, vary the terms and conditions of the AHIP #2222 issued to Wambo Coal Pty Ltd on the 20 June 2005 as follows:

Aboriginal Heritage Impact Permit Notice of Variation

National Parks and Wildlife Act 1974 (NPW Act)

Department of **Environment & Climate Change** NSW



Variation 1 -

Wherever AHIP #2222 refers to being valid for a period of 5 years, this is now taken to be mean AHIP #2222 is valid for a period of 10 years (expiring on the 19 June 2015).

This variation must be attached to the original AHIP for the variations to be valid.

A handwritten signature in blue ink, appearing to read 'Monica Collins'.

Monica Collins
A/Manager North Coast Region
Environment Protection and Regulation Group
Department Environment, Climate Change and Water
Friday, 7 May 2010



Department of
Environment and Conservation (NSW)

CONSENT #: 2222

NATIONAL PARKS AND WILDLIFE ACT 1974

SECTION 87 and 90

**CONSENT TO CARRY OUT THE DESTRUCTION OF AN ABORIGINAL
OBJECT/PLACE AND PERMIT TO COLLECT AND/OR EXCAVATE FOR
THE PURPOSE OF SALVAGE**

WHEREAS the Aboriginal objects described in Schedule "A" are situated upon the land described in Schedule "B", and constitute Aboriginal objects within the meaning of Section 90 of the National Parks and Wildlife Act 1974, and WHEREAS application has been made by:

**Mr T Sutherland, Project Manager,
Wambo Development Project**

of : **Wambo Coal Pty Limited
Golden Highway
WARKWORTH NSW 2330**

FOR CONSENT to destroy those objects in the course of: **archaeological salvage and subsequent development of the Wambo Development Project in accordance with the Development Consent issued by the Minister Assisting the Minister for Infrastructure and Planning on 4 February 2004 (DA 305-7-2003-i), Singleton Local Government Area, NSW.**

NOW I, Lisa Corbyn, Director-General of the Department of Environment and Conservation, in pursuance of Section 90 of the said Act, and subject to the conditions hereunder set out DO HEREBY CONSENT to the destruction of the said objects by the said applicant. AND FURTHER, in accordance with the said Conditions and in pursuance of Section 87 of the said Act, I DO HEREBY PERMIT the salvage collection of the said objects from the aforesaid land, prior to destruction of the objects, by the nominated Archaeologists (Navin Officer Heritage Consultants Pty Ltd) and representatives of the Aboriginal community.

TERMS AND CONDITIONS OF THIS CONSENT

This Consent is issued subject to General Terms and Conditions covering all Permits and Consents, as well as the Specific Terms and Conditions pertaining to Consents to destroy Aboriginal objects and any Special Conditions, all of which are detailed in the attached pages.

DATED at COFFS HARBOUR this

20th day of June, 2005.
Gary Dawson
Director North East Branch
Issued for the Director-General of
Department of Environment and Conservation

SCHEDULE A:

Generally, all Aboriginal objects, within the definition of the *National Parks and Wildlife Act 1974*, but excluding human skeletal remains.

This includes, but is not limited to, Aboriginal objects described in Tables 1-3 of the following documentation:

- *Wambo Coal Pty Limited. April 2005. Wambo Development Project, Application for Permit under Section 87 and Consent under Section 90 of the National Parks and Wildlife Act 1974.*

This document was registered with the Department of Environment and Conservation on 28 April 2005 as DOC 05/08179, and is hereafter referred to as 'the Consent Application'.

SCHEDULE B:

The "Application Area", as defined in the text and illustrations of the Consent Application.

SPECIAL CONDITIONS APPLYING TO CONSENTS WITH SALVAGE

1. The Consent Holder shall ensure that no works (ie disturbance and/or the salvage of known Aboriginal objects as described in the Consent Application) are undertaken within the portion of the Application Area that is also the subject of the Application that has been made under Section 10 of the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984*, until such time as the Section 10 Application has been determined by the Commonwealth Minister for Environment and Heritage.
2. The Consent Holder shall ensure that should any human remains be located during ground disturbing works, all work in the vicinity must cease immediately and the NSW Police Department and the Department of Environment and Conservation, North East Branch, be notified immediately. Work must not commence in the vicinity until such time as DEC officers have examined the find and discussed its management.
3. The Consent Holder shall ensure that the Aboriginal heritage salvage program is conducted in accordance with the methods described in Attachment 3 of the Consent Application.
4. Prior to the commencement of the first phase of the salvage program that is described in Attachment 3 of the Consent Application, the Consent Holder shall ensure that a schedule of the Aboriginal objects/sites to be the subject of that phase is provided to the Department of Environment and Conservation. The Consent Holder shall ensure that a similar schedule is provided to the Department of

Environment and Conservation in advance of all subsequent fieldwork phases.

5. The Consent Holder shall ensure that any proposals to modify the salvage methodology are firstly discussed with the Aboriginal community, and have the endorsement of the Department of Environment and Conservation, prior to modifications being implemented. This is of particular relevance to Section 3.4.4 of the salvage methodology described in Attachment 3 of the Consent Application, which details the proposed 'Excavation Program Designed to Test for the presence of Deep Archaeological Deposits'. The Consent Holder shall ensure that the Department of Environment and Conservation is consulted on the "extent, scope and methodology of any follow-on salvage excavations" that may be proposed in the context of Section 3.4.4 of Attachment 3.
6. The Consent Holder shall ensure that the Proposed Management Measures detailed in Table 6 of the Consent Application for Aboriginal objects/sites in the Remnant Woodland Enhancement Programme Areas be undertaken on an as needs basis. Where possible, management measures to be implemented for habitat conservation and/or restoration within these areas are to be undertaken in a manner that minimises impact to Aboriginal cultural heritage and the need to collect and re-locate Aboriginal objects. The Consent Holder shall ensure that these considerations are incorporated within the broader Fauna & Flora Offset Strategy (Conditions 40-41, 44-48 & 51, Schedule 4 of the Development Consent issued on 4 February 2004 for DA 305-7-2003-i).
7. The Consent Holder shall ensure that protocols for the long-term management of Aboriginal objects/sites within the Application Area and Mining Lease generally are incorporated within the broader Environmental Management Strategy for the Wambo Development Project (Condition 1, Schedule 6 of the Development Consent issued on 4 February 2004 for DA 305-7-2003-i).

SPECIFIC CONDITIONS APPLYING TO CONSENT WITH SALVAGE

1. The Consent covers only those Aboriginal objects described in the instrument of Consent and in any Schedules thereto.
2. The Consent is conditional upon all relevant development approvals having been obtained.
3. Should the Aboriginal objects listed in Schedule 'A' above remain in existence five (5) years from the date of this document, the Consent shall be deemed to be void, and any further damage to the Aboriginal objects will require the preparation of a new Consent document.
4. Should any 'object', defined under the Heritage Act of NSW be uncovered, then excavation or disturbance of that area is to stop

immediately and the Heritage Council of NSW is to be informed in accordance with S.146 of the Heritage Act, 1977 (as amended).

The Heritage Council can be contacted on (02) 9635 6155.

An 'object' under the Heritage Act is defined as any deposit, object or material evidence-

- (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and
- (b) which is 50 or more years old.

5. The holder of the Consent shall furnish the Department of Environment and Conservation with a report at the completion of the salvage work or expiry of the Consent or any renewal thereof, whichever occurs first. Such report shall include:
- a complete list of all material recovered;
 - a detailed description of the methods of excavation/collection and analysis used;
 - a detailed plan of the site, including the location of collection areas, all trenches, auger holes and spoil heaps;
 - summary of consultation undertaken with relevant Local Aboriginal Land Councils or relevant Aboriginal Community Groups.

GENERAL TERMS AND CONDITIONS

1. Permits and Consents are not transferable.
2. A Permit covers only that area stated in the Permit.
3. A Consent covers only that area stated in the instrument of Consent and in any Schedules thereto.
4. Permits may be revoked at any time at the discretion of the Director-General.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General.
6. The Person to whom the Permit is issued or the Consent granted shall be responsible for the manner in which the work covered by the Permit or Consent is performed.
7. An officer of the Department of Environment and Conservation, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit or Consent.
8. Permits and Consents are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.
9. The holder of the Permit or Consent shall furnish, when required to do so, an undertaking to indemnify the Department of Environment and

Conservation against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit or Consent.

10. All reports received in connection with work carried out under a Permit or Consent shall be treated as confidential but the Department of Environment and Conservation shall have the right to copy all such reports, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit or Consent, the holder of the Permit or Consent may refuse to allow the Department of Environment and Conservation and The Australian Museum, if such information is held by those institutions, to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons. After this period of five years from the date of issue of the Permit or Consent, the Department of Environment and Conservation and The Australian Museum shall have the right to use and authorise the use of information contained in all reports submitted under the Permit or Consent, except where specifically requested by the holder of the Permit or Consent.
12. Upon publication of any information relating to work done under a Permit or Consent, a copy of such publication(s) shall be forwarded to the Department of Environment and Conservation, The Australian Museum, Sydney, and the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra, unless permission to do otherwise has been obtained from the Department of Environment and Conservation.
13. The holder of the Permit or Consent shall consult with the local Aboriginal community regarding the work covered by the Permit or Consent and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The Department of Environment and Conservation and The Australian Museum may supply copies of relevant reports as furnished by the holder of the permit or Consent to local Aboriginal communities. Upon request by the Department of Environment and Conservation, the holder of the Permit or Consent shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interest local groups.
15. The holder of the Permit or Consent shall keep field records and a copy of all such records shall be lodged with the Department of Environment and Conservation at the termination of each field work period.
16. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) Furnish an undertaking to indemnify the Department of Environment and Conservation

against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;

- (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the Department of Environment and Conservation within two weeks from the date of revocation of that Permit;
 - (iii) furnish the Department of Environment and Conservation within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered;
 - (iv) deposit any Aboriginal objects removed during work associated with the Permit, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, after these Aboriginal objects have been fully examined, or within six months from the date of revocation of that Permit whichever occurs sooner.
- (b) The Department of Environment and Conservation and The Australian Museum shall have the right to use and authorise the use of information collected under the Permit.



Environment, Climate Change & Water

C&C Permit:

#3130

AHIP Permits:

#2222 & 2085

NATIONAL PARKS AND WILDLIFE ACT 1974

SECTION 87(1)

PERMIT FOR CUSTODY AND CONTROL OF ABORIGINAL OBJECTS SALVAGED UNDER ABORIGINAL HERITAGE IMPACT PERMITS (AHIP) #2085 and #2222 IN ACCORDANCE WITH SECTION 87/90 OF THE NPW ACT 1974.

Permit issued to: **Sarah Bailey**
WAMBO COAL PTY. LTD.
ABN No. 13 000 668 057

Address: **Wambo Coal Mine**
Jerry's Plains Rd
Warkworth NSW 2330

Authority is hereby given for the organisation named above to have custody and control of the Aboriginal cultural objects listed below:

1. All objects salvaged from the 257 Sites and 16 Potential Archaeological Deposits listed in AHIP #2222 issued by DECCW on 20 June 2005 (as specified in *Wambo Coal Pty Ltd. April 2005. Wambo Development Project, Application for Permit under Section 87 and consent under Section 90 of the National Parks and Wildlife Act 1974.* – refer Tables 1, 2 and 3)
2. All objects salvaged from the 25 Sites as listed in AHIP #2085 issued by DECCW on 14 December 2004.

TERMS AND CONDITIONS OF THIS PERMIT:

This Permit is issued subject to **General Terms and Conditions** (see over) pertaining to every Permit for Custody and Control. This Permit is also subject to any **Specific Conditions** which are also detailed hereunder.

