

PEABODY

WILPINJONG COAL

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

WI-ENV-MNP-0034

September 2019

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WI-ENV-MNP-0007	2	June 14	WCPL, Palaris	DP&E	Minor amendments following WCPL internal review. Submitted to DP&E on 6 June 2014 in accordance with PA 05-0021 (awaiting OEH comments)
WI-ENV-MNP-0007	3	March 16	WCPL	DP&E, OEH, RAPs	Minor amendments to address comments from DP&E and OEH
WI-ENV-MNP-0007	4	October 16	WCPL	DP&E	MOD 7
WI-ENV-MNP-0034	5	May 17	WCPL, South East Archaeology	DP&E, OEH, RAPs	SSD-6764
WI-ENV-MNP-0034	6	September 19	WCPL	DPIE, OEH & RAPs	Minor amendments to address commitments arising from the Warrabinga NT Agreement and to include revised disturbance footprint boundary in Pit 8

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1.0 Introduction

The Wilpinjong Coal Mine (the Mine) is owned and operated by Wilpinjong Coal Pty Limited (WCPL), a wholly owned subsidiary of Peabody Energy Australia Pty Ltd (Peabody).

The Mine is an existing open cut coal mining operation situated approximately 40 kilometres (km) northeast of Mudgee, near the village of Wollar, within the Mid-Western Regional Local Government Area, in central New South Wales (NSW) (**Figure 1**).

The Mine originally operated under Project Approval (PA 05-0021) that was granted by the Minister for Planning under Part 3A of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) on 1 February 2006. Modification of the Project Approval (PA 05-0021) has subsequently occurred six times¹ with the most recent modification 7 approved in August 2016 (**Section 2.1**). The existing Aboriginal Cultural Heritage Management Plan (ACHMP) was developed in accordance with NSW Project Approval 05-0021 and the last revision was approved in March 2017.

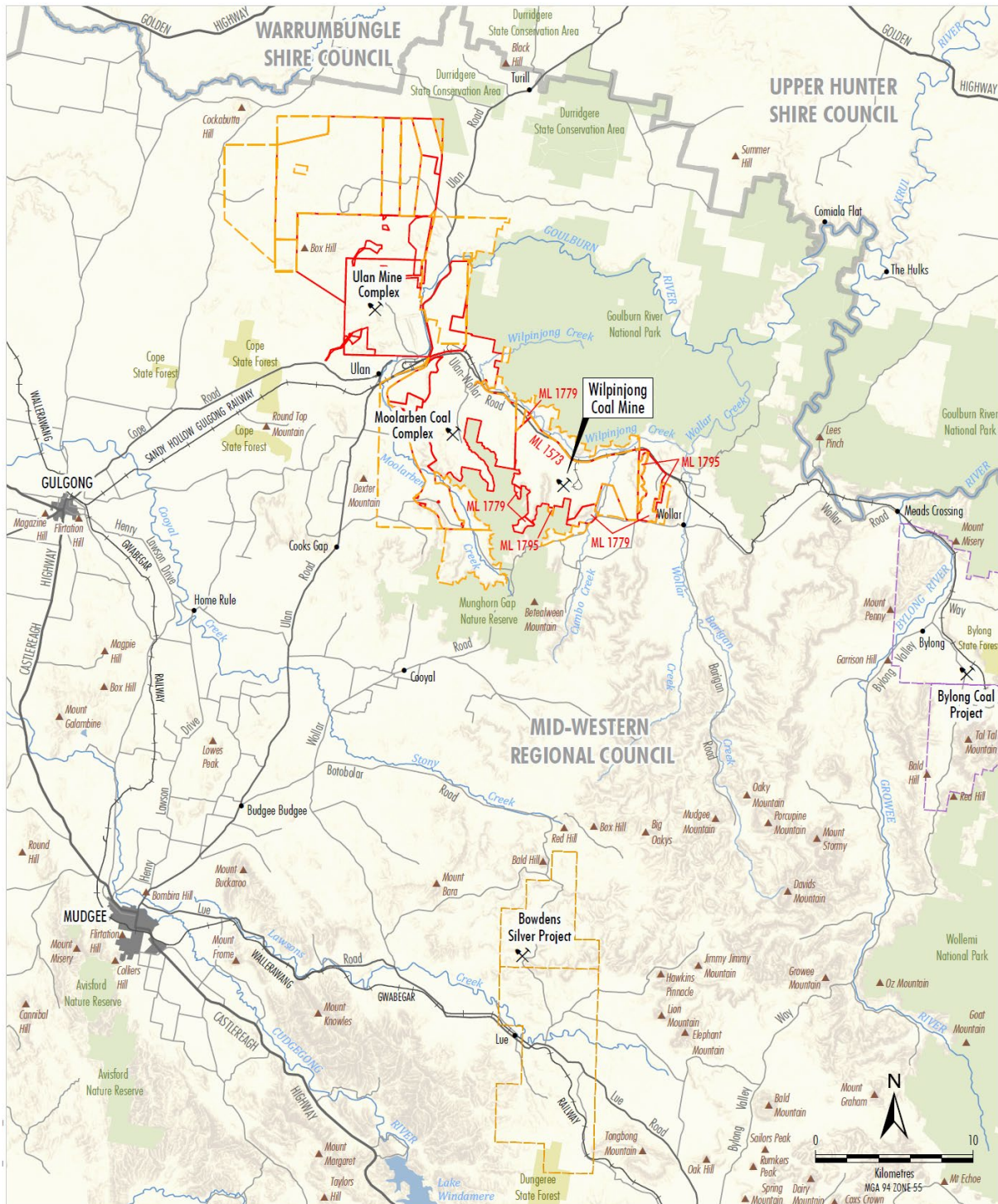
The Mine has approval to produce up to 16 million tonnes per annum (Mtpa) of run-of-mine (ROM) coal. Thermal coal products from the Mine are transported by rail to domestic customers for use in electricity generation and to port for export. Open cut mining operations are undertaken 24 hours per day, seven days per week.

On 24 April 2017, WCPL was granted Development Consent (SSD-6764) for the Wilpinjong Extension Project that provides for the continued operation of the Mine at rates of up to 16 Mtpa ROM out to 2033, and access to approximately 800 hectares of open cut extensions. The Development Consent (SSD-6764) will supersede Project Approval (PA 05-0021).

Peabody and its subsidiaries, WCPL and Peabody Pastoral Holdings Pty Ltd, is a major landholder owning adjacent rural properties and land to the east and south-east of the Mine. Land to the west of the mine is owned by adjacent mining companies, whilst the NSW National Parks and Wildlife Service (NPWS) estate owns significant land to the north and south-west of the Mine.

Private properties are located predominantly in and around the Wollar Village and along Mogo Road to the north of the Mine.

¹ Mod 2 was withdrawn.



- LEGEND**
- Mining Lease Boundary
 - Exploration Licence Boundary
 - Authorisation Boundary
 - Local Government Boundary
 - NSW State Forest
 - National Park, Nature Reserve or State Conservation Area
 - ✕ Coal Mining Operation

Source: WCPL (2019); Office of Environment & Heritage NSW (2019); NSW Land & Property Information (2017); NSW Dept of Industry (2019); Geoscience Australia (2011)

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WILPINJONG COAL MINE
 Regional Location

Figure 1 Regional Location

1.1 Definitions and Acronyms

Table 1 provides a list of definitions for particular terms and acronyms used throughout ACHMP.

Table 1 Explanation of Acronyms and Terms

Acronym/Phrase	Explanation
AA	Apex Archaeology.
Aboriginal community	See entry for “Registered Aboriginal Parties”; for the purposes of this ACHMP.
Aboriginal object	Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, including Aboriginal remains [NP&W Act s.5(1)].
Aboriginal site	Location of evidence of Aboriginal occupation (typically, Aboriginal objects, but also places of traditional or historical cultural value for which no Aboriginal objects exist).
ACHMP	Aboriginal Cultural Heritage Management Plan.
AHIMS	Aboriginal Heritage Information Management System.
AHIP	Aboriginal Heritage Impact Permit, issued by OEH under section 90 of the NP&W Act to allow impacts to Aboriginal objects. Requirement for this permit is superseded by Part 3A of the EP&A Act.
Ancillary Agreement	Means the Section 31 Deed between the applicants for the North Eastern Wiradjuri People’s native title determination application No. NSD1089/05 dated 12 December 2005.
AQMP	Air Quality Management Plan.
BMgtP	Blast Management Plan.
BWWHS	Binjang Wellington Wiradjuri Heritage Survey.
CCC	Community Consultation Committee
CHLSC	Cultural Heritage Liaison Sub Committee (as established under the Native Title Agreement between WCPL and the North Eastern Wiradjuri Native Title claimants).
CHWP Notice	Cultural Heritage Works Program Notice.
DECCW	Department of Environment, Climate Change and Water; now OEH.
Development Consent	Development Consent (SSD-6764) granted by the NSW Planning Assessment Commission on 24 April 2017 under Part 4 of the EP&A Act.
DP&E	NSW Department of Planning and Environment, the NSW government department responsible for implementing the EP&A Act. Formerly known as the Department of Planning (DoP) and the Department of Planning and Infrastructure (DP&I).
DPIE	Department of Planning, Industry and Environment (formally Department of Planning and Environment)
EA	Environmental Assessment, specifically in relation to the present ACHMP.
ECA	Enhancement and Conservation Area.
ECM	Environment and Community Manager.
EL	Exploration Lease.

Table 1 Explanation of Acronyms and Terms (Continued)

Acronym/Phrase	Explanation
EPA	NSW Environment Protection Authority.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> . The primary piece of legislation for the regulation of land use, planning and development within NSW.
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> , a Federal Act for the protection of National Heritage Places.
EPL	Environment Protection License 12425. Granted by the EPA under the POEO Act.
GDP	Ground disturbance permit. Required for any works where physical disturbance of the ground surface is required i.e. digging/excavating, vegetation and/or topsoil removal, exploration/ drilling activities
GIS	Geographic information system.
GPS	Global positioning system.
Incident	A set of circumstances that causes or threatens to cause material harm to cultural heritage and/or breaches or exceeds the limits or performance measures/criteria in the Part 3A PA.
KAS	Kayandel Archaeological Services.
MGATSIC	Murong Gailinga Aboriginal and Torres Strait Island Corporation.
ML	Mining Lease.
MLALC	Mudgee Local Aboriginal Land Council.
Mod 5	Modification Number 5 (and accompanying EA) to PA 05-0021.
NEWCO	North Eastern Wiradjuri Company Ltd.
NOHC	Navin Officer Heritage Consultants.
NP&W Act	<i>National Parks and Wildlife Act 1974</i> . The primary legislation for the protection and management of Aboriginal heritage within NSW.
NSW	New South Wales.
NTA	Native Title Agreement.
NTLO	Native Title Liaison Officer.
OEH	Office of Environment and Heritage, the NSW government department responsible for implementing the NP&W Act. Formerly the Department of Environment, Climate Change and Water (DECCW).
Operational cultural heritage meetings	Meetings of the CHLSC and RAPCC for the primary purpose of WCPL providing information to the RAPs about general mine operational matters.
PAD	Potential archaeological deposit. Archaeological evidence (typically stone artefacts buried in the sediments of rockshelters or in open contexts) predicted to occur in a specific place through application of a predictive model of site location.
Peabody	Peabody Energy Australia Pty Ltd.