Dated at Grafton this **2 day of March, 2010.**

Brett Nudd

A/Manager North Coast Region
North East Branch

Issued on behalf of the Director-General of Department of Environment, Climate Change and Water

General Terms and Conditions

1. Permits are not transferable.
2. A Permit covers only that area, or those objects, stated in the Permit
3. A Permit covers only that area stated in the instrument and in any Schedules thereto.
4. Permits may be revoked at any time at the discretion of the Director-General of DECCW.
5. Terms and conditions of Permits may be varied at any time at the discretion of the Director-General of DECCW.
6. The Person to whom the Permit is issued shall be responsible for the manner in which the work covered by the Permit is performed.
7. An officer of the Department of Environment, Climate Change and Water, acting on the authority of the Director-General, may at any time examine work done or any objects recovered under any Permit.
8. Permits are necessary for all activities for which they are issued or granted, but do not in themselves give authority to enter or work on freehold land or leased Crown Land. Permission must be sought from the owner or occupier and arrangements made with him/her.
9. The holder of the Permit shall furnish, when required to do so, an undertaking to indemnify the DECCW against all actions, suits, claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit.
10. The DECCW shall have the right to copy all such reports prepared under DECCW Permits, to allow consideration thereof by qualified referees.
11. For a period of five years from the date of issue of the Permit, the holder of the Permit may refuse to allow the DECCW to make public any information contained in any report referred to in Condition 10 above, except where it is deemed necessary for management, protection or research reasons.

After this period of five years from the date of issue of the Permit, the DECCW shall have the right to use and authorise the use of information contained in all reports submitted under the Permit, except where specifically requested by the holder of the Permit.
12. Upon publication of any information relating to work done under a Permit, a copy of such publication(s) shall be forwarded to the DECCW, north east branch.

13. The holder of the Permit shall consult with the local Aboriginal community regarding the work covered by the Permit and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The DECCW may supply copies of relevant reports as furnished by the holder of the Permit to local Aboriginal communities. Upon request by the Service, the holder of the Permit shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interested local groups.
15. The holder of the Permit shall keep field records and a copy of all such records shall be lodged with the DECCW at the termination of each field work period if requested.
16. The holder of the Permit shall notify the local office of the DECCW at the commencement and completion of fieldwork, and shall supply to District officers details of field work programs and results if requested.
17. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) Furnish an undertaking to indemnify the DECCW against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
 - (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the DECCW within two weeks from the date of revocation of that Permit;
 - (iii) furnish the DECCW within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered.
 - (iv) deposit any Aboriginal objects removed during work associated with #2222 and #2085, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, within 1 month from the date of the revocation of that Permit.
 - (b) The DECCW shall have the right to use and authorise the use of information collected under the Permit.

Specific Terms and Conditions

1. Aboriginal objects are to be stored securely by the Permit holder as described in the application dated 23 February 2009 (Job Reference 25586451) and registered with DECCW as DOC09/30002 in FIL09/8301.
2. The Permit holder is to notify DECCW in writing within 7 days of relocation of the Aboriginal objects under Condition 1.
3. Should Aboriginal objects be loaned out for an educational or display purpose, the responsibility for the safe keeping still rests with the Permit holder.
4. The Aboriginal objects may not be moved to a new location without the approval of the Director-General of DECCW. If it is proposed to transfer custody and control, the intended recipient must forward an application for a Custody and Control Permit prior to the transfer taking place.
5. Access to the Aboriginal objects is to be provided to bona fide researchers and organisations.
6. Access under condition 5 must be approved by the Permit holder.
7. Site cards must be submitted and registered with the DECCW Aboriginal Heritage and Information System (AHIMS) for the following sites prior to the relocation of any objects within them under this Permit. It is the responsibility of the Permit holder to obtain confirmation from the DECCW that registration has occurred.

Wambo Sites 23, 47, 48, 74, 77-80, 85-97, 108, 113, 116, 154 and 166.

Please also note:

- a. Sites 98 (37-5-0186), 102-105 (37-5-0183), 117-120 (37-5-0173, 37-5-0488, 37-5-0489, 37-5-0490) and 122-126 (37-5-0172) listed on AHIP Permit #2222 and Sites JP5 to 31 (37-6-1434 to 37-6-1450) listed on AHIP Permit #2085 as being unregistered at the time are now confirmed by DECCW as being registered and subject to this Permit.
 - b. It is a requirement under Section 91 of the NPW Act that all outstanding Aboriginal Sites discovered are registered with the DECCW.
8. All Potential Archaeological Deposits (PADs) listed in Table 2 of AHIP # 2222 are to be registered as Sites (if not already) in AHIMS, in the event that any objects associated with them are or already have been discovered.
 9. This Permit is valid for five years from the date of signature by the Director-General's delegate or until such time as AHIP #2222 is varied to address the temporary storage of objects or a permanent location for the objects is agreed with the Aboriginal Working Group and approved by the DECCW whichever is the sooner.

13. The holder of the Permit shall consult with the local Aboriginal community regarding the work covered by the Permit and shall respond to any reasonable request to involve the Aboriginal community in the work.
14. The DECCW may supply copies of relevant reports as furnished by the holder of the Permit to local Aboriginal communities. Upon request by the Service, the holder of the Permit shall supply a summary of his/her findings with photographs, diagrams, etc., as required, to local Aboriginal communities or other interested local groups.
15. The holder of the Permit shall keep field records and a copy of all such records shall be lodged with the DECCW at the termination of each field work period if requested.
16. The holder of the Permit shall notify the local office of the DECCW at the commencement and completion of fieldwork, and shall supply to District officers details of field work programs and results if requested.
17. In the event of a Permit being revoked -
 - a) The Person to whom that Permit was issued shall
 - (i) Furnish an undertaking to indemnify the DECCW against all actions, suits, claims and demands of whatsoever nature, and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise solely out of the existence of any works associated with the Permit;
 - (ii) leave the areas, the subject of that Permit, in a condition satisfactory to the DECCW within two weeks from the date of revocation of that Permit;
 - (iii) furnish the DECCW within six months from the date of revocation of the Permit, a full report on the work completed at the date of revocation. Such a report shall include a complete list of any material recovered.
 - (iv) deposit any Aboriginal objects removed during work associated with #2222 and #2085, together with a copy of all field records, at The Australian Museum or at another place designated by the Museum, within 1 month from the date of the revocation of that Permit.
 - (b) The DECCW shall have the right to use and authorise the use of information collected under the Permit.

Specific Terms and Conditions

1. Aboriginal objects are to be stored securely by the Permit holder as described in the application dated 23 February 2009 (Job Reference 25586451) and registered with DECCW as DOC09/30002 in FIL09/8301.
2. The Permit holder is to notify DECCW in writing within 7 days of relocation of the Aboriginal objects under Condition 1.
3. Should Aboriginal objects be loaned out for an educational or display purpose, the responsibility for the safe keeping still rests with the Permit holder.
4. The Aboriginal objects may not be moved to a new location without the approval of the Director-General of DECCW. If it is proposed to transfer custody and control, the intended recipient must forward an application for a Custody and Control Permit prior to the transfer taking place.
5. Access to the Aboriginal objects is to be provided to bona fide researchers and organisations.
6. Access under condition 5 must be approved by the Permit holder.
7. Site cards must be submitted and registered with the DECCW Aboriginal Heritage and Information System (AHIMS) for the following sites prior to the relocation of any objects within them under this Permit. It is the responsibility of the Permit holder to obtain confirmation from the DECCW that registration has occurred.

Wambo Sites 23, 47, 48, 74, 77-80, 85-97, 108, 113, 116, 154 and 166.

Please also note:

- a. Sites 98 (37-5-0186), 102-105 (37-5-0183), 117-120 (37-5-0173, 37-5-0488, 37-5-0489, 37-5-0490) and 122-126 (37-5-0172) listed on AHIP Permit #2222 and Sites JP5 to 31 (37-6-1434 to 37-6-1450) listed on AHIP Permit #2085 as being unregistered at the time are now confirmed by DECCW as being registered and subject to this Permit.
 - b. It is a requirement under Section 91 of the NPW Act that all outstanding Aboriginal Sites discovered are registered with the DECCW.
8. All Potential Archaeological Deposits (PADs) listed in Table 2 of AHIP # 2222 are to be registered as Sites (if not already) in AHIMS, in the event that any objects associated with them are or already have been discovered.
 9. This Permit is valid for five years from the date of signature by the Director-General's delegate or until such time as AHIP #2222 is varied to address the temporary storage of objects or a permanent location for the objects is agreed with the Aboriginal Working Group and approved by the DECCW whichever is the sooner.

APPENDIX C
ASSESSMENT OF POTENTIAL ENVIRONMENTAL CONSEQUENCES FOR
SOUTH BATES EXTENSION UNDERGROUND MINE

C.1 South Bates Extension Underground Mine Longwalls 17 to 24

In accordance with Schedule 2 Condition B7 of Development Consent (DA 305-7-2003), this appendix presents an assessment of the potential environmental consequences of the Longwalls 17 to 20 Extraction Plan and Longwalls 21 to 24 Extraction Plan in relation to Aboriginal heritage and historic heritage, incorporating any relevant information that has been obtained since the consent for these longwalls.

Longwalls 17 to 24 are shown on **Figure C-1**.

C.2 Aboriginal Heritage Sites within Longwalls 17 to 20 and Longwalls 21 to 24 Study Areas

Aboriginal cultural heritage surveys were undertaken as part of the South Bates Extension Modification Aboriginal Cultural Heritage Assessment and subsequent AHIP Application (Kuskie, 2017a, 2017g). The sites identified in these surveys (as well as during previous surveys and assessment at Wambo [Section 2 of this HMP]) have been considered in this HMP.

Aboriginal heritage sites recorded during the surveys conducted to date and located within the Longwalls 17 to 20 and Longwalls 21 to 24 study areas are shown on **Figure C-2**. **Table C-1** presents those (extant or *in situ*) sites which may be potentially impacted as a result of subsidence (and/or associated remediation activities) from Longwalls 17 to 24.

Table C-1: Aboriginal Heritage Sites within the Longwalls 17 to 20 and Longwalls 21 to 24 Study Areas Subject to Potential Impacts

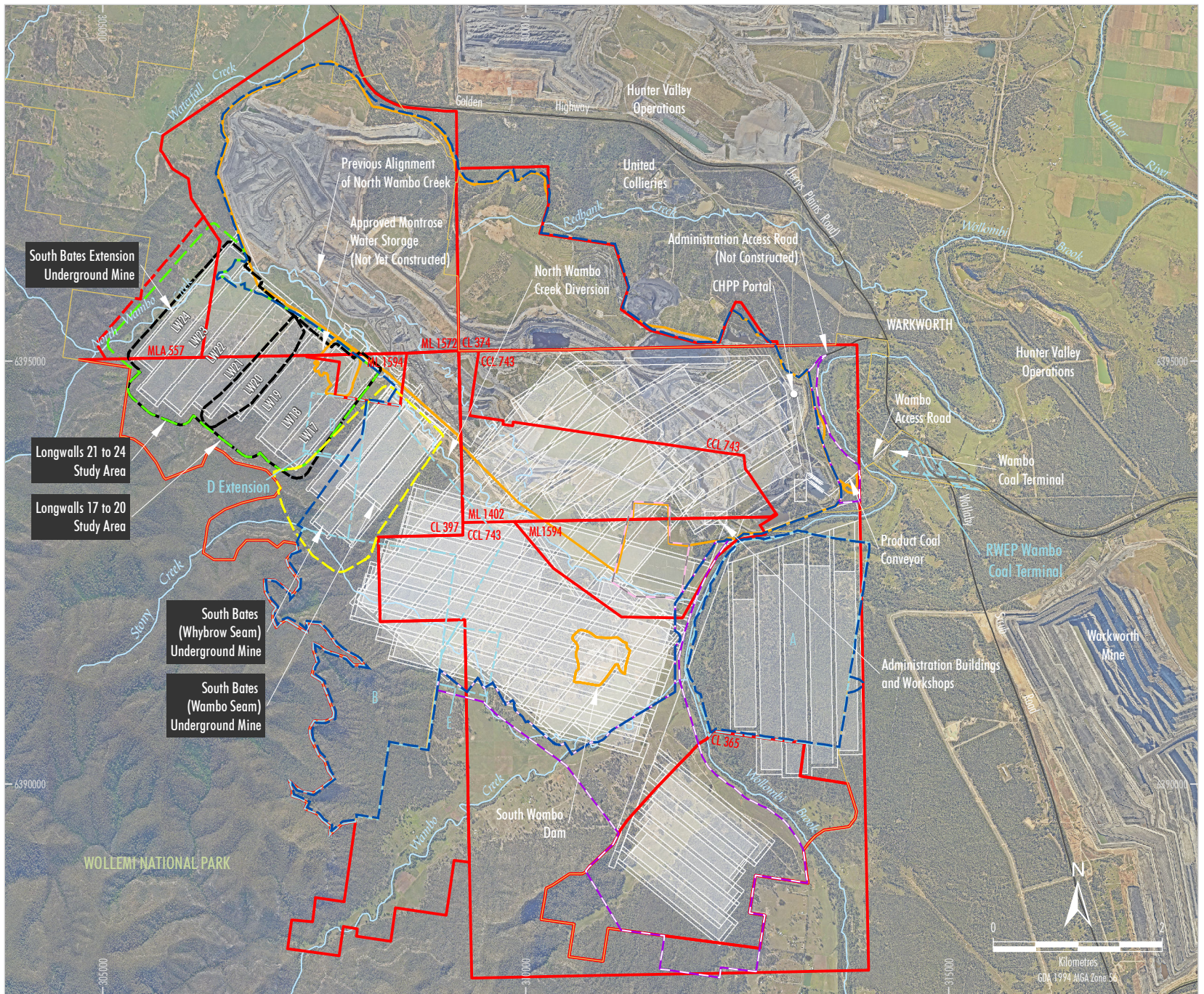
Site	Site Type	Archaeological Significance		Description of Location	Relevant Study Area
		Local	Regional		
230	Open Artefact Site	Low	Low	Directly above Longwall 19	Longwalls 17-20 EP
231	Open Artefact Site	Low	Low	20 m north-east of Longwall 20	Longwalls 17-20 EP
240	Open Artefact Site	Low	Low	Directly above Longwall 24	Longwalls 21-24 EP
241	Open Artefact Site	Low	Low	Directly above Longwall 24	Longwalls 21-24 EP
308	Open Artefact Site	Low	Low	105.6 m north-west of Longwall 24	Longwalls 21-24 EP
311	Open Artefact Site	Low-Mod ¹	Low	Directly above Longwall 24	Longwalls 21-24 EP
324	Scarred Tree ²	Low	Low	Directly above Longwall 21	Longwalls 21-24 EP
488	Open Artefact Site	Low-Mod ¹	Low	Directly above Longwall 24	Longwalls 21-24 EP
489	Open Artefact Site	Low-Mod ¹	Low	26.1 m north-west of Longwall 24	Longwalls 21-24 EP
491	Open Artefact Site	Low	Low	Directly above Longwall 24	Longwalls 21-24 EP
493	Open Artefact Site	Low	Low	Directly above Longwall 22	Longwalls 21-24 EP
494	Open Artefact Site	Low	Low	Directly above Longwall 18	Longwalls 17-20 EP
496	Open Artefact Site	Low	Low	28.8 m north-east of Longwall 21	Longwalls 21-24 EP
497	Open Artefact Site	Low	Low	Directly above Longwall 18	Longwalls 17-20 EP
498	Open Artefact Site	Low-Mod ¹	Low	84.0 m north-west of Longwall 24	Longwalls 21-24 EP
499	Rock shelter with PAD	Low ³	Low ³	Directly above Longwall 21	Longwalls 17-20 EP Longwalls 21-24 EP
500	Rock shelter with PAD	Low ³	Low ³	Directly above Longwall 18	Longwalls 17-20 EP
501	Rock shelter with PAD	Low ³	Low ³	Directly above Longwall 18	Longwalls 17-20 EP
502	Rock shelter with PAD	Low ³	Low ³	Directly above Longwall 18	Longwalls 17-20 EP
503	Rock shelter with PAD	Low	Low	76.5 m south-west of Longwall 23	Longwalls 21-24 EP
504	Rock shelter with PAD	Low	Low	Directly above Longwall 22	Longwalls 21-24 EP
505	Isolated Artefact	Low	Low	Directly above Longwall 19	Longwalls 17-20 EP
506	Isolated Artefact	Low	Low	Directly above Longwall 19	Longwalls 17-20 EP
507	Rock shelter with PAD	Low ³	Low ³	Directly above Longwall 19	Longwalls 17-20 EP
PAD J	Open PAD	Low ³	Low ³	Directly above Longwall 17	Longwalls 17-20 EP
PAD K	Open PAD	Low ³	Low ³	Directly above Longwall 17	Longwalls 17-20 EP
PAD L	Open PAD	Low ³	Low ³	Directly above Longwall 19	Longwalls 17-20 EP

After: Kuskie (2017a, 2017g), Mine Subsidence Engineering Consultants (MSEC) (2018; 2019; 2020).

¹ Low-possibly moderate.

² Probably non-Aboriginal origin, low quality example.

³ Potential archaeological significance.



- LEGEND**
- WCPL Owned Land
 - Mining and Coal Lease Boundary
 - - - Mining Lease Application Boundary
 - Existing/Approved Surface Development Area
 - Longwalls 21 to 24
 - Other Approved Underground Development
 - - - Remnant Woodland Enhancement Program (RWEF) Area
 - Study Area
 - - - Consent 2222 Boundary
 - - - AHIP # C0001474 Boundary
 - - - AHIP # C0002000 Boundary
 - - - AHIP # C0003213 Boundary
 - - - Wambo Homestead Complex Curtilage

Source: WCPL (2019); NSW Spatial Services (2019)
 Orthophoto: WCPL (May 2019)

Peabody
 W A M B O C O A L M I N E
 Longwalls 17 to 20 and
 Longwalls 21 to 24 Study Areas

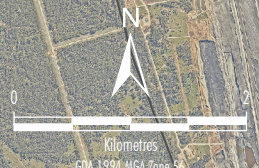
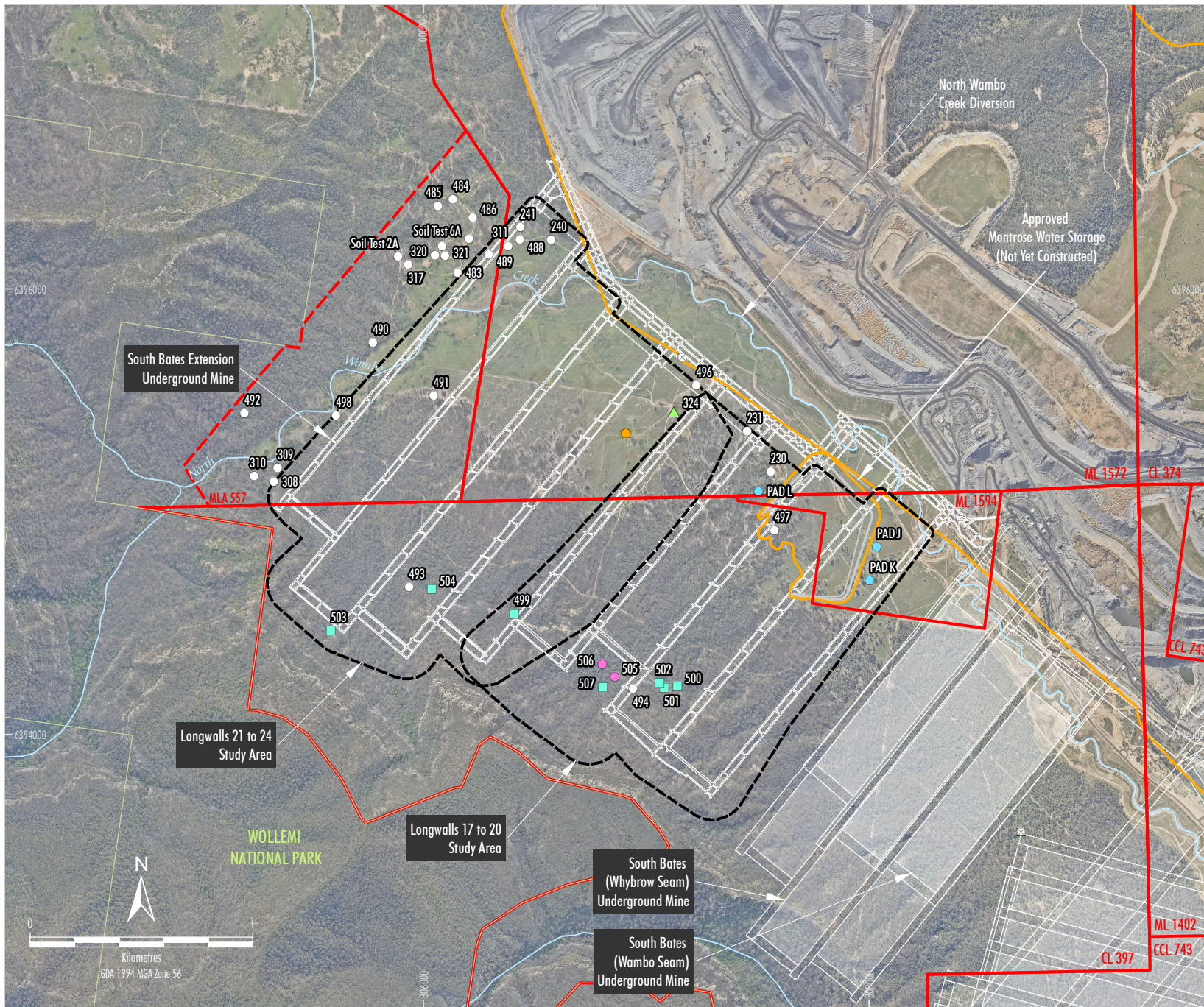


Figure C-1



- LEGEND**
- Mining and Coal Lease Boundary
 - - - Mining Lease Application Boundary
 - National Park Boundary
 - Existing/Approved Surface Development Area
 - Longwalls 21 to 24
 - Other Approved Underground Development
 - Ventilation Shaft
 - Study Area
 - Whynot Homestead
 - Aboriginal Heritage Sites
 - Isolated Artefact
 - Open Artefact Site
 - Open PAD
 - Rock Shelter with PAD
 - ▲ Scarred Tree

PAD - Potential Archaeological Deposit

Source: WCPL (2020); NSW Spatial Services (2019); MSEC (2016); South East Archaeology (2017); ELE Heritage (2017)
 Orthophoto: WCPL (May 2019)

Peabody
 W A M B O C O A L M I N E
 Heritage Sites located within
 Longwalls 17 to 20 and
 Longwalls 21 to 24 Study Areas

Figure C-2

C.3 Historic Heritage Sites within Longwalls 17 to 20 and Longwalls 21 to 24 Study Areas

There are no listed heritage items in the Longwalls 17 to 20 or Longwalls 21 to 24 Study Areas under the Australian Heritage Database (which incorporates the National Heritage List and the Commonwealth Heritage List); the NSW Heritage Inventory; or the *Singleton Local Environmental Plan 2013*.

The Wambo Homestead Complex is located approximately 3.5 km south-east of the Longwalls 17 to 20 Study Area.

The majority of the Longwalls 17 to 20 and Longwalls 21 to 24 Study Areas is covered by the Whynot property granted to Noah Long in 1906 and now owned by WCPL.

There is a homestead, other outbuildings and fenced yards on the Whynot property that appear to date from the Federation Period (EJE Heritage, 2017). The buildings are not currently tenanted, are in a degraded state, and show signs of termite activity.