Table 1 Explanation of Acronyms and Terms (Continued)

Acronym/Phrase	Explanation
Project Approval	Number 05-0021 granted by the Minister for Planning under Part 3A of the EP&A Act on 1 February 2006 (as amended).
Project Specific Cultural Heritage Meetings	Meetings for the primary purpose of WCPL consulting with, and seeking the input of, the RAPs about project specific matters.
RAPCC	Registered Aboriginal Parties Consultation Committee.
RAPs	Registered Aboriginal Parties.
Registered Aboriginal Parties	Comprise Warrabinga Native Title Claimants Aboriginal Corporation (Warrabinga), North Eastern Wiradjuri Company Ltd (NEWCO), Mudgee Local Aboriginal Land Council (Mudgee LALC), Murong Gialinga Aboriginal and Torres Strait Islanders Corporation (MGATSIC), Wanaruah Local Aboriginal Land Council (Wanaruah LALC), Wellington Valley Wiradjuri Aboriginal Corporation (WVWAC), Binjang Wellington Wiradjuri Heritage Survey (BWWHS) and Paul Brydon.
Representative	Includes employees, contractor or nominated personnel acting as agents for WCPL.
SEA	South East Archaeology.
TKP	Temporary Keeping Place, incorporating Cumbo and Wyangle Keeping Places.
Unavoidable Impact	An instance where ground disturbance will occur without mitigation [beyond the initial documentation of the site(s) and/or object(s)].
WCPL	Wilpinjong Coal Pty Ltd.
WHC	Wallis Heritage Consulting.
WHS	Workplace health and safety.
WLALC	Wanaruah Local Aboriginal Land Council.
WNTCAC	Warrabinga Native Title Claimants Aboriginal Corporation.
WVWAC	Wellington Valley Wiradjuri Aboriginal Corporation.

1.2 Purpose

This ACHMP has been prepared in accordance with the relevant conditions of the Development Consent (SSD-6764) (Appendix 1) to address the requirements of the NSW *National Parks and Wildlife Act 1974* (NP&W Act), the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the EP&A Act, with relation to Aboriginal cultural heritage associated with the operation of the Mine.

The ACHMP has been designed to minimise impacts from the Mine on Aboriginal cultural heritage by describing the strategies that will be used to manage Aboriginal cultural heritage (**Appendix 2**) and has been prepared in consultation with the Registered Aboriginal Parties (RAPs) (**Section 1.5**) and the NSW Office of Environment and Heritage (OEH).

Specifically, this ACHMP has been developed to:

- Describe the measures to be implemented to comply with the cultural heritage conditions of the Development Consent (SSD-6764);
- Describe the strategies and procedures used to manage Aboriginal cultural heritage across the Development Application Area;
- Provide a protocol for evaluating compliance with the Aboriginal cultural heritage conditions;
- Provide a protocol for managing and reporting any Aboriginal cultural heritage-related non-compliances and incidents;
- Describe and assign responsibilities relating to Aboriginal cultural heritage management at the Mine;
- Describe the reporting requirements related to Aboriginal cultural heritage; and
- Describe how the ACHMP will be reviewed and updated.

1.3 Guiding Principles for Aboriginal Cultural Heritage

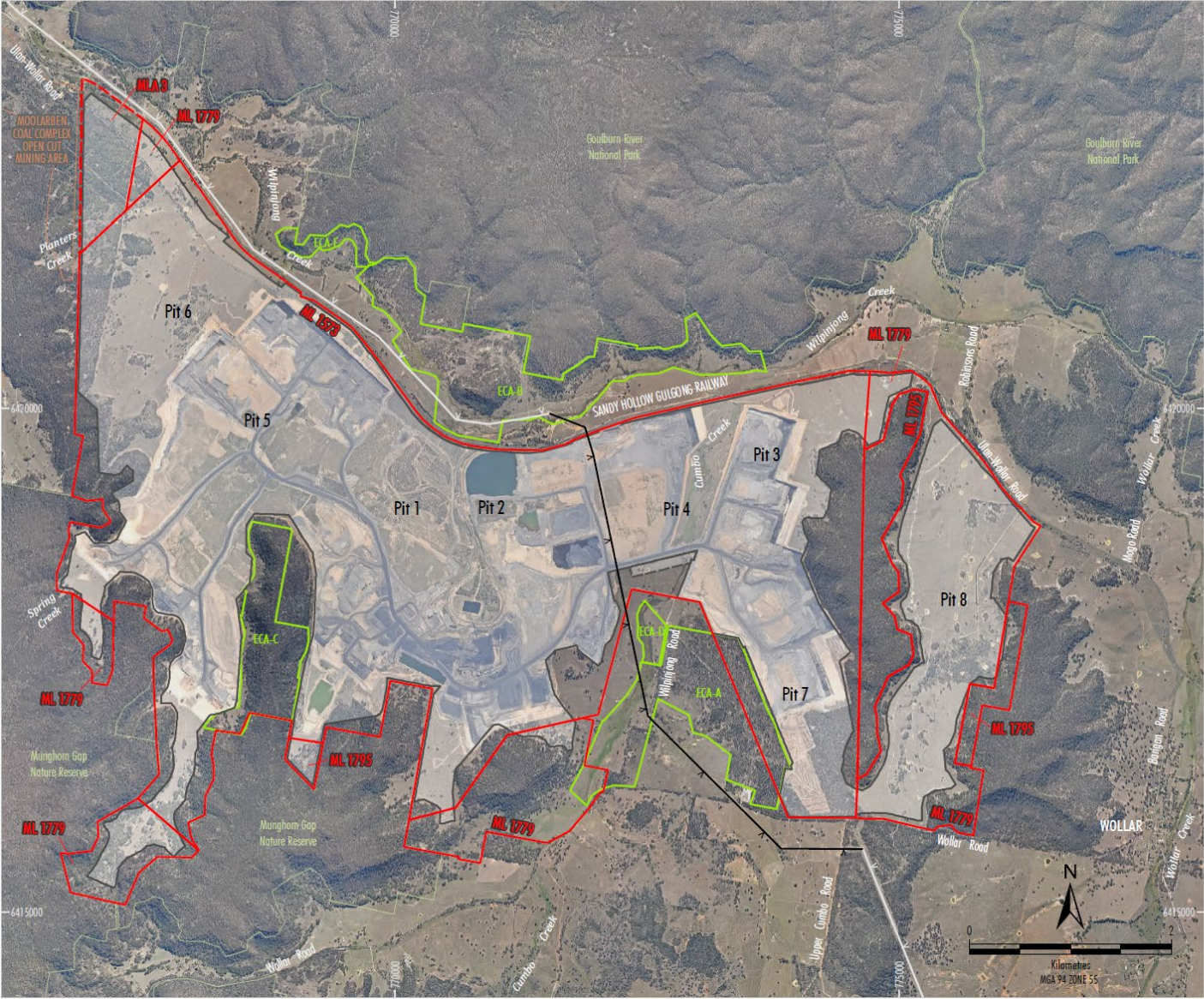
WCPL and the RAPs agree that the principles for the management of Aboriginal cultural heritage in the Development Application Area are:

- (a) A practice of mutual respect, understanding and value for Aboriginal cultural heritage;
- (b) That the RAPs have a right to be consulted and actively involved in the management of Aboriginal cultural heritage;
- (c) That the preferred strategy for the management of all Aboriginal cultural heritage is *in situ* conservation (i.e. avoidance of impacts), wherever this is practicable;
- (d) The preceding principal notwithstanding, *in situ* conservation is not always feasible and consequently this ACHMP establishes strategies to mitigate unavoidable impacts to Aboriginal cultural heritage as a result of approved mining and related activities;
- (e) The landscape and all archaeological evidence of past Aboriginal occupation of the Development Application Area and surrounding region is culturally significant to the Aboriginal community, even after such evidence has been salvaged;
- (f) Both tangible and intangible cultural heritage are of value to the Aboriginal community;
- (g) Aboriginal cultural values may not always be the same as archaeological (scientific) values; and
- (h) All cultural and intellectual property rights associated with the RAPs' cultural heritage remain the property of the RAPs to the extent permitted by law.

1.4 Scope

This ACHMP applies to the Development Application Area identified in **Appendix 2** of the Development Consent (SSD-6764), as shown on **Figure 2**. Therefore, any project works permissible under the Development Consent that occur within the Development Application Area are covered by this ACHMP.

Works not permissible under the Development Consent (SSD-6764) that occur within or outside of the Development Application Area are not covered by the ACHMP, and therefore the NP&W Act is applicable (**Section 2.2.2**).



- LEGEND**
- Mining Lease Boundary
 - Mining Lease Application Boundary
 - Approved/Existing Open Cut and Contained Infrastructure Area *
 - Relocated Block Bank and Cumbo Creek Disturbance Area
 - Enhancement and Conservation Area
 - V Approved TransGrid 330 kV ETL Deviation
 - V Existing TransGrid 330 kV ETL

* Inclusive of the agreed minor change to the area confirmed by DPIE on 23rd August 2019.

Source: WCPL (2019); NSW Dept of Industry (2019)
 Orthophoto: WCPL (March 2018)

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 WILPINJONG COAL MINE
 General Arrangement

Figure 2 Wilpinjong Coal Mine General Arrangement

It is further noted that this ACHMP 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 suitably qualified archaeologist]) in consultation with the attending RAPs, a technical report would be prepared. This report would be provided to the OEH and made available to the RAPs. A copy would also be forwarded to the OEH Aboriginal Heritage Information Management System (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.

1.5 Consultation

In accordance with Condition 47, Schedule 3 of Development Consent (SSD-6764), this ACHMP has been prepared in consultation with:

- NSW Department of Planning, Industry and Environment (DPIE);
- RAPs; and
- OEH.

Copies of correspondence with these parties are maintained by WCPL and are available upon request.

The Aboriginal cultural heritage assessment for the original Wilpinjong Coal Project Environmental Impact Statement (WCP EIS) was prepared during 2004 in consultation with Mudgee Local Aboriginal Land Council, Murong Gialinga Aboriginal and Torres Strait Islander Corporation and Warrabinga Native Title Claimants Aboriginal Corporation, prior to the commencement of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 policy* (NSW Department of Environment, Climate Change and Water [DECCW] 2010a). The initial ACHMP (WCPL 2008) was subsequently developed in line with the original PA. Further details on the consultation undertaken for the initial ACHMP are included in **Appendix 3**.

During 2012 a comprehensive program of Aboriginal community consultation complying with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 policy* (DECCW 2010a) (refer to South East Archaeology [SEA] [2013a] for details) was undertaken for the Environmental Assessment to support a modification to the Project Approval (05-0021). The following RAPs were identified:

- Mudgee Local Aboriginal Land Council (MLALC);
- Wanaruah Local Aboriginal Land Council (WLALC);
- Murong Gialinga Aboriginal and Torres Strait Island Corporation (MGATSIC);
- Wellington Valley Wiradjuri Aboriginal Corporation (WWWAC);
- Warrabinga Native Title Claimants Aboriginal Corporation (WNTCAC);
- North Eastern Wiradjuri Company Ltd (NEWCO);
- Binjang Wellington Wiradjuri Heritage Survey (BWWHS); and
- Paul Brydon.

It is noted that the WLALC accepts that the Mine is located within the MLALC area, however WLALC has requested to be consulted on the project due to the proximity of the Mine to the WLALC boundary. WLALC has not been involved in any on-site works to date and do not wish to participate in future works.

Prior to commencing an earlier revision of this document, the existing ACHMP (WCPL 2008) was provided to the RAPs. An all-day workshop was then held in Mudgee for the RAPs on 25 February 2014. Following the workshop, detailed notes of the discussion were circulated to all the RAPs, who were requested to provide any additional feedback by close of business (COB) 10 March 2014. Following a request made during the workshop, hard copies of Project Approval (05-0021) were also sent to all the RAPs.

Electronic copies of the initial draft of the revised ACHMP incorporating the RAPs' feedback during the initial workshop were then provided to the RAPs on 9 April 2014, allowing for initial familiarisation before a second, all-day workshop was held in Mudgee on 16 April 2014. Following the second workshop, detailed notes were again written up and circulated on 22 April 2014 to all the RAPs, along with a revised version of the draft ACHMP incorporating decisions agreed upon during the workshop; at this time the RAPs were requested to provide any additional feedback or other input by COB 9 May 2014. Some feedback was received on 12 May 2014 and this has also been addressed.