The homestead on the Whynot property is located outside of the Longwalls 17 to 20 Study Area but inside of the Longwalls 21 to 24 Study Area (directly overlying Longwall 21) (**Figure C-2**).

The homestead is a single storey timber framed structure, supported on timber piers, with timber and fibro wall claddings and a metal sheeted roof (EJE Heritage, 2017). Other structures on the property include timber framed sheds with metal sheet cladding and water storage tanks.

Whilst the Whynot property is in proximity to the Wambo Homestead, the Whynot property does not share in its associations or significance (EJE Heritage, 2017). The Whynot Homestead and outbuildings are not rare or exceptional examples of their type.

The analysis of heritage significance (EJE Heritage, 2017) concluded that the Whynot property has little significance under any and all criteria within a local context. In addition, EJE Heritage (2017) concluded the structures are not listed as a heritage item on any schedule and are not considered eligible for such protection.

C.4 Assessment of Potential Subsidence Impacts and Environmental Consequences

C4.1 Assessment of Potential Subsidence Impacts and Environmental Consequences on Aboriginal Heritage

The potential impacts of the South Bates Extension Underground Mine on Aboriginal heritage were assessed in the South Bates Extension Modification Environmental Assessment (WCPL, 2017).

MSEC (2018; 2019; 2020) undertook specific assessments of the potential impacts of the extraction of Longwalls 17 to 20 and Longwalls 21 to 24 on Aboriginal heritage sites. Subsidence predictions for identified Aboriginal heritage sites within the Longwalls 17 to 20 and Longwalls 21 to 24 Study Areas have been determined by MSEC (2018; 2019; 2020) and are summarised in Table C-2 below.

Table C-2: Summary of Subsidence Predictions for Aboriginal Heritage Sites

Site	Site Type	Predicted Total Subsidence (mm)	Predicted Total Tilt (mm/m)	Predicted Total Hogging Curvature (1/km)	Predicted Total Sagging Curvature (1/km)
230	Open Artefact Site	1,800	1	> 3.0	> 3.0
231	Open Artefact Site	< 20	< 0.5	< 0.01	< 0.01
240	Open Artefact Site	1,900	10	> 3.0	> 3.0
241	Open Artefact Site	1,300	75	> 3.0	> 3.0
308	Open Artefact Site	< 20	< 0.5	< 0.01	< 0.01
311	Open Artefact Site	1,600	70	> 3.0	> 3.0
324	Scarred Tree ¹	1,700	60	> 3.0	> 3.0
488	Open Artefact Site	1,900	75	> 3.0	> 3.0
489	Open Artefact Site	75	5	0.5	0.5
491	Open Artefact Site	1,700	45	> 3.0	> 3.0
493	Open Artefact Site	1,600	20	0.4	0.5
494	Open Artefact Site	200	4	0.2	0.04
496	Open Artefact Site	< 20	< 0.5	< 0.01	< 0.01
497	Open Artefact Site	1,100	50	3	2
498	Open Artefact Site	< 20	< 0.5	< 0.01	< 0.01
499	Rock shelter with PAD	400	10	0.3	0.1
500	Rock shelter with PAD	1,700	10	0.6	0.6
501	Rock shelter with PAD	1,600	20	0.4	0.6
502	Rock shelter with PAD	1,200	20	0.3	0.3
503	Rock shelter with PAD	25	1	< 0.01	< 0.01
504	Rock shelter with PAD	1,500	20	0.5	0.5
505	Isolated Artefact	1,400	20	0.4	0.3
506	Isolated Artefact	1,700	20	0.5	0.5
507	Rock shelter with PAD	1,500	20	0.3	0.4
PAD J	Open PAD	1,900	1	> 3.0	> 3.0
PAD K	Open PAD	1,700	55	> 3.0	> 3.0
PAD L	Open PAD	1,800	2	> 3.0	> 3.0

Source: MSEC (2018; 2019; 2020).

¹ Probably non-Aboriginal origin, low quality example.

mm – millimetres.

mm/m – millimetres per metre.

km – kilometre.

Rock Shelters with PAD

MSEC (2018; 2019; 2020) have assessed the potential for adverse subsidence impacts occurring to the seven rock shelters with PADs as follows:

- Site 499 – it has been assessed as “possible” for adverse impacts from Longwalls 21 to 24 to occur (>25% probability), as it is up to approximately 20 m wide and represents a large proportion of the length of the discontinuous minor cliff. This probability represents the likelihood of adverse fracturing and spalling being coincident with the rock shelter.
- Sites 500, 501, 502, 504 and 507 – it has been assessed as “very unlikely” for adverse impacts from Longwalls 17 to 20 or Longwalls 21 to 24 to occur (<10% probability), due to the small nature of the shelters and their formation in minor cliffs and isolated rock outcrops.
- Site 503 – it has been assessed as “rare” for adverse impacts from Longwalls 21 to 24 to occur (<5% probability), due to the small nature of the shelter and its’ formation within a conglomerate rock outcrop.

In general, should subsidence impacts occur to any of these rock shelters, it is anticipated that rock falls would affect the integrity of the shelter and may potentially sterilise a portion of the archaeological deposit, however, in the absence of rock art, unless a major rock fall occurs, the effects on any deposits may not be substantial (Kuskie, 2017a). Nevertheless, rock fall may reduce the visual integrity of a site and aspects of its heritage significance.

Cracking is a potential cause of more substantive impacts to a shelter. Although cracking may not directly affect archaeological deposits, major cracking has the effect of rendering a shelter susceptible to collapse or rock fall, and effectively unsafe. Such cracking may effectively sterilise the Aboriginal heritage resource within the shelter, as it is not available for Aboriginal community members to safely visit or for any future scientific research (e.g. excavation) to be conducted safely (Kuskie, 2017a). Cracking may also reduce the visual integrity of a site and aspects of its heritage significance.

Scarred Tree

No scarred trees were identified within the heritage study area for the South Bates Extension Underground Mine Modification (Kuskie, 2017a). The previously reported scar tree (Wambo Site 324) has been reassessed as probably being of non-Aboriginal origin.

Notwithstanding, the size and extent of surface cracking in the vicinity of the scarred tree is expected to be similar to that observed near the finishing ends of Longwalls 11 to 13 (South Bates Underground Mine) and Longwall 17 (South Bates Extension Underground Mine). The likelihood that surface cracking would be coincident with the tree is considered low. MSEC (2020) has therefore assessed the potential for adverse impacts on Site 324 due to mining as very unlikely (i.e. less than 10%).

As recommended by Kuskie (2017a), if potential impacts to Site 324 may occur, a qualified arborist should be engaged to assess the potential age of the tree and scar and cause of the scar formation, in consultation with an archaeologist and representative(s) of the RAPs.

Open Artefact Sites

The maximum predicted total tilts are 70 mm/m for the open artefact sites. MSEC (2018; 2020) considers it unlikely that these sites would experience adverse impacts resulting from the mining induced tilts.

Stone artefacts (i.e. isolated finds and artefacts scatters) are not sensitive to subsidence movements. Potential impacts to these site types are limited to direct disturbance from surface activities and impacts to soil (i.e. localised soil cracking resulting in an artefact(s) falling into the subsoil).

MSEC (2018; 2020) considers that it is unlikely that the stone artefact sites themselves would be adversely impacted by any potential surface cracking. It is possible, however, that if remediation of the surface was required after mining, that these works could potentially impact these sites. This would be managed through the Surface Disturbance Permit process (Section 4.1 of this HMP).

C4.2 Assessment of Potential Subsidence Impacts and Environmental Consequences on Historic Heritage

The Wambo Homestead Complex is located approximately 3.5 km south-east of the Longwalls 17 to 20 Study Area and will experience no measurable subsidence from the South Bates Extension Underground Mine (including Longwalls 21 to 24).

The Whynot Homestead and associated structures are predicted to experience 1,800 mm vertical subsidence due to the extraction of Longwalls 21 to 24. The Whynot Homestead is predicted to experience a final tilt of 5 mm/m (i.e. 0.5 % or 1 in 200) at the completion of mining. The homestead is also predicted to experience a transient tilt of approximately 30 mm/m (i.e. 3 % or 1 in 33) as the extraction face of Longwall 21 mines directly beneath it.

The homestead is a single storey timber framed structure with lightweight cladding. It is unlikely, therefore, that the main structure would become unstable or unsafe as a result of the mining-induced tilt. It is recommended, however, that the brick chimney is visually monitored during active subsidence to identify if the mining-induced tilt adversely effects its integrity.

The homestead could experience curvatures greater than 3.0 km^{-1} (i.e. minimum radius of curvature less than 0.3 km) and strains greater than 30 mm/m. The structure is supported above the natural ground on timber piers. The predicted ground movements could result in the distortion of the timber frames and it is possible that the structure could become unsafe due to its poor existing condition.

The sheds and tanks associated with the Whynot Homestead could experience tilts up to 60 mm/m (i.e. 6.0 % or 1 in 17), curvatures greater than 3.0 km^{-1} (i.e. minimum radius of curvature less than 0.3 km) and strains greater than 30 mm/m. The predicted ground movements could result in the distortion of the timber frames and it is also possible that some structures become unsafe due to their poor existing conditions.

Management of the Whynot Homestead is outlined in Section 5.1 of this HMP. The archival recording of the Whynot Homestead was completed in December 2017.

C.5 Management and Monitoring

A number of management measures to mitigate potential impacts to Aboriginal heritage sites resulting from the extraction of Longwalls 17 to 24 would be applied, including a program to monitor potential subsidence impacts. These management and monitoring measures are described in detail in Section 4.7 of this HMP.

Should any additional Aboriginal heritage sites (not yet recorded) be identified during the mining of Longwalls 17 to 24, they will be managed in a manner consistent with the protocol outlined in Section 4.8.

Monitoring of consequences against performance indicators and measures relating to the Wambo Homestead Complex is not considered necessary for Longwalls 17 to 24. Monitoring and management measures for the Wambo Homestead Complex were addressed in previous Extraction Plans for the North Wambo Underground Mine.

**APPENDIX D
REGISTERED ABORIGINAL PARTIES AT THE WAMBO COAL MINE**

Table D-1: Registered Aboriginal Parties at the Wambo Coal Mine

Registered Aboriginal Party	Registered Aboriginal Party
A1 Indigenous Services	Lorraine Towney
Aboriginal Native Title Consultants	Lower Hunter Aboriginal Incorporated
AGA Services	Lower Hunter Wonnarua Cultural Services
Bawurra Consultants	Maree /TA Wallangan Cultural Services
Breeza Plains Cultural Heritage Consultants	Minnga Consultants
Buudang	Moreeites
Cacatua Culture Consultants	Muswellbrook Cultural Consultants
Carrawonga Consultants	Myland Cultural Heritage Group
Culturally Aware	Ngarramang-Kuri Aboriginal Culture & Heritage Group
Deslee Talbott Consultants	Plains Clans of the Wonnarua People's Registered Native Title Claimants
DFTV Enterprises	Roger Noel Matthews
DRM Cultural Management	Janet Fenwick
EMT Cultural & Heritage	Roslyn Sampson
Galamaay Consultant	Scott Smith
Gidawaa Walang Cultural Heritage Consultancy	Smith Dhagaans Cultural Group
Giwir Consultants	T & G Culture Consultants
HECMO Consultants	Tocomwall Pty Ltd
Heilamon Cultural Consultants	Ungooroo Aboriginal Corporation
HTO Environmental Management Services	Ungooroo Cultural & Community Services
Hunter Valley Aboriginal Corporation	Upper Hunter Heritage Consultants
Hunter Valley Cultural Consultants	Upper Hunter Wonnarua Council
Hunter Valley Cultural Surveying	Valley Culture
Hunter Valley Environment Land & Mining Services	Waabi Gabinya Cultural Consultancy
Hunter Valley Natural & Cultural Resource Management	Wanaruah Custodians Aboriginal Corporation
I & E Aboriginal Culture and Heritage	Wanaruah Local Aboriginal Land Council
Janbant Mugrebea	Warragil Cultural Services
Jeffery Matthews	Wattaka Wonnarua Cultural Consultancy Services
Jill Green	Widescope Indigenous Group
JLC Cultural Services	Wonnarua Culture Heritage
Kauwul (Wonn1)	Wonnarua Nation Aboriginal Corporation
Kawul Cultural Services	Wonnarua Traditional Custodians
Kayaway Eco Cultural & Heritage Services	Wonnarua Traditional Owners
KL.KG Saunders Trading Services	Wurrumay Consultants
L.J. Cultural Management	Yinaar Cultural Services

Note: Table current as at March 2020. RAPs have been updated due to choice or changes in personal circumstance.

APPENDIX E
WAMBO COAL MINE SURFACE DISTURBANCE PERMIT

WA-SAH-PER-305.22 SURFACE DISTURBANCE PERMIT



The Surface Disturbance Permit is to be used when assessing and approving mine related activities requiring ground disturbance within exploration and mining leases

SDP Number:	
--------------------	--

Activity Description:					
Responsible Person:		Statutory Area Manager:			
Project Start:		Project Finish:			
Disturbance Area (ha):		Easting:		Northing:	

ALL PERMITS REQUIRE A FIGURE SHOWING RELEVANT: ABORIGINAL ARCHAEOLOGY, THREATENED ECOLOGICAL COMMUNITIES, MONITORING LOCATIONS, DEVELOPMENT CONSENT, MOP, MINING/EXPLORATION LEASE AND LAND OWNERSHIP.

Approvals and Constraints	Y	N	N/A	Boundaries and Conditions	Y	N	N/A
For exploration activities, are regulatory approvals/notifications required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the proposed activity located outside the following boundaries:			
Landholder notification/access agreement required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wambo land ownership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Flora/fauna or archaeological constraints?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AHIP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Erosion and Sediment Control Implementation Plan (ESCIP) required? <i>Review pre- and post-disturbance flow paths.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Mining and/or Exploration Leases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will any surface infrastructure be impacted? (e.g. access tracks, pipelines, monitoring)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approved Surface Development boundary	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dust, noise, and/or lighting impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Does the SDP boundary require fencing?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is the proposed activity inconsistent with the following conditions:			
Topsoil resource identification and an appropriate stockpile location required? <i>If YES, complete Topsoil Stripping Permit</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MOP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are exotic flora species (weeds) present? <i>If YES, undertake follow-up weed inspection and control post disturbance.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Development Consent/s	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Activity within 40m of a riparian zone and/or on waterfront land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Management Plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is an Excavation Permit required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Relevant regulation and planning policies eg. SEPP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Activity within the notification areas for tailings dams?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Is rehabilitation required prior to SDP Completion Sign Off?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

ALL UNNECESSARY INFRASTRUCTURE, EQUIPMENT AND MATERIALS ARE TO BE REMOVED AND THE SITE LEFT IN A CLEAN AND TIDY MANNER.

SDP Completion Sign Off

Role	Name	Signature	Date
Responsible Person			
Environment and Community Manager			

ONCE THE SDP COMPLETION HAS BEEN SIGNED OFF, THE ENVIRONMENT AND COMMUNITY MANAGER SHALL FILE IN THE SITE SDP REGISTER.

APPENDIX F
ABORIGINAL HERITAGE MANAGEMENT PLAN FOR RWEPA AREA A



**WAMBO COAL
ABORIGINAL HERITAGE MANAGEMENT PLAN
FOR RWEPA AREA A**

Document No. WA-ENV-MNP-510.1
March 2020

Document Control

Document No.	WA-ENV-MNP-510.1
Title	Aboriginal Heritage Management Plan for RWEPA Area A
General Description	Management of Aboriginal heritage within RWEPA Area A to address Condition B88, Schedule 2 of DA 305-7-2003
Document Owner	Environment & Community Manager

Revisions

Rev No	Date	Description	By	Checked	Signature
0	March 2018	Original Draft (approved)	WCPL	PJ	
1	March 2020	Revised Draft for Consultation	WCPL	ND	
2	July 2020	Final for Submission (minor adjustments to reflect updated longwall layout)	WCPL	ND	

CONTENTS

1.0	INTRODUCTION.....	1
1.1	BACKGROUND.....	1
1.2	PURPOSE.....	1
1.3	SCOPE	3
1.4	STATUTORY REQUIREMENTS	3
1.5	CONSULTATION ON THE PLAN.....	4
2.0	ABORIGINAL HERITAGE SITES AND VALUES	5
3.0	ONGOING INVOLVEMENT OF THE ABORIGINAL COMMUNITY	8
3.1	REGISTERED ABORIGINAL PARTIES	8
3.2	ONGOING CONSULTATION WITH REGISTERED ABORIGINAL PARTIES.....	8
3.3	INVOLVEMENT OF REGISTERED ABORIGINAL PARTIES IN FIELDWORK.....	8
4.0	MANAGEMENT OF ABORIGINAL HERITAGE.....	10
4.1	APPROVED ACTIVITIES IN RWEPA AREA A.....	10
4.2	SURFACE DISTURBANCE PERMIT PROCESS	10
4.3	MANAGEMENT OF ABORIGINAL HERITAGE IN RWEPA AREA A	12
5.0	REVIEW	15
6.0	RESPONSIBILITIES	16
7.0	REFERENCES.....	17

Tables

Table 1:	Summary of Previously Recorded Aboriginal Heritage Sites in RWEPA Area A	5
Table 2:	Approved Management Measures and Impact	12
Table 3:	Overview of Management Measures	12
Table 4:	Heritage Management Plan Responsibilities Summary	16

Figures

Figure 1:	Approved Wambo Coal Mine General Arrangement.....	2
Figure 2:	Previously Recorded Aboriginal Heritage Sites in RWEPA Area A	6

1.0 Introduction

1.1 Background

The Wambo Coal Mine (Wambo) is an open cut and underground coal mining operation located approximately 15 kilometres west of Singleton, near the village of Warkworth, New South Wales (NSW). Wambo is owned and operated by Wambo Coal Pty Limited (WCPL), a subsidiary of Peabody Energy Australia Pty Limited.

A range of open cut and underground mine operations have been conducted at Wambo since mining operations commenced in 1969. Mining under the Development Consent (DA 305-7-2003) commenced in 2004 and currently both open cut and underground operations are conducted. The approved run-of-mine coal production rate is 14.7 million tonnes per annum and product coal is transported from Wambo by rail.

As part of the granting of the Development Consent (DA 305-7-2003), WCPL implemented a Remnant Woodland Enhancement Program (RWEPP) to assist in the conservation of regional biodiversity, whilst enhancing the habitat available to flora and fauna.

The RWEPP involves the long-term conservation of a number of areas, including areas east of Wollombi Brook (RWEPP Area A and an area associated with the Wambo Coal Terminal) and west of Wollombi Brook (RWEPP Areas B, C, D and E).

The approved layout of Wambo and the location of the RWEPP areas are presented on **Figure 1**.

1.2 Purpose

Conditions B88 and B89, Schedule 2 of the Development Consent (DA 305-7-2003) require the preparation and implementation of a management plan for Aboriginal heritage within RWEPP Area A by August 2018, as follows:

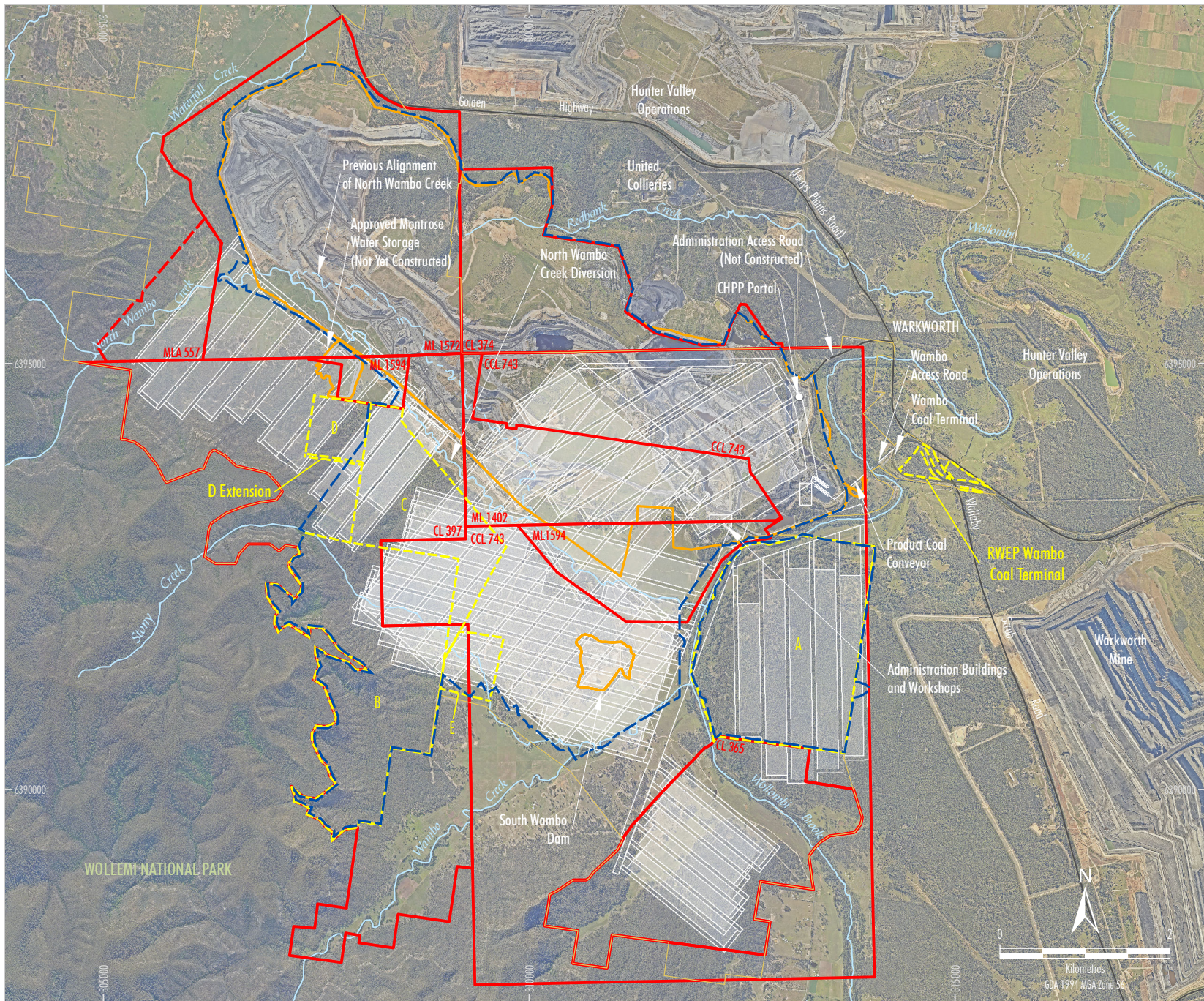
B88. The Applicant must develop a management plan to manage Aboriginal cultural heritage in Remnant Woodland Enhancement Area A (referred to in Table 9 above) within 12 months of entering into a Conservation Agreement over that area, or as otherwise agreed by the Planning Secretary. The management plan must be:

- (a) prepared by a suitably qualified and experienced person/s;*
- (b) developed in consultation with BCD and the Registered Aboriginal Parties; and*
- (c) approved by the Planning Secretary.*

B89. The Applicant must implement the Aboriginal Cultural Heritage Management Plan for the Remnant Woodland Enhancement Area approved by the Planning Secretary.

This Aboriginal Heritage Management Plan for RWEPP Area A (this Plan) addresses the requirements of the above condition and the relevant requirements of Condition D5, Schedule 2 of the Development Consent (DA 305-7-2003).