The consultation process raised several minor issues or comments that were addressed in the previous revision of the ACHMP.

Since the previous revision of the ACHMP was prepared, an Aboriginal Cultural Heritage Assessment (ACHA) has been undertaken for the Wilpinjong Extension Project by SEA (2015). As part of the ACHA process, consultation was undertaken with members of the Aboriginal community that were identified as RAPs, including all of those listed above.

A detailed account of the consultation process undertaken for the ACHA (including consultation records and a detailed consultation log) is provided in SEA (2015).

In accordance with Schedule 3 Condition 47 of Development Consent (SSD-6764), a draft version of this ACHMP has been provided to the OEH and the RAPs for their review and comment. Comments received within the specific time period will be considered during finalisation of the ACHMP and prior to lodgement with the DPIE for approval.

A summary of the consultation undertaken for the ACHA and this ACHMP is included in **Appendix 3**; note that **Appendix 3** does not include details of the consultation for previous versions of the ACHMP that were prepared to satisfy the previous Mine Project Approval (05-0021). WCPL has retained copies of all communication records associated with the development of this ACHMP and these can be provided upon request. Mechanisms for the ongoing consultation and involvement of the RAPs are outlined in this ACHMP (**Section 3.0**), consistent with conditions of the Development Consent (SSD-6764).

On the 8 August 2019, WCPL commenced consultation with the DPIE to request a minor variation to increase the disturbance footprint and open cut boundary to Pit 8, arising from refinement to the Pit 8 detailed design. On the 23 August 2019, WCPL received approval from the DPIE that the proposed minor changes to the footprint area of Pit 8 are generally in accordance with the WEP and project approval. Accordingly, WCPL have updated all relevant management plans required by SSD-6764 to reflect this change, as discussed with the DPIE.

1.6 Suitably Qualified and Experienced Persons

The Secretary of DPIE approved Mr Peter Kuskie of SEA as a suitably qualified and experienced person for the preparation/review of the ACHMP on 24 May 2017. This ACHMP was prepared in consultation with Mr Peter Kuskie.

2.0 Statutory Requirements

2.1 Development Consent Requirements

This ACHMP has been prepared to fulfil the requirements of the Development Consent (SSD-6764), responses to submissions, recommendations documented in relevant studies, assessments and investigations, and relevant legislation, standards and guidelines (**Appendix 1**).

Table 2 summarises WCPL's main statutory approvals, relevant to the ACHMP.

Table 2 WCPL's Statutory Approvals

Approval/Licence No.	Description	Date of Approval	Agency
SSD-6764	Project Approval	24 April 2017	DPIE
EPL 12425	EPL	11 April 2019*	EPA

Notes:* Date of last EPL Variation

PA05-0021 was surrendered on 26 May 2019 in accordance with Condition 9, Schedule 2 of Development Consent SSD-6764. At the time of preparing this management plan review in September 2019, the surrender of consent process was ongoing.

To meet the specific performance criteria established under the Development Consent (SSD-6764), WCPL will implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment (including cultural heritage) that may result from the construction, operation or rehabilitation of the Mine.

2.2 Relevant Legislation and Guidelines

The specific legislation considered during the preparation of this ACHMP includes:

- NSW *Environmental Planning and Assessment Act 1979*;
- NSW *National Parks and Wildlife Act 1974*;
- Commonwealth *Native Title Act 1993*; and
- Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Each of the aforementioned Acts is briefly summarised below to provide the legislative context for this ACHMP.

The various guidelines relating to Aboriginal cultural heritage management in NSW were also considered during the preparation of this ACHMP, including:

- *Aboriginal Cultural Heritage Standards and Guidelines* (DECCW 1997);
- *Guide to Determining and Issuing Aboriginal Heritage Impact Permits* (DECCW 2009a);
- *Operational Policy: Protecting Aboriginal Cultural Heritage* (DECCW 2009b);
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a);
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b);
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010c); and
- *NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects* (NSW Minerals Council 2010).

2.2.1 Environmental Planning and Assessment Act 1979

The Wilpinjong Extension Project was granted Development Consent (SSD-6764) by the NSW Planning Assessment Commission on 24 April 2017 pursuant to Part 4 of the EP&A Act. The Development Consent (SSD-6764) requires WCPL to develop, implement and comply with an ACHMP in accordance with the Conditions of Approval. This ACHMP has been prepared to fulfil this requirement.

2.2.2 National Parks and Wildlife Act 1974

The NP&W Act provides the primary basis for the legal protection and management of Aboriginal heritage places and objects within NSW. The rationale behind the Act is to prevent unnecessary or unwarranted destruction of Aboriginal objects and to protect and conserve objects where such action is considered warranted (DECCW 2009a, 2009b). Implementation of and oversight for the Aboriginal heritage provisions of the NP&W Act is the responsibility of OEH.

Under the NP&W Act, a s.90 Aboriginal Heritage Impact Permit (AHIP) is typically required to authorise impacts to any Aboriginal object or Aboriginal place. However, as the Mine is defined as a Part 4 State Significant Development, pursuant to s.89J of the EP&A Act an AHIP is not required. Rather, management of any impacts on Aboriginal heritage must occur within the Development Application Area in accordance with the Development Consent (SSD-6764) and therefore this ACHMP.

For any project activities that occur outside of the Development Application Area, or for any works not permissible under the Development Consent (SSD-6764) that occur within or outside of the Development Application Area, the provisions of the NP&W Act apply and must be adhered to with respect to Aboriginal cultural heritage.

2.2.3 Native Title Act 1993

Native title is the recognition in Australian law that some Indigenous people have rights and interests to their land that come from their traditional laws and customs. Through the operation of the Commonwealth *Native Title Act 1993*, a Native Title Agreement (NTA) is maintained with the North Eastern Wiradjuri Native Title Claimants over Mining Lease 1573 (ML1573) and Warrabinga Wiradjuri #6 Native Title Claim over MLA 515. The Government Party Deed ("the Deed") represents an agreement for the purposes of s.31(1)(b) of the *Native Title Act 1993* and was validly lodged with the National Native Title Tribunal on 12 December 2005. The implementation of the NTA is through the operation of the "Ancillary Agreement" which was entered into by the grantee party (WCPL) and the claimants (NEWCO). WCPL will continue to implement arrangements detailed in the NTA through the operation of this ACHMP and external to this ACHMP in consultation with NEWCO.

It is also noted that a 'Right to Negotiate' process under the *Native Title Act, 1993* is underway in respect of Mining Lease Application 515 for the Wilpinjong Extension Project.

2.2.4 Environment Protection and Biodiversity Conservation Act 1999

Following amendments that came into effect on 1 January 2004, the EPBC Act provides the framework to protect nationally significant flora, fauna, ecological communities and heritage places, including World Heritage Places. It is administered by the Commonwealth Department of Environment and Energy.

Under the EPBC Act, no one can take any action (defined to include a project, development or undertaking of an activity or series of activities) that has, will have or is likely to have a significant impact on national heritage without approval from the Minister. If the Minister determines that a proposed action is likely to have a significant impact on a matter of national heritage significance, then the action will require approval under the EPBC Act, which in turn requires an environmental assessment of the action. After considering the environmental assessment the Minister then decides whether to approve the action, and what, if any, conditions to impose.

The EPBC Act also provides for the registration of places considered to be of national significance on the National Heritage Register and the Commonwealth Heritage Register. All of these lists may include Aboriginal cultural heritage sites, or other sites in which Aboriginal people may have interests.

No places or objects on heritage registers established or administered under the EPBC Act occur in the Development Application Area.

3.0 Aboriginal Consultation Protocols

3.1 Registered Aboriginal Parties' Consultation Committee

WCPL has formed a Registered Aboriginal Parties' Consultation Committee (RAPCC) which comprises one representative from each of the RAPs, in addition to an Independent Chairperson (appointed specifically for this task by the WCPL Environment and Community Manager [ECM]), the Native Title Liaison Officer (NTLO) and the Project Approval Manager. In addition, a WCPL administrative support officer will participate for the purpose of keeping the minutes of the RAPCC meetings.

The RAPCC convenes at least every 6 months (or more regularly if required to discuss any urgent issues, as determined by the Chairperson in consultation with the ECM) to discuss operational cultural heritage issues at the Mine over the preceding year, and proposed works that will have cultural heritage implications for the Mine for the upcoming year.

3.2 Cultural Heritage Liaison Sub Committee

The Cultural Heritage Liaison Sub Committee (CHLSC) was formed as a means by which WCPL could consult with members of the Aboriginal community who are party to the existing Ancillary Agreement. The CHLSC will continue to operate in order to deal with cultural heritage matters as specified in the terms of the Ancillary Agreement. In accordance with the "Ancillary Agreement", all matters associated with the implementation of the Agreement will remain confidential between the parties to the Ancillary Agreement.

The CHLSC will convene in accordance with the Ancillary Agreement to discuss cultural heritage issues at the Mine over the preceding year, and proposed works that will have cultural heritage implications for the Mine for the upcoming year.

3.3 Aboriginal Community Access

WCPL recognises that, on occasion, members of the Aboriginal community may wish to visit Aboriginal cultural places and/or to carry out cultural activities and/or ceremonies within the Development Application Area and/or Biodiversity Offset Areas 1-5.

WCPL will provide reasonable opportunities for visits to Aboriginal cultural heritage places and the conducting of Aboriginal cultural ceremonies in the Development Application Area and/or Biodiversity Offset Areas 1-5 (noting that these areas are outside of the Development Application Area and will ultimately be transferred to the National Park and will no longer be the responsibility of WCPL after this time). The RAPs wishing to visit places on WCPL-owned land will be required to request access in writing to the ECM, stating:

- Which site(s) or areas they intend to visit;
- The general nature of the visit;
- The preferred date and approximate time (i.e. morning, afternoon or all day) of the intended visit, with at least 10 working days' notice given prior to the date of the intended visit; and
- The number of people who will participate in the visit.

The ECM will respond within 5 working days advising of the date and time of the access arrangements that have been made to facilitate the request or providing notification that access cannot be arranged (including a brief reasoning for such a decision).

Site access will be subject to compliance with the current workplace health and safety (WHS) requirements and operational procedures at the Mine. The Aboriginal representatives will be accompanied by a WCPL employee while on-site to ensure they do not unintentionally expose themselves to operational hazards.

Where requested as part of an Aboriginal community access visit, WCPL will provide the RAPs with the reasonable opportunity to conduct ceremonies (including, but not necessarily limited to, smoking ceremonies) as they see fit, following the completion of an appropriate risk assessment. In the case of ceremonies that may involve the use of smoke and/or fire, the arrangements must be made in consultation with the WCPL Fire Warden. All ceremonies must also be undertaken in accordance with relevant WHS and operational requirements.

3.4 Cultural Heritage Inductions and Training

3.4.1 General Introduction to Cultural Heritage Responsibilities during Inductions

Prior to commencing work at WCPL, all contractors and employees will receive a general introduction to cultural heritage as part of their standard induction package. The aim of the general introduction is to ensure all contractors and employees are aware of their legal responsibilities with respect to the identification and management of cultural heritage. The induction will include:

- An overview of this ACHMP;
- Overview of Aboriginal cultural heritage known within the Development Application Area;
- Controls in place that must be followed to prevent unintentional impacts on Aboriginal cultural heritage associated with the use of vehicles and mobile plant;
- An overview of the management and monitoring at rock art sites;
- Simple criteria and procedures for artefact and human bone recognition;
- Actions to follow if human skeletal material is encountered (**Section 5.2.5**);
- Explanations of complaints and incident reporting processes; and
- Details of relevant WCPL environmental personnel to contact for further information regarding Aboriginal cultural heritage.

WCPL will maintain an accurate record of all employee and contractor inductions in accordance with Condition 47(c), Schedule 3 of SSD-6764.

3.4.2 General Cultural Heritage Training Program

WCPL has developed, with the assistance of the Warrabinga Wiradjuri #6 People and RAPs, a cultural heritage training program to be delivered to all WCPL employees and those contractors whose work tasks will give rise to any interactions with cultural heritage or with the RAPs. The aim of the program is to broaden individuals' general awareness and understanding of Aboriginal culture and heritage, so as to contribute to the development of mutual trust and respect between WCPL staff and the RAPs. The training program:

- Is developed and delivered by a suitably qualified and experienced external expert(s) engaged as required by WCPL specifically for this task;

- Includes, but is not necessarily limited to, the presentation of information about ‘the Dreaming’, the long-term Aboriginal occupation of Australia, some of the iconic archaeological sites in Australia (e.g. Willandra Lakes World Heritage Area), the difference between Native Title and cultural heritage, the differences between the RAPs, local Aboriginal Land Councils and Native Title Claimants, an introduction to Aboriginal culture and history specific to Wiradjuri Country and the area around Mudgee, the nature of the identified and potential Aboriginal heritage evidence within the Development Application Area, heritage management measures required under this ACHMP, and legal obligations; and
- Has been formulated in consultation with the RAPs, with the provision of a draft program for review and minimum 15 working days period for comments to be submitted to WCPL by the RAPs.

Delivery of the training program to WCPL employees will be undertaken through quarterly safety training days. While the general cultural heritage training program has been formulated in consultation with the RAPs, WCPL will provide a copy of the program to the RAPCC for review and comment in the event of any material changes to the program.

3.4.3 Specific Cultural Heritage Awareness Training

WCPL will ensure that all staff who specifically come into direct contact with the RAP representatives and/or Aboriginal issues will undertake specific cultural heritage awareness training. The content of this training will be approved by the ECM. The aim of this training is to ensure that these staff are aware of culturally appropriate forms of communication and interaction with the RAP representatives so as to further contribute to the development of mutual trust and respect between WCPL and the RAPs. The training will be delivered through an externally accredited organisation such as, but not necessarily limited to, TAFE. This training is anticipated to commence in 2017.

While WCPL will consult with the RAPCC on the selection of the training organisation (as described above), WCPL will also provide a copy of the finalised specific cultural heritage awareness training program to the RAPCC for review and comment.

3.5 Aboriginal Cultural Heritage Works Program Notification Protocol

WCPL will not undertake any ground disturbance activities except in accordance with the terms of this ACHMP and following the issuing of an internal WCPL ground disturbance permit (GDP). Archaeological investigations will only be undertaken by archaeologists qualified and experienced in Aboriginal heritage, in consultation with and/or with the involvement of the RAPs and will occur prior to any development impacts occurring to those specific areas or sites.

Prior to the issuing of a GDP that identifies the requirement for a Cultural Heritage Works Program (CHWP), WCPL will provide to the RAPs a written request (CHWP Notice) to nominate available representatives to participate in the proposed CHWP. This written request will be provided a minimum of seven days prior to proposed commencement of the CHWP. The number of the RAP's will be determined by an appropriate, qualified and experienced archaeologist based on the methodology proposed for the cultural heritage works. Within five working days of receiving the request, the RAPs will nominate representatives in the number specified in the request.

Each written CHWP Notice issued by WCPL to the RAPs must include the following information:

- The date the operational activities are anticipated to commence;
- The nature of the operation activities;
- The equipment and staff that will be involved in the operational activities;

- A description of the nature of the work and the methodology to be adopted during the cultural heritage works program;
- The date the CHWP is anticipated to commence;
- The anticipated duration of the CHWP;
- Details regarding the archaeologist/archaeological company engaged by WCPL to direct the CHWP;
- Summary of responsibilities of the RAPs i.e. inductions, insurances, SWMS, PPE, meals and off-site transport;
- How many representatives of the RAPs are requested to participate;
- Details of the on-site vehicles and transport arrangements for the CHWP;
- Contact details for relevant personnel involved in the CHWP;
- Invoicing requirements as per individual contracts with each RAP;
- Maps at an appropriate scale showing the work area (if relevant); and
- Any other information considered relevant by WCPL.

A template for the CHWP Notice to be issued by WCPL is provided in **Appendix 4**.

Subject to the ability of the nominated representatives to comply with WCPL contractor management requirements, WCPL agrees to contract the person(s) nominated by the RAPs in response to a CHWP Notice to conduct the specified CHWP in the specified work area.

It is noted that, in the event that a nominated RAP cannot attend (after being given adequate notice) or does not meet the WCPL contractor management requirements, works will progress in consultation with the other RAPs present i.e. the RAP will forgo the opportunity to work and must wait until their next turn on the roster.

3.6 Review of Aboriginal Cultural Heritage Reports

WCPL will ensure that any heritage reports produced under this ACHMP are distributed in a draft format to the RAPs within 28 days of completion of the draft report. The RAPs will be allowed a minimum 28 days for comment. Final heritage reports will be prepared that address and incorporate any input received, within the specified timeframe, from the RAPs.

The RAPs will provide written comment to WCPL on the draft of any heritage report, or in relation to any other heritage issue where requested by WCPL, within the time period requested (minimum 28 days).

Upon request, WCPL will provide the RAPs with final hard copies of all heritage reports produced under this ACHMP within 28 days of the finalisation of the report. Electronic copies of all heritage reports will be provided to the RAPs at each of the RAPCC meetings.

It is noted that reports will not be generated for all works (e.g. due diligence). In these instances, a summary of results will be provided to the RAPs for their records.

3.7 Participation in Aboriginal Cultural Heritage Meetings

WCPL will host Aboriginal Cultural Heritage Meetings with the RAPs, heritage experts and/or other parties as determined by the ECM, at any times as determined by the ECM, with the provision of a minimum 10 working days' notice to invitees requesting their attendance. The meetings shall be deemed to be either:

- Operational Meetings, for which the primary purpose is for WCPL to provide information to the RAPs. These will include, but are not necessarily limited to, meetings of the RAPCC; or
- Project Specific Meetings, for which the primary purpose is for WCPL to consult with, and seek the input of, the RAPs, with respect to specific projects related to the Mine.

3.8 Dispute Resolution Process

In the event that a dispute (i.e. a disagreement or expressed conflict of viewpoint) occurs during on-site works or the implementation of this ACHMP (either between a RAP and the consultant archaeologist or a RAP and a WCPL employee/contractor), the consultant archaeologist will notify the ECM in the first instance. The ECM will contact both parties and attempt to arrange a meeting to discuss and resolve the dispute. If the dispute cannot be resolved, it will be referred to OEH for resolution.

If a dispute occurs between two RAPs it is the responsibility of the respective RAPs to resolve the dispute. If however, the dispute affects on-site works, the ECM will contact both parties and attempt to arrange a meeting to discuss and resolve the dispute.

If a dispute occurs between a RAP and the ECM and the dispute cannot be resolved between the two parties, the ECM will refer the dispute to OEH for resolution.

4.0 Aboriginal Cultural Heritage History of Investigations and Baseline Data

4.1 Aboriginal Heritage Investigations at the Mine

Prior to the original WCP EIS cultural heritage assessment in 2004, over 180 Aboriginal sites were recorded on the Aboriginal Heritage Information Management System (AHIMS) register in a 40 km x 40 km search area around the Mine. Site types listed on the AHIMS register (at that time) included rockshelters with art and/or deposit and/or grinding grooves, artefact scatters, grinding grooves, scarred trees, a bora ceremonial/carved tree site, a quarry, a waterhole/well and isolated finds. However, none of the then registered sites were located in the immediate Development Application Area (WCPL 2005).

Since then, several Aboriginal cultural heritage assessments have been undertaken in relation to the Mine. The initial assessment was for the WCP EIS by Navin Officer Heritage Consultants (NOHC) in 2004 (NOHC 2005a) which was accompanied by several subsequent surveys to incorporate additional areas that did not form part of the original survey (KAS 2006; NOHC 2005b, 2006a, 2006b, 2006c) or project modifications (SEA 2013a). Additional baseline recording of three rockshelters located outside of the potential direct disturbance area of the Mine was also undertaken to enable the future assessment of the indirect impacts from blasting (NOHC 2006d). Further assessment of the three rockshelters was undertaken in early 2013 by Brennan (2013). Additional investigations of sites WCP33 and WCP216 were undertaken by KAS (2011, 2013) though, to date, only draft reports detailing these investigations have been received by WCPL from KAS despite attempts to have these reports finalised. Excavation at site WCP92 was completed in 2014 by Apex Archaeology. Salvage excavations of sites WCP1, 65 and 237 have also been completed by SEA (2017).

The most recent heritage assessment related to the Mine was that undertaken by SEA (2015) for the Wilpinjong Extension Project. A total of 293 tangible Aboriginal heritage sites were located within the extension areas, including 137 newly recorded sites identified during the surveys. In addition, members of the RAPs identified three key cultural areas/values. A detailed description of each of the Aboriginal heritage sites and cultural areas/values identified during the survey is provided in SEA (2015).

Since April 2015 NOHC has undertaken clearance surveys at the Mine. These surveys have recorded and salvaged surface artefacts located in those areas and also re-assessed scarred trees and other site types including rock shelters. Additionally, due diligence assessments have also been undertaken in areas outside of the Development Application Area. Some 81 additional sites have been recorded as part of this process, including 72 stone artefact sites, five rock shelters with associated PADs and four possible Aboriginal scarred trees.

The salvage of six scarred trees has also occurred since 2015. These have been reported on in 2015 and 2016 by NOHC. During this process the methodology for salvage was modified to reduce the chance of the trees being damaged during salvage. A review of the new methodology was found to be successful. The new methodology has also included the 3D scanning of the trees.

As part of an ongoing monitoring and assessment program of the three known Aboriginal rock art sites within the Wilpinjong project area (**Sections 5 and 6**), a baseline recording of the rock art and rock panels was compiled in 2006 (NOHC 2006d). In addition, a program of periodic site monitoring was established, including the collection of environmental monitoring data.

In December 2014, it was noted the surface dust evident across the rock surfaces in site WCP72 appeared to be visually darker than was evident in the baseline recordings (NOHC 2016j). In order to evaluate this change, an analysis of dust samples, from within and around the site was conducted in 2016 (NOHC 2016b). The results of the analysis were presented and discussed at a workshop with the RAPs in September 2016. The outcomes of the workshop included a set of agreed management objectives and a plan of prioritised actions which have been incorporated into this ACHMP (refer Section 5.1).

Monitoring reports also noted that a fence line which was impacting site WCP72 was now redundant and could be removed, and that a moderate build-up of combustible forest litter and branches noted in the proximity of the three art sites should be removed to minimise any potential damage from wildfire (NOHC 2016i). These actions were undertaken in October of 2015 (NOHC 2016a).

Previous Aboriginal cultural heritage investigations for the Mine are summarised in **Table 3**.