This Plan has been prepared by WCPL, with assistance from South East Archaeology.



- LEGEND**
- WCPL Owned Land
 - Mining and Coal Lease Boundary
 - - - Mining Lease Application Boundary
 - Existing/Approved Surface Development Area
 - Approved Underground Development
 - - - Remnant Woodland Enhancement Program (RWEP) Area
 - - - Consent 2222 Boundary

Source: WCPL (2020); NSW Spatial Services (2019)
 Orthophoto: WCPL (May 2019)

Peabody
 WAMBO COAL MINE
 Approved Wambo Coal Mine Layout

Figure 1

1.3 Scope

This Plan applies only to the management of Aboriginal heritage within the bounds of RWEF Area A.

This Plan forms a sub-plan under the Heritage Management Plan (HMP) (WA-ENV-MNP-510), which forms part of WCPL's Environmental Management System for Wambo.

The HMP has been prepared to incorporate the requirements of the existing approved Aboriginal Heritage Impact Permits (AHIPs) at Wambo.

This Plan refers to the HMP for more detail on some aspects of Aboriginal heritage as the HMP provides the overarching framework for management of Aboriginal heritage across Wambo. This Plan highlights those particular aspects relevant to RWEF Area A.

1.4 Statutory Requirements

WCPL's statutory obligations in relation to Aboriginal heritage within RWEF Area A are contained in:

- the conditions of the Development Consent (DA 305-7-2003) (as modified) (refer to Section 1.2 and the HMP);
- the conditions of AHIP #2222;
- the conditions of Care and Control Permit #3130;
- the NSW *National Parks and Wildlife Act 1974* (NP&W Act);
- the requirements of the Conservation Agreement under Part 4, Division 12 of the NP&W Act over RWEF Area A (Registered Dealing Number AM521196); and
- other relevant legislation.

AHIP #2222 was issued to WCPL on 20 June 2005 under the NP&W Act. AHIP #2222 allows for the disturbance and/or salvage of all known and unknown Aboriginal objects within the 'Application Area', excluding Aboriginal skeletal remains, in accordance with the Terms and Conditions of AHIP #2222. The extent of the area addressed by AHIP #2222 is shown on **Figure 1**.

In accordance with Section 85 of the NP&W Act, WCPL obtained a Care and Control Permit #3130 for the temporary storage of salvaged artefacts until they can be returned to the landscape after the completion of mining and rehabilitation activities.

Further detail on requirements under the Development Consent (DA 305-7-2003), AHIPs and NP&W Act are provided in Section 1.4 of the HMP.

1.4.1 Conservation Agreement

In accordance with Condition 41, Schedule 4 (now repealed) of the Development Consent (DA 305-7-2003), WCPL entered into a Conservation Agreement under Part 4, Division 12 of the NP&W Act for RWEF Areas A, B, C and D in August 2017. The purpose of the Conservation Agreement is for the restoration and protection of the biodiversity conservation values in the areas. The Conservation Agreement has since been revised to include RWEF Areas D Extension and E.

The Conservation Agreement restricts the activities that can occur on the land and requires certain management actions, such as management of Aboriginal heritage, exotic plant and pest animal control, maintenance of fencing, removal of livestock, fire management and maintenance of vehicle access.

1.5 Consultation on the Plan

Consultation undertaken to date at Wambo in relation to the management of Aboriginal heritage has been extensive. Consultation with the Aboriginal community in relation to RWEPA Area A has included (but is not limited) to the following:

- Application for AHIP #2222 and Care and Control Permit #3130 and subsequent variations, as documented within those applications.
- Cultural heritage impact assessments (including but not limited to):
 - Wambo Development Project (White, 2003).
 - South Wambo Underground Mine Modification (RPS, 2016).
- On-going Aboriginal heritage surveys, salvages and other heritage management activities at Wambo.

A draft version of this Plan was provided to the NSW Office of Environment and Heritage (OEH) (now the Biodiversity and Conservation Division [BCD] of the NSW Department of Planning, Industry and Environment [DPIE]) and the Registered Aboriginal Parties (RAPs) at Wambo for consultation in March 2018.

An updated draft version of this Plan (Version 1) was provided to the BCD and RAPs at Wambo for consultation in March 2020. The previous version was updated as a result of changes to the Development Consent (DA 305-7-2003) following determination of the United Wambo Joint Venture Project (Modification 16).

2.0 Aboriginal Heritage Sites and Values

A number of Aboriginal cultural heritage surveys and assessments have previously been undertaken at Wambo in relation to the approved and proposed mining activities and other developments and infrastructure (as described in Section 2 of the HMP).

The most relevant investigation to RWEPA Area A is White (2003), who undertook a comprehensive, broad assessment for the Wambo Coal Mine Environmental Impact Statement. The assessment encompassed an area of 60 square kilometres, through sample surveys, community consultation and reporting. This assessment provided the foundation for WCPL obtaining AHIP #2222.

The previously recorded Aboriginal heritage sites within RWEPA Area A are presented in Table 1 and on Figure 2.

Table 1: Summary of Previously Recorded Aboriginal Heritage Sites in RWEPA Area A

AHIMS Site ID	Site Name	Site Type	Archaeological Significance
37-6-1128	10	Open Artefact Scatter	Low
37-6-1129	11	Open Artefact Scatter	Low
37-6-1130	12	Open Artefact Scatter	Low
37-5-0562	PAD A	Potential Archaeological Deposit	High ¹
37-5-2075	PAD B	Potential Archaeological Deposit	Low ¹
37-6-2074	PAD C	Potential Archaeological Deposit	Moderate ¹
37-6-2076	PAD D	Potential Archaeological Deposit	High ¹

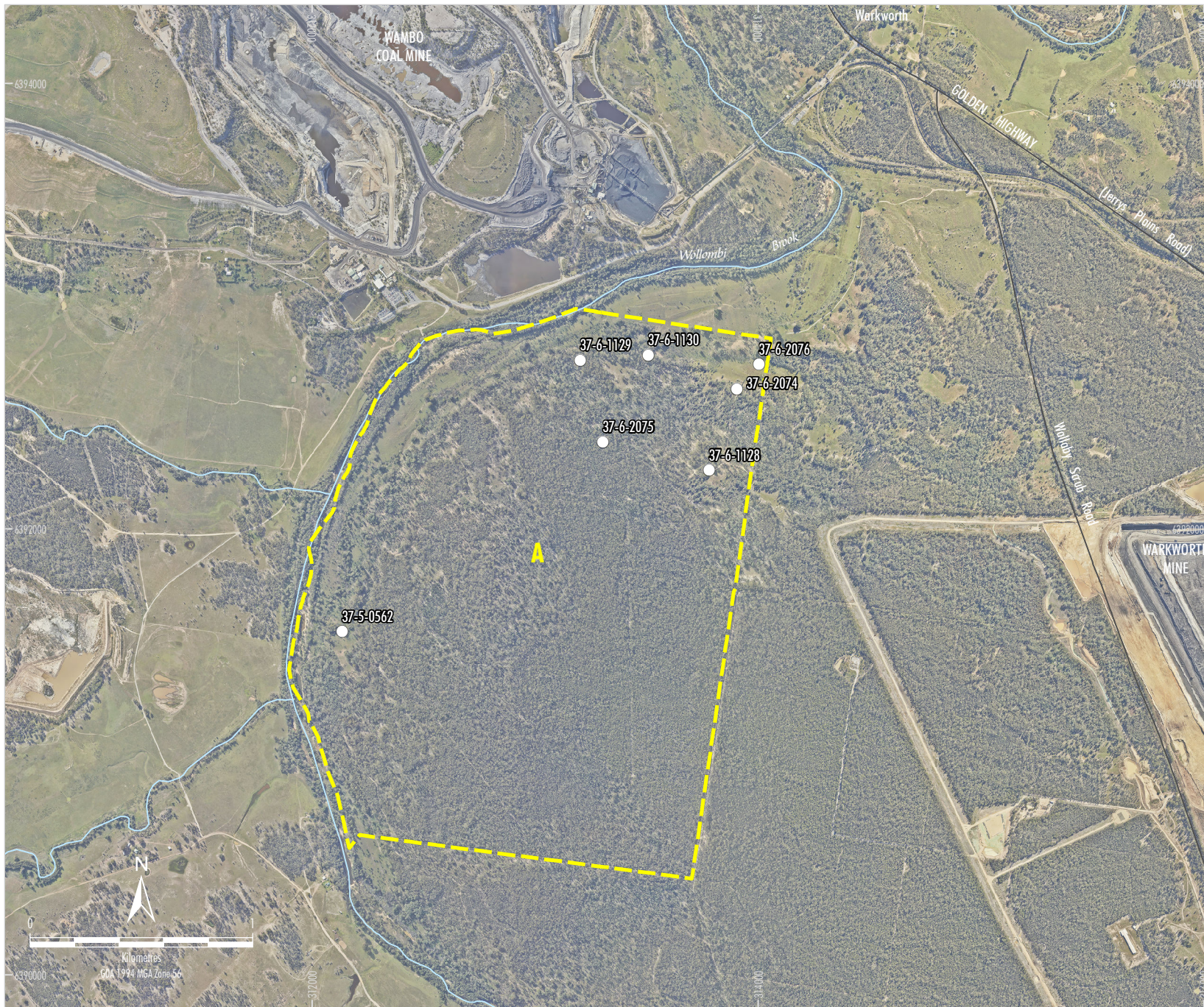
¹ Potential archaeological significance.

Source: Navin Officer (2005); RPS (2016).

Over the course of numerous Aboriginal cultural heritage assessments at Wambo, the RAPs and/or Aboriginal stakeholders have been consulted about the cultural significance of Aboriginal objects and places, and a number of specific and general cultural values have been identified.

Aboriginal cultural values may relate to:

- sites or places associated with ceremonies, spiritual/mythological beliefs and traditional knowledge, which date from the pre-contact period and have persisted until the present time;
- sites or places associated with historical associations, which date from the post-contact period and are remembered by people today (for example, plant and animal resource use areas and known camp sites); and
- sites or places of contemporary significance (including areas for which Aboriginal objects remain), for which the significance has been acquired in recent times.



- LEGEND**
- - - Conservation Area
 - Aboriginal Heritage
 - Site or Object

Source: WCPL (2018); NSW Spatial Services (2019)
 Orthophoto: WCPL (May 2019)

Peabody
 W A M B O C O A L M I N E
 Heritage Sites or Objects
 within RWEPA Area A

Figure 2

Specific cultural values or places have been identified and documented in the broader Wambo area and surrounds, including:

- The Bora Ground east of Wollombi Brook (Aboriginal Heritage Information Management System [AHIMS] #37-6-0056 and #37-5-0055) (Wambo Site 2) (White, 2003; Brayshaw, 2003). It is noted that although there are two AHIMS records for the Bora Ground, it is widely accepted that these are different records for a single site. It is also noted that a third possible location for the Bora Ground was identified by Brayshaw (2003), however this was never registered on AHIMS. All possible locations for the Bora Ground are on the eastern bank of Wollombi Brook, outside of RWEPA Area A, the current extent of longwall mining and direct impacts from Wambo. The Bora Ground has been previously identified as being of high cultural significance to the Aboriginal community (White, 2003).
- Dyll (1980) and Brayshaw *et al.* (1996:22) in relation to site #37-6-0135 (Wambo Site 24) indicate that the terrace in this location was potentially a culturally significant 'meeting place' of different Aboriginal groups. This site is located outside and north of RWEPA Area A.

Other contemporary cultural values have been reported for the Wambo area, including (for example, Perry, 2003; WCPL, 2016):

- All Aboriginal heritage sites are culturally significant (especially grinding grooves/surfaces and scarred trees).
- The banks of the creeks and natural connecting ridgelines in the Wambo area and surrounds have specific cultural significance, as these areas would have been suitable for camping and procurement of food and water.
- Artefact sites are of cultural significance and related to other sites in the Wambo area, particularly to the other sites in the Wollombi Brook, North Wambo Creek, Wambo Creek and Stony Creek areas.
- The significance of pathways through the locality, including the potential access from North Wambo Creek to Jerrys Plains Ridge.