Table 3 History of Aboriginal Heritage Investigations Relating to the Mine

Author	Year	Report Title	Investigation Type	Details
NOHC	2005a	<i>Wilpinjong Coal Project Appendix F: Aboriginal Cultural Heritage Assessment</i>	Survey for the original EA	Resulted in identification of 235 heritage sites.
NOHC	2005b	<i>Supplementary Archaeological Survey of Site Depot, Borrow Pit, ROM PAD and [Proposed] Radio Facility, Wilpinjong Coal Project</i>	Report on Cultural Heritage Works Program arising from EA	Supplementary archaeological survey of some infrastructure areas to determine if any Aboriginal artefacts had become visible since the WCP EIS. 1 additional site located in proximity to the Radio Facility requiring in situ management.
NOHC	2006a	<i>Wilpinjong Coal Project: Archaeological Salvage and Post EIS Investigations: Interim Summary Report</i>	Report on Cultural Heritage Works Program arising from EA	Final report detailing outcomes from the salvage of sites within the "Pit 1" area, initial infrastructure areas, Bungalla Road and new disturbance area; survey of additional disturbance areas not covered in the WCP EIS.
NOHC	2006b	<i>Wilpinjong Coal Project: Archaeological Salvage and Post EIS Investigations</i>	Report on Cultural Heritage Works Program arising from EA	Detailed report on the salvage of sites within the "Pit 1" area, initial infrastructure areas, Bungalla Road and new disturbance area; survey of additional disturbance areas not covered in the WCP EIS.
NOHC	2006c	<i>Archaeological Survey. Three Proposed Fence-Line Alignments and Two Power Pole Locations, Wilpinjong Coal Project</i>	Summary report on Cultural Heritage Works Program arising from EA	Archaeological survey of three proposed fence-lines and two power poles required for pastoral stock management and installation of site offices.
NOHC	2006d	<i>Baseline Recording of Three Aboriginal Rock Art Sites WCP72, 152 and 153, at Wilpinjong, NSW: Wilpinjong Coal Project Aboriginal Cultural Heritage Management Program</i>	Report on Cultural Heritage Works Program arising from EA	Baseline recording of three rock art sites beyond the area of direct mine impact; carried out as part of a monitoring program, as required under the Project Approval and Native Title Agreement Ancillary Deed.

Table 3 History of Aboriginal Heritage Investigations Relating to the Mine (Continued)

Author	Year	Report Title	Investigation Type	Details
KAS	2006	<i>Wilpinjong Coal Project Aboriginal Cultural Heritage Survey: Supplemental Survey of Escarpment Areas and Report of Findings</i>	Report on Cultural Heritage Works Program arising from EA	Survey of the escarpment area beyond the area of direct mine impact to identify sites that may be susceptible to indirect impacts (such as through blasting).
WCPL	2008	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Management Plan and North Eastern Wiradjuri Cultural Heritage Management Plan</i>	Original Management Plan for the Mine	The ACHMP for the Mine developed through consultation with the RAPs.
KAS	2011	<i>Archaeological Excavation and Salvage: WCP33, October 2009 and December 2010 – January 2011</i>	Report on-site WCP33 Cultural Heritage Investigations	Draft report on details of salvage of site WCP33 undertaken under approved ACHMP.
KAS	2013	<i>WCP216 Archaeological Excavations: Test and Open Area. Main Report and Associated Appendices</i>	Draft report on-site WCP216 Cultural Heritage Investigations	Draft report on details of salvage of site WCP216 undertaken under approved ACHMP.
Wayne Brennan	2013	<i>Wilpinjong Coal Mine, Rock Art Conservation and Monitoring Project: Field Inspection Report and Recommendations</i>	Report on Rock Art Monitoring	Report on three rock art sites beyond the area of direct mine impact; carried out as part of the monitoring program undertaken under the approved ACHMP (WCPL 2008).
SEA	2013a	<i>Wilpinjong Coal Mine, Central Tablelands of New South Wales Modification: Aboriginal Cultural Heritage Assessment</i>	Survey for Mod 5	Survey of additional disturbance areas not covered in the WCP EIS as part of the Mod 5 EA.
SEA	2013b	<i>Wilpinjong Coal Mine - Pit 3 Clearance Areas: Preliminary Discussion Paper Regarding Aboriginal Heritage Management Strategies for Sites WCP 5, 65, 68 and 237</i>	Report on Cultural Heritage Works Program arising from EA	Advice on Pit 3 clearance areas.
SEA	2013c	<i>Wilpinjong Coal Mine - Pit 3 Clearance Areas: Additional Advice Regarding Aboriginal Heritage Management Strategies for Sites WCP 5, 65 and 237</i>	Report on Cultural Heritage Works Program arising from EA	Advice on Pit 3 clearance areas.
SEA	2013d	<i>Wilpinjong Extension Project - Preliminary Report on Aboriginal Heritage Due Diligence Survey of Soil Test Pit and Drilling Areas</i>	Due diligence	Due diligence of soil test pits and drilling areas.

Table 3 History of Aboriginal Heritage Investigations Relating to the Mine (Continued)

Author	Year	Report Title	Investigation Type	Details
SEA	2014a	<i>Wilpinjong Coal Mine - Aboriginal Heritage Salvage of Sites WCP 1, 65 and 237: Interim Status Report, July 2014</i>	Report on Cultural Heritage Works Program arising from EA and Modification	Salvage excavation of sites WCP 1, 65 and 237. Interim report
SEA	2014b	<i>Wilpinjong Coal Mine - Preliminary Report on Aboriginal Heritage Due Diligence Survey of Cumbo Creek Sediment Dams</i>	Due diligence	Due diligence of Cumbo Creek sediment dams
SEA	2014c	<i>Wilpinjong Extension Project - Report on Aboriginal Heritage Due Diligence Survey of Drilling Areas</i>	Due diligence	Due diligence of drilling areas
SEA	2014d	<i>Wilpinjong Mine - Preliminary Report on Aboriginal Heritage Due Diligence Survey of Proposed Piezometer Near Wollar</i>	Due diligence	Due diligence of piezometer
AA	2013a	<i>Wilpinjong Coal EL Exploration Drilling - Exploration Lease 7091 Due Diligence</i>	Due diligence	Due diligence of drilling areas
AA	2013b	<i>Wilpinjong Coal Exploration Drilling - Mining Lease 1573 Due Diligence</i>	Due diligence	Due diligence of drilling areas
AA	2013c	<i>Wilpinjong Coal Ancillary Works - Due Diligence</i>	Due diligence	Due diligence of piezometers, tree corridor, soil testing areas and water gauging station
AA	2013d	<i>Wilpinjong Pit 5 - Mining Lease 1573 Surface Collection</i>	Report on Cultural Heritage Works Program arising from EA	Surface collection of sites within Pit 5 under ACHMP
AA	2014a	<i>Wilpinjong Pit 7 SOW – Mining Lease 1573. Excavation Report</i>	Report on excavation at site WPC92	Report on excavations carried out at site WCP92 in the Pit 7 area, in compliance with the existing ACHMP (WCPL 2008).
AA	2014b	<i>Wilpinjong Coal: Cumbo Creek Salvage Works and Surface Collection of WCP2 and WCP447 Salvage Report</i>	Report on Cultural Heritage Works Program arising from EA	Surface collection of sites WCP2 and WCP447 and test excavations at Cumbo Creek under ACHMP
AA	2014c	<i>Wilpinjong Coal: Removal of Modified Tree WCP 122 Salvage Report</i>	Report on Cultural Heritage Works Program arising from EA	Salvage of modified tree WCP122 under ACHMP
AA	2014d	<i>Wilpinjong Coal Mine: Aboriginal Archaeological Excavation Report WCP126, WCP214 and WCP216</i>	Report on salvage works at sites WCP126, WCP214 and WCP 216	Report on salvage excavations at sites WCP126, WCP214 and WCP 216 under the ACHMP

Table 3 History of Aboriginal Heritage Investigations Relating to the Mine (Continued)

Author	Year	Report Title	Investigation Type	Details
SEA	2015	<i>Wilpinjong Coal Mine, Central Tablelands of New South Wales – Extension Project: Aboriginal Cultural Heritage Assessment</i>	ACHA for the Wilpinjong Extension Project	Survey of additional disturbance areas and impact assessment for the Wilpinjong Extension Project Environmental Impact Statement.
NOHC	2015a	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Assessment Cumbo Scarred Tree Shed Site and Area 16</i>	Due Diligence assessment and clearance survey	Due Diligence assessment of the Cumbo Scarred Tree shed site and clearance survey of Area 16.
NOHC	2015b	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Assessment - Area 4</i>	clearance survey	Report on the clearance survey of Area 4.
NOHC	2015c	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Areas 9 and 10</i>	Report on clearance survey	Report on the clearance survey of Areas 9 and 10.
NOHC	2015d	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Assessment Areas 13, 15 and 18 and Scarred Tree Removal Methodology Update</i>	Report on clearance survey	Report on the clearance survey of Areas 13, 15 and 18.
NOHC	2015e	<i>Wilpinjong Coal Mine Aboriginal Rock Art Monitoring and Assessment Program - Report on December 2014 site inspection</i>	Report on Rock art monitoring	Report on December 2014 site inspection.
NOHC	2016a	<i>Scarred Trees WCP89, 90 & 91 Wilpinjong Coal Mine, NSW Salvage Report and 3D Archival Recording</i>	Report on salvage of scarred trees	Report on the salvage of scarred trees WCP89, 90 & 91.
NOHC	2016b	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Area 1 and Optical Fibre Route</i>	Due Diligence assessment and clearance survey	Report on the clearance survey of Area 1 and an optical fibre route within the approved project boundary and due diligence assessment of the optical fibre route outside of the project boundary.
NOHC	2016c	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works and Due Diligence Assessment</i> <i>Drill sites: ML1573_PAL, LOX_BH, EL6169_BH, EL7091_ST and EL7091_BH</i>	Due Diligence assessment and clearance survey	Clearance survey and due diligence assessment of drill sites.
NOHC	2016d	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Areas 5 and 11</i>	Report on clearance survey	Report on the clearance survey of Areas 5 and 11.

Table 3 History of Aboriginal Heritage Investigations Relating to the Mine (Continued)

Author	Year	Report Title	Investigation Type	Details
NOHC	2016e	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Areas 2, 3 (part), 6, 14, Stem Pad, Pit 5 Monitor Station, Optic Fibre Route (part) and 17 (revised)</i>	Report on clearance survey	Report on the clearance survey of Areas 2, 3 (part), 6, 14, Stem Pad, Pit 5 Monitor Station, Optic Fibre Route (part) and 17 (revised).
NOHC	2016f	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Area 21</i>	Report on clearance survey	Report on the clearance survey of Area 21.
NOHC	2016g	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Areas 3, 7, 19 (part) and Wollar Road Fence Line</i>	Report on clearance survey	Powerline locations.
NOHC	2016h	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Powerline survey</i>	Due Diligence assessment and clearance survey	Clearance survey and due diligence assessment of drill sites.
NOHC	2016i	<i>Wilpinjong Coal Mine Aboriginal rock art monitoring and management program. Report on Oct 2015 fire hazard management works and fence removal, WCP72, 152 & 153.</i>	Report on Rock art monitoring	Report on Oct 2015 fire hazard management works and fence removal, WCP72, 152 & 153.
NOHC	2016j	<i>Analysis of Dust and Other Surface Deposits within Aboriginal Rock Art Site WCP72, Wilpinjong NSW. Wilpinjong Coal Mine rock art monitoring and assessment program.</i>	Report on Rock art monitoring	Report on Analysis of Dust and Other Surface Deposits within Aboriginal Rock Art Site WCP72.
NOHC	2017a	<i>Scarred Trees WCP94, 95 & 99 Wilpinjong Coal Mine, NSW Salvage Report</i>	Report on salvage of scarred trees	Report on the salvage of scarred trees WCP94, 95 & 99.
NOHC	2017b	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Areas 19(part), 15 and Contour Bank Archaeological Subsurface testing of site WCP224</i>	Report on clearance survey and subsurface testing results	Report on the clearance survey of Areas 19(part), 15 and Contour Bank and the subsurface testing of site WCP224.
NOHC	2017c	<i>Wilpinjong Coal Mine Aboriginal Cultural Heritage Clearance Works Areas 8, 8 adjacent north-west and 22</i>	Report on clearance survey	Report on the clearance survey of Areas 8, 8 adjacent north-west and 22.

4.1.1 Occupation Model

Several occupation models or elements thereof have been proposed during archaeological studies in the area, primarily to explain the results from individual sites. These have tended to be narrowly focused on particular aspects of Aboriginal occupation, rather than on the development of the broader model of Aboriginal occupation for the Ulan locality.