WCPL acknowledges that all Aboriginal heritage sites are considered to be culturally significant to the Aboriginal people who have a traditional connection to Country.

3.0 Ongoing Involvement of the Aboriginal Community

3.1 Registered Aboriginal Parties

The RAPs for Wambo have been identified through previous consultation undertaken for the original EIS, subsequent modifications, the applications for AHIP #2222, other AHIPs at Wambo and Care and Control Permit #3130 (including variations), and the on-going management of Aboriginal heritage at Wambo.

A register of RAPs for Wambo is maintained by WCPL and is available to the DPIE and BCD upon request (Appendix D of the HMP).

3.2 Ongoing Consultation with Registered Aboriginal Parties

WCPL acknowledges that Aboriginal heritage is of primary interest to the Aboriginal community and that Aboriginal people have the right to be consulted and involved in relation to the management of their heritage. WCPL recognises that the Aboriginal community has a paramount role in identifying cultural significance and cultural heritage values.

WCPL is committed to maintaining on-going consultation with RAPs throughout the life of Wambo. However, it is the responsibility of RAPs to ensure that any changes to contact details (e.g. full name, postal address, telephone number, email address, etc.) are provided in a timely manner to WCPL. These details will be updated on the register of RAPs which will be maintained by WCPL over the life of Wambo.

Consultation in relation to updates and/or revisions to this Plan is described in Section 5 and in relation to heritage field investigations is described in Section 3.3.

Other consultation will occur with the RAPs in accordance with AHIP #2222 including:

- in relation to any proposal to modify the salvage methodology (Schedule B Special Condition 5);
- in relation to work covered by the AHIP including any reasonable request to involve the Aboriginal community in the work (General Terms and Conditions 13); and
- upon request by the OEH (now BCD), provision of a summary of findings with photographs, diagrams, etc. as required to local Aboriginal communities (General Terms and Conditions 14).

In accordance with Condition A22, Schedule 2 of Development Consent (DA 305-7-2003), evidence of this consultation will be maintained by WCPL and provided to the Secretary where requested.

3.3 Involvement of Registered Aboriginal Parties in Fieldwork

WCPL recognises that Wambo lies within the boundaries of the Wanaruah Local Aboriginal Land Council, a statutory body under the NSW *Aboriginal Land Rights Act, 1983* with responsibilities relating to cultural heritage. Further, WCPL acknowledges that consultation with and input of Registered Native Title Claimants (under the Commonwealth *Native Title Act, 1993*) and other RAPs is also important to the assessment, management and preservation of Aboriginal heritage values at Wambo.

Engagement of RAPs in field investigations will be at the discretion of WCPL and on an as required basis. Engagement may be based upon previous experience, fitness for work and the ability to provide valid and current insurances.

Involvement of representatives of the RAPs in heritage field investigations at Wambo will be undertaken in accordance with Section 3 of the HMP that has been prepared in consultation with the RAPs.

WCPL retains at their sole discretion the right to engage any RAPs to provide the above services as needed. However, the above process does not exclude any Aboriginal person or party, regardless of their association with any of the RAPs or not, from being consulted in relation to Wambo and the management of heritage within RWEPA Area A.

4.0 Management of Aboriginal Heritage

This section outlines the management and mitigation measures proposed for identified and potential Aboriginal heritage evidence in RWEF Area A, consistent with the requirements of Development Consent (DA 305-7-2003) (as modified), the AHIP #2222 and other relevant heritage legislation (e.g. NP&W Act) and policies or guidelines (e.g. the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* [DECCW, 2010a] and *Aboriginal cultural heritage consultation requirements for proponents 2010* [DECCW, 2010b] and *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* [DECCW, 2010c]) where relevant.

As such, prior to undertaking any actions affecting an Aboriginal heritage site within RWEF Area A, the requirements and conditions of AHIP #2222, the Conservation Agreement and the HMP should be reviewed. Where there is any inconsistency between documents, the order of precedence is AHIP #2222, the HMP and then this Plan.

4.1 Approved Activities in RWEF Area A

Approved activities within RWEF Area A under the Development Consent (DA 305-7-2003) include:

- Underground mining in the Arrowfield Seam using longwall mining methods.
- Development of ancillary infrastructure, including (but not limited to), for example:
 - The construction and/or maintenance of access tracks (e.g. for the installation and/or maintenance of surface infrastructure).
 - Gas management infrastructure.
 - Subsidence monitoring and remediation works (where required).
 - Surface rehabilitation works (where required).
 - Other associated minor infrastructure, plant, equipment and activities etc.

The location and design of ancillary infrastructure will be flexible and will be located in an attempt to avoid known Aboriginal heritage sites as far as practicable. While the design and location of the ancillary infrastructure is somewhat flexible, some Aboriginal heritage sites may not be able to be avoided completely. Where this occurs, appropriate management measures will be implemented including salvage activities where necessary (and/or as required by the relevant AHIP[s]).

Proposed ancillary surface infrastructure areas will be subject to the Surface Disturbance Permit (SDP) process outlined in Section 4.2.

4.2 Surface Disturbance Permit Process

WCPL has implemented a Surface Disturbance Permit (SDP) procedure and checklist, which is applicable to surface disturbance works at Wambo. The SDP process aims to identify and manage any environmental restraints, including Aboriginal heritage sites, and permitting required prior to disturbance.

The SDP process is implemented and approved by WCPL's Environmental Department prior to any land disturbance activities taking place on undisturbed or rehabilitated land and includes the identification of previously recorded Aboriginal heritage sites and whether the area is located within existing approved AHIP boundaries. The SDP applies to RWEF Area A.

The SDP process is as follows:

- Prior to any direct ground disturbance activities commencing in rehabilitation or Greenfield areas, the WCPL Environmental Department will prepare a SDP.
- Approval of the SDP must be obtained prior to the commencement of direct ground disturbance activities.
- WCPL will identify whether the proposed impact area is located within the extent of the approved AHIP boundaries.
- If the proposed impact area is located within the extent of the approved AHIP boundaries, the following protocols will apply:
 - WCPL will determine whether any known heritage sites may be subject to impacts (by checking the WCPL Aboriginal Heritage Site Database, and where the subject land is not owned or directly controlled by WCPL, by undertaking an updated search of the AHIMS register).
 - In locations where an archaeological survey has been undertaken and has identified no Aboriginal heritage evidence, the proposed works can progress with no additional action required.
 - In locations where impacts are proposed and a known Aboriginal heritage site requiring salvage or archaeological excavation will be impacted, WCPL will engage a suitably qualified archaeologist to undertake the required salvage in accordance with this HMP and the relevant AHIP prior to surface disturbance occurring.
 - In locations where impacts are proposed and a known Aboriginal heritage site approved for harm under the relevant AHIP and/or a newly identified Aboriginal heritage site cannot be avoided, these sites will be managed in a manner consistent with the management required by the relevant AHIP (refer to Appendix B) and Section 4.8.1 of this HMP.
- No direct surface disturbance works can occur outside of the extent of the approved AHIPs without being subject to a due diligence assessment in accordance with the NSW Minerals Industry *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (NSW Minerals Council, 2010) and/or the *Due Diligence Code of Practice of the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010b), or subject to approval under the EP&A Act and subsequent AHIP. Should such disturbance be required in areas where Aboriginal heritage sites are known to occur, WCPL would seek a new AHIP and/or a variation to the existing AHIP(s) as needed. Refer to Section 4.8.2 of the HMP for further details.
- Notwithstanding, WCPL will undertake low impact general land management activities (e.g. grass seed harvesting, slashing access tracks/fire breaks) on land within the Wambo area that may be outside the extent of the approved AHIP(s). These works will avoid known Aboriginal heritage sites. In the event that a new Aboriginal heritage site is identified during these works, the protocol described in Section 4.8.2 of the HMP would be implemented.

Regardless of the above described process, and as discussed in Section 2, the Bora Ground is located outside of the current extent of longwall mining and surface development, and hence will not be subject to direct impacts from Wambo.

4.3 Management of Aboriginal Heritage in RWEPA Area A

Table 2 outlines the management measures and impact to the Aboriginal sites within RWEPA Area A permitted by AHIP #2222.

Table 2: Approved Management Measures and Impact

AHIMS Site ID	Site Name	Approved Management Measures and Impact
37-6-1128	10	<ul style="list-style-type: none"> Section 87/90 Permit/Consent to Destroy (AHIP #2222). Collection of a sample of surface artefacts. Collected artefacts to be documented and stored in a “Keeping Place”. Collected artefacts to be replaced in landscape following completion of rehabilitation works.
37-6-1129	11	
37-6-1130	12	
37-5-0562	PAD A	
37-6-2075	PAD B	
37-6-2074	PAD C	
37-6-2076	PAD D	

Source: Navin Officer (2005); RPS (2016).

The location and design of ancillary infrastructure will be flexible and will be located in an attempt to avoid known Aboriginal heritage sites as far as practicable.

All of the sites in Table 2 will be subject to subsidence movements, and potential impacts, as a result of underground mining approved in RWEPA Area A.

All of the sites in RWEPA Area A would be left *in situ* during subsidence. If monitoring identifies significant cracking or erosion in the immediate area of an artefact scatter or isolated find, WCPL would engage a suitably qualified archaeologist to salvage by surface collection the identified Aboriginal objects in accordance with the protocols in Section 4.2 of the HMP and transfer them to the temporary keeping place in accordance with AHIP #2222 and Care and Control Permit #3130, in consultation with attending RAPs.

Table 3 presents an overview of the management measures that will be implemented for Aboriginal heritage sites (known and unknown) within RWEPA Area A. Reference to the relevant section of the HMP that provides further detail is provided in Table 3.

Table 3: Overview of Management Measures

Management Measure	Overview	Relevant HMP Reference
Surface Collection	<ul style="list-style-type: none"> Surface collection of open artefact sites will only occur if ancillary infrastructure cannot be designed to avoid the open artefact site, or subsidence monitoring identifies significant cracking or erosion in the immediate area. Recording and surface collection will occur in accordance with the HMP. RAPs will be invited to observe, and where appropriate, participate in any salvage activities (e.g. recording, collection, storage and replacement). 	Section 4.2

Management Measure	Overview	Relevant HMP Reference
Archaeological Excavation and Sub-surface Salvage	<ul style="list-style-type: none"> Although not currently planned in RWEP Area A, any archaeological excavation or sub-surface salvage works of open artefact sites would occur in accordance with the HMP. 	Sections 4.3 to 4.5
Management of Previously Unrecorded Aboriginal Heritage Sites	<ul style="list-style-type: none"> Approval has been granted for harm to all Aboriginal objects in or under the land to which AHIP #2222 applies (apart from human remains). In the event that a previously unrecorded Aboriginal heritage site (new location of heritage evidence) is identified, management actions will be implemented (including surface collection and/or archaeological excavation) consistent with the requirements of AHIP #2222 and the HMP. 	Section 4.8.1
Discovery of Human Remains	<ul style="list-style-type: none"> Schedule A of AHIP #2222 specifies that human remains are excluded from the areas to which the AHIP applies and must not be harmed. In the event that human remains (skeletal material) are discovered, the protocol in the HMP will be followed. 	Section 4.9
Management of Recovered Aboriginal Objects	<ul style="list-style-type: none"> In accordance with the requirements of AHIP #2222, any salvaged Aboriginal objects (removed from the Wambo area by actions authorised by the AHIP conditions) will be moved as soon as practicable to the temporary storage location. Salvaged Aboriginal objects would be managed in accordance with the relevant Care Agreement(s) and the HMP. 	Section 4.10

Management Measure	Overview	Relevant HMP Reference
Aboriginal Community Access	<ul style="list-style-type: none"> Throughout the life of Wambo, RAPs may wish to access sites and/or areas for cultural purposes (e.g. education, ceremony). WCPL is committed to facilitating reasonable access consistent with personnel Workplace Health and Safety requirements. RAPs wishing to access the Wambo area should follow the process outlined in the HMP. Access, in all instances, will be subject to relevant operational and safety considerations and cannot be guaranteed. There will be no unauthorised access to Wambo. Access to some sites and areas may be restricted during periods of mining. 	Section 4.11
Aboriginal Heritage Sites Database	<ul style="list-style-type: none"> A comprehensive Aboriginal Heritage Site Database will be maintained by WCPL in accordance with the HMP. 	Section 4.12
Management of Community Complaints	<ul style="list-style-type: none"> Investigations of, and response to complaints will be in accordance with the HMP. 	Section 7
Reporting	<ul style="list-style-type: none"> Reporting in accordance with AHIP #2222, in Annual Reviews and on the website will continue in accordance with the HMP. 	Section 8
Management and Reporting of Incidents and Non-compliances	<ul style="list-style-type: none"> Contravention of the conditions of AHIP #2222 or other approval conditions, or environmental incidents will be responded to, and reported, in accordance with the HMP. 	Sections 8 and 9

5.0 Review

This Plan will be reviewed at any time when, in the view of WCPL, it is necessary or convenient to review the Plan for the effective administration of heritage matters connected with Wambo.