SEA (2015) outlined the general model of occupation for the Ulan locality. This model can be broadly summarised as follows:

- Members of the north-eastern clan of the Wiradjuri predominantly occupied the area;
- Occupation primarily occurred within the past 5,000 years but may have extended as far back as 30,000 – 40,000 years;
- Occupation was predominantly focused on the relatively more abundant and diverse rich zones within the north-east Wiradjuri territory, particularly along higher order watercourses, e.g. the Goulburn River and Talbragar River (primary resource zones);
- Outside the primary resource zones sporadic occupation of secondary resource zones, focused on watercourses and swamps/wetlands, particularly within close proximity of the rivers; and
- Occupation outside of the primary and secondary resource zones tended to involve hunting and gathering activities along with transitory movement between locations, procurement of stone materials and for ceremonial/spiritual activities/purposes.

4.2 Known Aboriginal Heritage Sites

The locations of all known (current as at May 2017) Aboriginal sites within and adjacent to the Development Application Area are illustrated on Figure 3 and summarised in **Table 4**. Tables summarising the current status and management strategies for known Aboriginal heritage sites are included in **Appendix 2**.

Detailed information about all identified Aboriginal sites within the Development Application Area can be accessed via:

- The current WCPL Cultural Heritage Site Database (current as at May 2017), maintained by the appointed site archaeologist and WCPL;
- GIS files which comprise of the WCPL Cultural Heritage Site Database;
- Existing reports about the Mine area (as listed in **Table 3**); and
- The available OEH Aboriginal site records (accessed via the WCPL ECM) and AHIMS.

Table 4 Summary of Aboriginal Cultural Heritage Documented in relation to the Mine

Site Type	Total sites listed in WCPL Sites Database
Open artefact site (including isolated finds and artefact scatters with or without PAD)	427
Grinding grooves (with or without artefact scatter)	3
PAD	2
Lithic quarry	1
Rockshelter (with art/artefacts/ochre quarry/waterhole/well)	36
Rockshelter with PAD	157
Scarred tree	63
Bora/ceremonial site and carved tree	1
Waterhole/Well	12
TOTAL	702

Refer Appendix 2 for further details on-site types and management strategies.

Note: The site type categories described in Table 4 correlate with the categories presented on Figure 3.

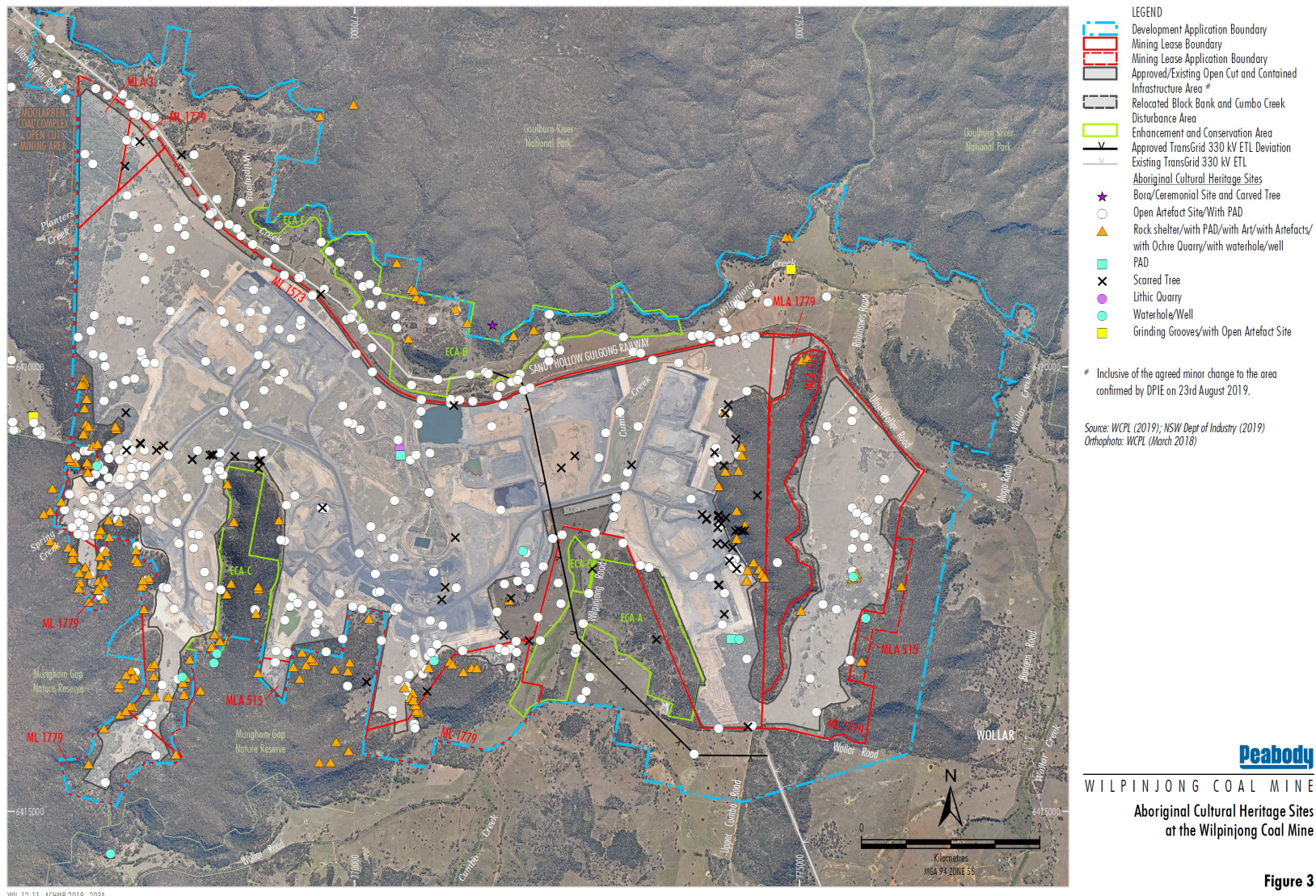


Figure 3 Aboriginal Cultural Heritage Sites at the Wilpinjong Coal Mine

Peabody
WILPINJONG COAL MINE
Aboriginal Cultural Heritage Sites
at the Wilpinjong Coal Mine

Figure 3

5.0 Management & Control Measures for Aboriginal Cultural Heritage

This section outlines the management and mitigation measures proposed for identified and potential Aboriginal heritage evidence at the Mine, consistent with the requirements of Development Consent (SSD-6764) and other relevant heritage legislation (e.g. NP&W Act) and policies or guidelines (e.g. the OEH *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* [DECCW, 2010b] and *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* [DECCW, 2010a] and OEH *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* [DECCW, 2010c]) where relevant.

5.1 Management Strategies for Known Aboriginal Cultural Heritage

Aboriginal heritage places and objects identified through the various surveys undertaken across the WCPL Development Application Area will be managed either through *in situ* preservation and avoidance, unmitigated impact, or through a systematic archaeological salvage program. General information about each of these strategies is provided below, and detailed information for each is provided in **Appendix 5**.

In addition to the below, WCPL has implemented a Ground Disturbance Permit (GDP) process, which is applicable to surface disturbance works at the Mine. The GDP aims to identify and manage any environmental restraints, including Aboriginal heritage sites, and permitting required prior to disturbance. A GDP is required to be completed prior to the commencement of new projects or activities requiring ground disturbance within the Mine site. The GDP must be approved by the ECM (or delegate) prior to works commencing. Ground disturbing activities are not authorised to proceed without an approved GDP.

5.1.1 In Situ Preservation and Avoidance

Where the management action for Aboriginal heritage sites is *in situ* preservation, appropriate site-specific precautionary measures will be implemented to confirm that inadvertent impacts do not occur. Precautionary measures will be identified as part of the WCPL GDP process and may include, but are not necessarily limited to education, signage and/or fencing. Where fencing is installed, WCPL will ensure that it is undertaken with an appropriate buffer.

A list of sites that are currently subject to *in situ* preservation and avoidance for the Mine is provided in **Appendix 2**. This list includes three rock art sites (WCP72, also known as 'Castle Rock', WCP152 and WCP153) that may be subject to indirect impacts and for which on-going monitoring is required to be carried out. The requirements of the rock art monitoring program are described in **Section 6.3**.

5.1.2 Unmitigated Impact

Where unavoidable impacts to Aboriginal cultural heritage have been identified and unmitigated impact is authorised through the Development Consent (SSD-6764), no management actions are required to be undertaken by WCPL. However, it is noted that it is the responsibility of the suitably qualified archaeologist to prepare Aboriginal Site Impact Recording forms and submit to the OEH (where relevant).

5.1.3 Systematic Archaeological Mitigation

Where unavoidable impacts to Aboriginal cultural heritage have been identified and mitigation is authorised through the Development Consent (SSD-6764) (refer to **Appendix 2**), these sites will be variously subject to surface collection, surface scrapes, test excavation and/or open area excavation, in consultation with the RAPs. Each of these mitigation strategies is described generally below, and **Appendix 5** includes the detailed procedures for each. **Appendix 2** contains the strategies for known Aboriginal sites. In each case an Aboriginal Site Impact Recording Form (ASIRF) will be completed and submitted to OEH.

5.1.4 Surface Salvage

Appendix 2 must be referred to in relation to known sites that require surface salvage and **Appendix 5** must be referred to for the detailed procedures to be followed for surface salvage. Surface salvage will be undertaken by a qualified archaeologist with assistance from representatives of the RAPs. Surface salvage involves the systematic collection of visible surface artefacts from a site. The process involves delineation of the collection area with respect to the nature and extent of the specific site, recording of artefact locations, collection of artefacts with the provenance of each recorded, and photography of each site.

The salvaged artefact assemblage, or a sub-sample therein (that must be of sufficient size as to enable a robust assessment of the nature of the assemblage), will be selected, on a case-by-case basis determined on its ability to address relevant research questions by the archaeologist in consultation with the RAPs, for more detailed description and analysis. This description and analysis will be conducted by a suitably qualified and experienced lithic specialist, according to the procedure set out in **Appendix 5**. This description and analysis may include low-powered preliminary microscopic inspection to assess whether any objects in the sample retain evidence of use-wear and/or residues. Should this microscopic inspection identify any artefacts that retain such evidence, they may be subject to detailed residue and use-wear analysis by a suitably qualified and experienced lithic use-wear and/or residue analyst. Reporting of results would occur to current OEH standards, focused on addressing the relevant research aims and refining the occupation model and predictive model for the locality.

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 ACHMP.

5.1.5 Surface Scrapes of Open Artefact Sites

Appendix 2, Figure 4 and the "Additional Test Excavation Investigations" section in **Section 5.1.6** must be referred to in relation to known sites that require salvage by surface scrapes and **Appendix 5** must be referred to for the detailed procedures to be followed for surface scrapes of open artefact sites. Surface scrapes will be undertaken by a qualified archaeologist with assistance from representatives of the RAPs in order to identify the broader nature and spatial distribution of archaeological evidence at the site. Surface scrapes would occur after any required surface collection, test excavation and broad area hand excavation. The process involves delineation of the surface scrape area, use of a rubber-tired machine (such as a dozer, grader or similar) to progressively expose the surface under the direction of the archaeologist, followed by physical inspection to identify, record and collect visible archaeological evidence after each pass of the machinery. The artefacts' provenance will be recorded and photographs taken of each surface scrape location.

The salvaged artefact assemblage, or a sub-sample therein (that must be of sufficient size as to enable a robust assessment of the nature of the assemblage), will be selected, on a case-by-case basis determined on its ability to address relevant research questions by the archaeologist in consultation with the RAPs, for more detailed description and analysis. This description and analysis will be conducted by a suitably qualified and experienced lithic specialist, according to the procedure set out in **Appendix 5**. This description and analysis may include low-powered preliminary microscopic inspection to assess whether any objects in the sample retain evidence of use-wear and/or residues. Should this microscopic inspection identify any artefacts that retain such evidence, they may be subject to detailed residue and use-wear analysis by a suitably qualified and experienced lithic use-wear and/or residue analyst.

Should any features of potential archaeological significance be identified during the surface scrapes (for example, in situ hearths/fireplaces or dense artefact clusters representative of activity areas), localised hand excavation as per the procedures in **Appendix 5** will also be undertaken in order to retrieve the evidence that comprises the feature. The need for further excavation will be determined by a suitably qualified archaeologist in consultation with the attending RAPs. Reporting of results would occur to current OEH standards, focused on addressing the relevant research aims and refining the occupation model and predictive model for the locality.

5.1.6 Test Excavation of Open Area/Artefact Sites and PADs

Appendix 2 and **Figure 4** and the "Additional Test Excavation Investigations" section below must be referred to in relation to known sites or PADs or areas that require test excavation and **Appendix 5** must be referred to for the detailed procedures to be followed for test excavation of open area/artefact sites and PADs. Test excavation carried out by hand of open area/ artefact sites and PADs will be undertaken by a suitably qualified and experienced archaeologist with assistance from representatives of the RAPs. The aim is to develop a greater understanding of the heritage resource in these locations, assist management of potential future impacts (through testing and refinement of the occupation model and predictive model and therefore improved understanding of the nature and distribution of evidence), and assist in mitigating the impacts of the approved Mine on these identified and potential resources. Salvage would also permit any evidence identified to be retrieved for curation by the Aboriginal community, thereby also assisting to mitigate impacts on the contemporary cultural values identified by the Aboriginal stakeholders. Relevant research questions are outlined in **Section 10.2.1** of SEA (2015).

Test excavation would involve establishment of transects with reference to the location of the water source and zone of heritage potential, zone of development impacts, location of identified evidence, local conditions of ground disturbance and potential depth of sub-surface deposits at each location. Different zones may require different sampling strategies, but in general transects of up to 100 metres length extending perpendicular from the water source, supplemented by similar transects parallel to the water source, may be appropriate. Test excavation may involve units measuring 1 x 1 metre each in area excavated at intervals of no greater than five metres along each transect, by shovel and trowel in 0.1 metre 'spits' to the depth of the A unit soil/top of B unit soil or visible or predicted cultural deposits. Soil from each level within an excavation unit would be separately sieved through 2-3 millimetre mesh and material remaining in the sieve sorted by a qualified archaeologist to retain all cultural items.

Broad area hand excavation would occur to mitigate impacts and investigate and salvage potential deposits of research value, by expanding on test excavation units that exhibit a relatively high density of evidence, indicative of focused Aboriginal occupation. This would involve similar procedures to the test excavations, with the excavation area determined by the archaeologist in consultation with the attending RAPs, with respect to the nature and extent of the evidence and potential impacts. It would involve hand excavation by shovel and trowel of multiple contiguous one square metre units to the depth of the A unit soil/top of B unit soil or visible or predicted cultural deposits, such that evidence that comprises the feature/activity area is retrieved in a manner consistent with obtaining information to address relevant research aims and mitigate the approved impacts of the Mine.

After the completion of test excavation and any broad area hand excavation, surface scrapes would then occur as per the procedures in **Section 5.1.5** and **Appendix 5**.

The salvaged artefact assemblage, or a sub-sample therein (that must be of sufficient size as to enable a robust assessment of the nature of the assemblage), will be selected, on a case-by-case basis determined on its ability to address relevant research questions by the archaeologist, for more detailed description and analysis. This description and analysis will be conducted by a suitably qualified and experienced lithic specialist, according to the procedure set out in **Appendix 5**. This description and analysis may include low-powered preliminary microscopic inspection to assess whether any objects in the sample retain evidence of use-wear and/or residues. Should this microscopic inspection identify any artefacts that retain such evidence, they may be subject to detailed residue and use-wear analysis by a suitably qualified and experienced lithic use-wear and/or residue analyst. Reporting of results would occur to current OEH standards, focused on addressing the relevant research aims and refining the occupation model and predictive model for the locality.

Additional Test Excavation Investigations

As part of the Wilpinjong Extension Project, commitments were made to undertake test excavation, broad area hand excavation and surface scrapes with localised hand excavation of potential artefact deposits within areas of moderate to high heritage potential involving the systematic holistic approach, research aims and questions, sampling strategy, personnel and methods as outlined in **Section 10.2.1** of SEA (2015) (refer here to **Appendix 5**), involving the following areas (**Figure 4**):

- Survey Areas B9/13 (an area close to the third order Spring Creek), focusing on sites WCP 209, 326 and 492 of low to possibly moderate heritage significance.
- Survey Areas B15/16 (an area close to the third order Spring Creek).

Figure 4 Locations of Additional Aboriginal Heritage Test Excavation

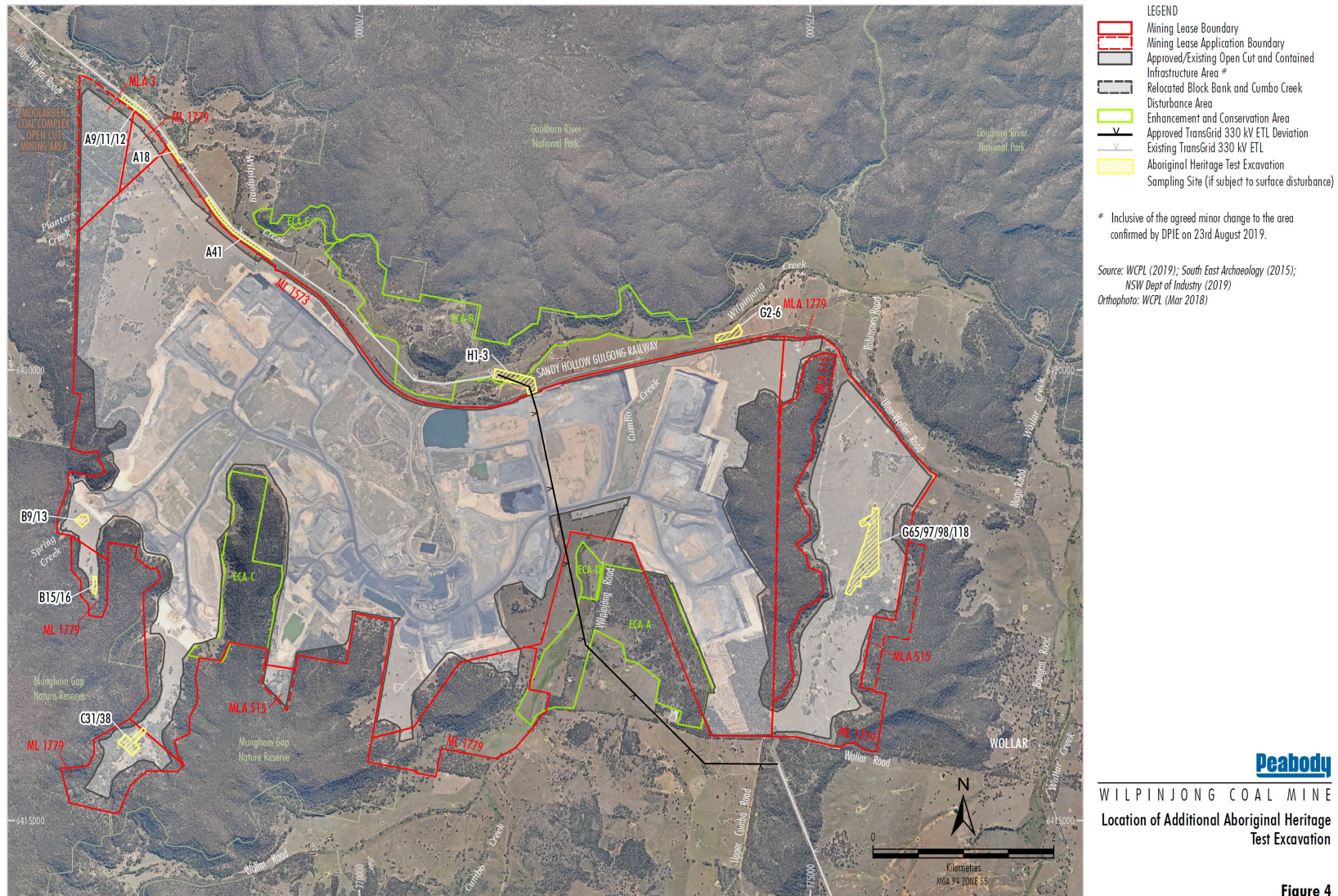


Figure 4

- Survey Areas C31/38 (an area close to the third order Spring Creek), focusing on site WCP530 of low to possibly moderate heritage significance.
- Survey Areas G65/97/98/118 (an area close to the mid-lower section of the un-named watercourse in Slate Gully), focusing on sites WCP 454 and 572 of low to possibly moderate heritage significance and WCP577 adjacent to the high significance Slate Gully rocky hill.

In addition to the above, the following areas (**Figure 4**) should also be subject to test excavation, broad area hand excavation and surface scrapes with localised hand excavation where impacts are proposed:

- Survey Areas A9/11/12 (an area close to Wilpinjong Creek and its associated creek flats), focusing on site #36-3-653 of low to possibly moderate heritage significance. Testing/salvage will not be required where impacts are not proposed within these areas.
- Survey Areas A18 (an area close to Wilpinjong Creek and its associated creek flats). Testing/salvage will not be required where impacts are not proposed within these areas.
- Survey Area A41 (an area close to Wilpinjong Creek and its associated creek flats and an area close to the lower section of Planters Creek), focusing on site WCP282 of moderate heritage significance, but with consideration of nearby sites WCP 279, 280, 284 and 285 of low to possibly moderate significance. Testing/salvage will not be required where impacts are not proposed within these areas.
- Survey Areas G2-6 (an area close to Wilpinjong Creek and its associated creek flats), focusing on sites WCP 273 and 559 and #36-3-666 of low to possibly moderate significance. Testing/salvage will not be required where impacts are not proposed within these areas.
- Survey Areas H1-3 (an area close to Wilpinjong Creek and its associated creek flats), focusing on sites WCP 457 and 458 of low to possibly moderate significance. Testing/salvage will not be required where impacts are not proposed within these areas.

The above-described areas are presented on **Figure 4**.

5.1.7 Management of WCP72 ‘Castle Rock’

Background

The following provides a framework for the management of the previously recorded Aboriginal rock art site WCP72, known as ‘Castle Rock’.

The framework is informed by an analysis of dust deposition conducted at the site in 2015 (NOHC 2016j), and was developed at a workshop of specialists, the RAPs and Peabody representatives held on 28 September 2016. This framework was subject to a 28 day period of review and comment by the RAPs, and all submitted responses from the RAPs have been addressed in the final version.

The 2016 dust analysis (NOHC 2016j) found that:

- Dusts from the art panel at Castle Rock are predominantly in the aerosol particle range and contain coal. No metals or organic carbon particulates (generally associated with vehicle traffic) were observed.

- Accumulation of dusts at the site is influenced by a number of complex factors including the interplay between increased airborne particles and geological weathering, particularly the deposition of mineral skins. These factors are acting together to exacerbate the visual impact of the dust. Settled aerosol particles ‘stick’ to the rock surface with the potential to become permanently incorporated/laminated within the accretions forming on the rock face.
- The dusts currently sitting against the art panels place the site at increased risk from secondary preservation threats including:
 - The colonisation of micro-flora (lichens) due to the additional habitat provided by the dust;
 - Thermal expansion and accelerated geological weathering, given that the moisture holding capacity and general humidity of the rock face are increased by dust particles retaining water;
 - An increase in pH at the rock face, (both the sandy soils of the area and the coal seams are acidic) which would accelerate geological, particularly chemical, weathering; and
 - The formation of secondary mineral deposits such as oxalates that may be catalysed by a combination of dusts and bacteria (NOHC 2016j).