Notwithstanding, a review of this Plan will occur:

- Following the identification of an Aboriginal site type within RWEPA Area A that is not currently addressed within this Plan (noting that this update is not required to occur prior to the implementation of the agreed management measures in the HMP).
- Following changes to AHIP or permit conditions relating to heritage within RWEPA Area A.
- During the review and/or preparation of an Extraction Plan within RWEPA Area A.
- Following approval of a modification to activities within RWEPA Area A.
- Within 3 months of the submission of an Annual Review under Schedule 2, Condition D10 or an Audit report under Schedule 2, Condition D11 or an Incident Report under Schedule 2, Condition D8 of DA 305-7-2003.

If this Plan is to be revised as a result of a review (and where the changes proposed are material in nature, for example, involving amendments to Sections 3 or 4 of this Plan), copies of the draft document will be made available to the RAPs for review and comment, with a minimum 21 day review period prior to finalisation, with the final document taking into consideration any comments provided by the RAPs within the specified time period. Where any proposed amendment to this Plan would require a variation to an AHIP, the BCD will be consulted and an application for a variation to that AHIP will be lodged and approval obtained prior to the implementation of any relevant revisions.

Subject to agreement by the DPIE, WCPL may submit a revised Plan for approval without undertaking consultation with RAPs or agencies, in instances where the changes proposed to the Plan are not material in nature.

6.0 Responsibilities

Key responsibilities of WCPL personnel in relation to this HMP are summarised in Table 4. Responsibilities may be delegated as required.

Table 4: Heritage Management Plan Responsibilities Summary

Responsibility	Task
General Manager	<ul style="list-style-type: none"> • Ensure resources are available to WCPL personnel to facilitate the completion of responsibilities under this Plan.
Environment and Community Manager	<ul style="list-style-type: none"> • Undertake implementation of management measures for Aboriginal heritage sites in accordance with this Plan, the HMP and relevant AHIPs. • Ensure monitoring and reporting required under the relevant AHIPs and this Plan are carried out within specified timeframes, are adequately checked and processed and are prepared to the required standard. • Ensure that heritage is considered in the approval of SDPs. • Liaise with relevant stakeholders regarding heritage impacts.
All Employees and Contractors	<ul style="list-style-type: none"> • Ensure the effective implementation of this Plan with respect to their work activities and areas. • Ensure any potential or actual heritage issues, including environmental incidents, are reported to the Project Manager, Supervisor or Task Coordinator immediately.
Registered Aboriginal Parties	<ul style="list-style-type: none"> • Provide WCPL with up to date contact details.

7.0 References

- Brayshaw, H. (2003) *Looking for the Bora Ground in the Wallaby Scrub Near Bulga NSW*.
- Brayshaw, H., Haglund, L. and Rich, E. (1996) *Lemington Mine Hunter Valley Southern Extension EIS: Archaeological Survey for Aboriginal Sites*. Unpublished report to Sinclair Knight Merz.
- Department of Environment, Climate Change and Water (2010a) *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.
- Department of Environment, Climate Change and Water (2010b) *Aboriginal cultural heritage consultation requirements for proponents 2010*.
- Department of Environment, Climate Change and Water (2010c) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*.
- Dyall, L. K. (1980) *Report on Aboriginal Relics at Wambo Coal Lease*. Unpublished report to Dames and Moore.
- Navin Officer (2005) *Application for Permit under Section 87 and Consent under Section 90 of the National Parks and Wildlife Act 1974 in Relation to the Wambo Development Project*.
- NSW Minerals Council (2010) *Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects*.
- Perry, V. (2003) *Aboriginal Cultural Heritage Assessment for Wambo Mine Proposed Extension*. In, E. White (2003) *Wambo Development Project: Aboriginal Heritage Assessment*. Unpublished report to Resource Strategies Pty Ltd.
- RPS (2016) *Cultural Heritage Impact Assessment: South Wambo Underground Mine Modification*. Unpublished report to Wambo Coal Pty Ltd.
- Wambo Coal Pty Ltd (2016) *South Wambo Underground Mine Modification Environmental Assessment*. April 2016.
- White, E. (2003) *Wambo Development Project: Aboriginal Heritage Assessment*.

**APPENDIX G
CORRESPONDENCE WITH REGULATORY AGENCIES**



DOC18/221163-2
WA-ENV-MNP-510

Mr Peter Jaeger
Senior Environmental Advisor
Wambo Coal Pty Ltd
PJaeger@peabodyenergy.com

Dear Mr Jaeger,

Consultation regarding the Revised Wambo Coal Heritage Management Plan (Version 4), Singleton Council

I refer to your letter dated 12 April 2018, seeking comments on the revised Wambo Coal Heritage Management Plan (HMP) (Version 4), in the Singleton local government area. OEH has previously provided comments on this HMP, and understands that the proponent has now made the following revisions.

The HMP has been revised:

- to address the conditions of AHIP C0003213 issued by OEH on 27 February 2018;
- for inclusion as the HMP in the Extraction Plan for the Longwalls 17 to 20 at the South Bates Extension Underground Mine; and
- to incorporate a management plan for Aboriginal cultural heritage in RWEPP Area A (as required under Condition 51, Schedule 4 of DA 305-7-2003 modified in December 2017).

OEH has reviewed the revised HMP and is satisfied that the revisions made still adequately manage Aboriginal cultural heritage within the Wambo Mine Complex and the range of activities undertaken within the operational footprint of the mine. If you require any further information regarding this matter, please contact Nicole Davis, archaeologist, on 0409 394 343.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Cox'.

23 April 2018

STEVEN COX
Senior Team Leader - Planning
Hunter Central Coast Branch
Regional Operations Division

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Ms Melanie Hollis
Senior Planning Officer, Resources Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001
Email: melanie.hollis@planning.nsw.gov.au

Dear Ms Hollis

RE: Heritage Council comments on the Wambo South Bates Extension (Wambo Mine Modification 17 – South Bates Extension) – Extraction Plan for LW 17-20, Singleton LGA

Reference is made to your email received on 14 May 2018 indicating a copy of the above extraction plan had been sent to the Heritage Council of NSW for comment.

The following document was provided to satisfy a condition of consent on the Wambo Mine 'Mod 17' for the South Bates Extension, and has been reviewed:

- The relevant report is: *Wambo Coal Pty Limited, South Bates Extension Underground Mine, Extraction Plan, Longwalls 17 to 20 Appendix D Heritage Management Plan, Document No. WA-ENV-MNP-510, prepared by Peabody, dated March 2018.*

The Extraction Plan contains information about the historical archaeological resources which require archaeological mitigation as well as advice on the protocol of site inductions and management of Non-Indigenous unexpected finds. Comments aimed at providing clarity in managing these heritage items for the project are provided below:

- Section 5.2 Performance Measures: amend reference to the 'Heritage Branch' and replace with 'Heritage Division, OEH' in Table 7: Heritage Performance Measure;
- Section 5.3 Management of Historic Heritage: amend the last paragraph at page 47 to read:
'If during the life of the mine any previously unknown potential archaeological relics are uncovered or identified, all work shall immediately cease in that area. A written response by a suitably qualified historical archaeologist shall assess the nature and significance of the resource, along with the proposal for the treatment of the relics. The written response shall be submitted for the approval of the Secretary, Department of Planning and Environment to determine an appropriate course of action prior to the recommencement of work in the vicinity of the item. This information must also be provided to the Heritage Council of NSW in accordance with Section 146 of the NSW Heritage Act 1977.'
- Section 6.0 Heritage Inductions and Aboriginal Cultural Education Program: the addition of the following paragraph:
'All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated archaeologist/heritage consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW.'

If you have any questions arising from this letter, please contact Anna Foroozani, Archaeologist, Specialist Services at the Heritage Division, Office of Environment and Heritage on telephone (02) 9895 6479 or by e-mail at anna.foroozani@environment.nsw.gov.au.

Yours sincerely

5 July 2018

Felicity Barry
Acting Senior Team Leader, Specialist Services
Heritage Division
Office of Environment & Heritage
As Delegate of the Heritage Council of NSW

[Helping the community conserve our heritage](#)

Response to Comments Received from Heritage Division, OEH (now BCD) on the HMP (Revision 4) (correspondence dated 5 July 2018)

Comment	Consideration of Comment
<p>The Extraction Plan contains information about the historical archaeological resources which require archaeological mitigation as well as advice on the protocol of site inductions and management of Non-Indigenous unexpected finds. Comments aimed at providing clarity in managing these heritage items for the project are provided below:</p>	
<p>Section 5.2 Performance Measures: amend reference to the 'Heritage Branch' and replace with 'Heritage Division, OEH' in Table 7: Heritage Performance Measure;</p>	<p>Table 7 is a direct quote of the conditions in DA 305-7-2003 and therefore has not been revised.</p> <p>The following note has been included below the table:</p> <p><i>Note: "Heritage Branch" in Table 14A of Schedule 4 of Development Consent (DA 305-7-2003) should be read as "Heritage Division, OEH."</i></p>
<p>Section 5.3 Management of Historic Heritage: amend the last paragraph at page 47 to read:</p> <p><i>'If during the life of the mine any previously unknown potential archaeological relics are uncovered or identified, all work shall immediately cease in that area. A written response by a suitably qualified historical archaeologist shall assess the nature and significance of the resource, along with the proposal for the treatment of the relics. The written response shall be submitted for the approval of the Secretary, Department of Planning and Environment to determine an appropriate course of action prior to the recommencement of work in the vicinity of the item. This information must also be provided to the Heritage Council of NSW in accordance with Section 146 of the NSW Heritage Act 1977'.</i></p>	<p>The text in Section 5.3 has been amended as proposed by the Heritage Division, OEH.</p>
<p>Section 6.0 Heritage Inductions and Aboriginal Cultural Education Program: the addition of the following paragraph:</p> <p><i>'All construction contractors, subcontractors and personnel are to be inducted and informed by the nominated archaeologist/heritage consultant prior to commencing work on site as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW'.</i></p>	<p>The following additional text has been included in Section 6.0:</p> <p><i>All personnel, contractors and subcontractors undertaking construction works are to be informed as to their obligations and requirements in relation to historical archaeological sites and 'relics' in accordance with guidelines issued by the Heritage Council of NSW, prior to commencing work on site.</i></p> <p>It is not considered necessary or appropriate for an archaeologist/heritage consultant to be present at all inductions.</p>