Workshop Resolutions

The following points of agreement were resolved at the workshop:

- A decision to remove dust from the site should only be made following consideration of the results of a pilot study which should be conducted as soon as possible (following relevant approvals) and which would test the effectiveness of a range of dust removal methods. This should be done on rock surfaces which do not contain visible art.
- A program of monitoring should be conducted to evaluate the effectiveness of management strategies adopted. This should include baseline recordings, and the measurement of wind speed and direction, and dust content at different heights, distances and directions from the site.
- Further research should be conducted in order to:
 - Develop a plant list, planting timetable and plan to revegetate the slopes surrounding the site;
 - Collect more information on the effectiveness, and construction, design and material options for the potential installation of artificial wind barriers or baffles;
 - Assess the potential hazard posed by the dung layer on the shelter floor and develop a management strategy as necessary.
 - Revegetation of the slopes around the site should commence as soon as a plant list, planting strategy and plan are finalised.
 - A decision on how to manage the layer of dung which covers much of the shelter floor should be made following further investigation of the depth and nature of the dung layer. This should include the conduct of limited test excavation.
 - All management actions should be accompanied, wherever possible with opportunities to train local members of the Aboriginal stakeholder community.

Table 5 presents a summary of actions in relation to the management of WCP72.

Table 5 Plan of Actions

Sequence	Action
A	Continue regular site monitoring and evaluation.
B	<p>Conduct the following programs as a prerequisite to relevant field actions:</p> <ul style="list-style-type: none"> • Research and compile a plant list and planting methodology for a revegetation program within the lands surrounding WCP72, with the aim of establishing a native vegetation community and structure which will assist in minimising dust accumulation within the site. • Research and evaluate the feasibility of erecting artificial barriers as a means of minimising dust deposition on the art panels in WCP72. • Research and prepare a plan for the monitoring of dust transport and accumulation in and around the WCP72 site. • Research and prepare a methodology for the conduct of a pilot study to investigate the best method for the removal of surface dust from the WCP72 rock art panels without causing significant impact to the cultural heritage values of the site. • Research the potential conservation hazards and management options posed by the layer of animal dung situated across the floor of the site and prepare a methodology for any required testing of the dung layer. <p>Engagement of suitably experienced specialists may be required in the conduct of these programs.</p>
C	Submit the results of the prerequisite studies to Peabody for review and approval, when and as completed.
D	Install and commence dust transport and deposition monitoring in and around WCP72 site as per approved monitoring plan.
E	<p>Conduct revegetation program around WCP72 following approval of plant list, planting strategy and plan.</p> <p>Provide on-going program of watering, weed control and maintenance to plantings, if and as required, until plantings are established.</p>
F	<p>Conduct pilot study for the evaluation of the best method for the removal of surface dust from the WCP72 art panels. Any consultation or approvals, as required by legislation, should be conducted, or applied for and received, prior to the conduct of any direct physical impact to the site.</p> <p>Prepare a report on the results and findings.</p>
G	<p>Conduct any required testing of the dung layer across the WCP72 shelter floor, if and as proposed by the approved prerequisite study. Any consultation or approvals, as required by legislation, should be conducted, or applied for and received, prior to the conduct of any direct physical impact to the site.</p> <p>Prepare a report on the results and findings.</p>
H	<p>Conduct a workshop with registered Aboriginal stakeholders, specialists (as necessary), and Peabody representatives to present and consider the results of:</p> <ul style="list-style-type: none"> • The dust removal pilot study • The feasibility study regarding artificial dust barriers • The study into the dung deposits <p>and prepare a proposed plan of actions in response to these findings.</p>
I	<p>Conduct a 28 day period of RAP review and comment on Workshop findings.</p> <p>Address RAP comments and prepare final Workshop results and plan</p>
J	Submit the reviewed results of the Workshop and proposed plan to Peabody for review and approval.

Table 5 Plan of Actions (Continued)

Sequence	Action
K	<p>Conduct program of WCP72 dust removal, where and as approved and revised by the Workshop and Peabody. Any consultation or approvals, as required by legislation, should be conducted, or applied for and received, prior to the conduct of any direct physical impact to the site.</p> <p>Prepare a report on the actions and results.</p>
L	<p>Conduct any additional programs consequential to the studies regarding artificial dust barriers and dung deposits, as approved and revised by the Workshop and Peabody. Any consultation or approvals, as required by legislation, should be conducted, or applied for and received, prior to the conduct of any direct physical impact to the site.</p> <p>Prepare reports on actions and results.</p>
M	<p>Review and evaluate the effectiveness of the actions conducted as part of the WCP72 management framework and this plan.</p>

5.1.8 Management of the Rocky Hill in Slate Gully and WCP118/WCP119

Rocky Hill in Slate Gully

The RAPs identified the rocky hill in the valley floor of Slate Gully to be of high cultural significance. This hill hosts, amongst other artefacts, a rock shelter with artefacts and art (WCP578) and a rock shelter with artefacts and ochre quarry (WCP579). For sites WCP578 and WCP579, prior to any surface disturbance impacts occurring at these sites, WCPL would implement salvage excavation of deposits, surface collection of identified artefact evidence, detailed recording of the ochre quarry evidence and rock art (including by photography and accurate surveying, such as laser scanning) and where feasible, removal of samples for further analysis (e.g. chemical analysis and dating).

The key elements of any program of further investigation and mitigation of impacts at sites WCP578 and WCP579 would comprise (SEA, 2015):

The key elements of any program of further investigation and mitigation of impacts at sites WCP578 and WCP579 would comprise (SEA, 2015):

- Conduct of the program by appropriately qualified and experienced archaeologists² and representatives of the RAPs, prior to any impacts occurring to the rocky hill; and
- A systematic, holistic approach that involves consideration of the model of Aboriginal occupation for the locality, relevant research questions and an appropriate methodology to retrieve the required data/evidence in consideration of the expected nature of evidence, research questions and project objectives.

The investigations and management works at sites WCP578 and WCP579 will include the following actions, prior to any surface disturbance impacts occurring at these sites:

- Systematic surface collection of the identified artefact evidence, using similar procedures as specified for the open artefact sites (refer to **Appendix 5**).

² Minimum BA (Honours) degree in Aboriginal archaeology, ten years full-time experience in Aboriginal archaeology and three months prior experience on Aboriginal rock shelter excavations for the lead archaeologist, and BA (Honours) degree in Aboriginal archaeology, two years full-time experience and one month prior experience on Aboriginal rock shelter excavations in Aboriginal archaeology for assistant archaeologists.

- Detailed recording of the ochre quarry evidence and rock art (including by photography and accurate surveying, such as laser-scanning), and where feasible, removal of samples for further analysis (e.g. chemical analysis and dating).
- Salvage excavation, including establishment of a baseline in each shelter and preparation of an accurate plan, and hand excavation by trowel of multiple contiguous units each measuring 0.5 x 0.5 metres, to retrieve at least 80% of the deposit within each shelter, along with relevant adjacent deposits forward of the dripline. Units would be excavated in successive levels ('spits') of five centimetres depth, within individual soil units, to bedrock or the depth of the A unit soil/top of B unit soil or visible or predicted cultural deposits. Soil from each level within an excavation unit would be separately sieved through 2-3 millimetre mesh and material remaining in the sieve sorted by a qualified archaeologist to retain all cultural items. Charcoal samples would be retained, and where suitable for radiocarbon or other methods of direct dating, submitted to an accredited laboratory for dating.

All lithic items retrieved from sites WCP578 and WCP579 will be inspected under a low-magnification microscope, which would assist in accurate identification of stone materials, artefact types, use-wear, retouch and other attributes. Individual items of significance would be photographed and/or illustrated. Additional analysis, such as radiometric dating of charcoal samples may also be required, along with use-wear and residue analysis of tools exhibiting use-wear or residue; however the requirement for these further works would be determined in consultation with a suitably qualified archaeologist. Reporting of results would occur to current OEH standards, focused on addressing the relevant research aims as outlined in Section 10.2.2 of SEA (2015). Post-excavation analyses will not delay mining (or associated) activities within the boundaries of any salvaged and/or excavation sites.

Given WCP578 and WCP579 will be salvaged and subject to further management, blast and air quality monitoring of these sites (**Section 6.3**) is not considered to be warranted.

WCP 118 / WCP 119

Surface collection and salvage excavation of a sample of shelter deposits from sites WCP 118/WCP 119, including in areas adjacent to and forward of the driplines, to mitigate impacts and address locally relevant research questions, will occur, following a similar methodology to that for sites WCP578 and WCP579.

5.2 Management Strategies for Previously Unidentified Aboriginal Cultural Heritage

5.2.1 Ancillary Infrastructure Works or Exploration Drilling in Previously Unsurveyed Areas of the Development Application Area

If ancillary infrastructure works (consistent with the approved Mine) or exploration drilling is to be undertaken in a location within the Development Application Area that has not previously been subject to detailed cultural heritage survey, a CHWP Notice shall be issued to the RAPs in accordance with the requirements of this ACHMP. Thereafter a survey shall be conducted of the area by a suitably qualified and experienced archaeologist in collaboration with the RAPs. Any sites located during such works will be assessed with regards to their significance, a report prepared and submitted to WCPL and the RAPs, site cards completed and lodged with OEH, and the Cultural Heritage Sites Database updated in a timely fashion.

Where possible, the proposed ancillary infrastructure or drilling will be moved to avoid any impact to the identified cultural heritage. If the area it is proposed to move the works to has not been subject to survey, a survey will be undertaken of the alternative area in line with this process.

In accordance with Condition 47(c), Schedule 3 of the Development Consent (SSD-6764), specific consideration will be given to the avoidance of impacts from ancillary infrastructure to 15 Aboriginal heritage sites classified as being of moderate, low-moderate or low-possible moderate archaeological significance.

Where movement of the infrastructure or works and thus avoidance of the cultural heritage is not possible, then the identified cultural heritage will be managed either through systematic archaeological mitigation or unmitigated impact as described under Part 5.1.2 and 5.1.3 in this ACHMP.

5.2.2 Survey Works Outside of the Development Application Area

If the area to be surveyed lies beyond the Development Application Area, the requirements and processes specified in the NP&W Act shall be adhered with, in combination with any such processes also required under this ACHMP. Surveys will be undertaken where relevant in accordance with the *NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects* (NSW Minerals Council Ltd 2010).

5.2.3 Discovery of Previously Unidentified Aboriginal Places and/or Objects Excluding Skeletal Remains

If any previously unrecorded Aboriginal cultural heritage evidence (excluding skeletal remains which are addressed in **Section 5.2.5**) is identified during the course of operations or further heritage investigations³ associated with the Mine:

- All work that may cause impacts to the evidence shall immediately cease and the ECM and RAPs be notified;
- Temporary fencing and/or marking of the site location and signage may be implemented as deemed necessary by the ECM to ensure that inadvertent impacts do not occur;
- Relevant personnel may be notified as deemed necessary by the ECM to ensure that inadvertent impacts do not occur;
- Thereafter the evidence will be recorded and subject to the detailed management strategies developed by an appropriate qualified and experienced archaeologist, in consultation with the RAPs and in consideration of the nature of proposed impacts and significance of the evidence, according to the processes below and in Appendix 5;
- Site records will be completed and lodged with the OEH and the WCPL Aboriginal Site Database and Appendix 2 of this Plan will be updated.

If the Aboriginal heritage evidence is located outside the Development Application Area, or has the potential to be disturbed as a result of activities not consistent with the Development Consent (SSD-6764), WCPL will engage a suitably qualified and experienced archaeologist to conduct an assessment in accordance with the relevant requirements of the OEH under the NP&W Act. Impacts cannot occur to the evidence without subsequent OEH and/or DPIE approval.

Further detail regarding the management of any previously unrecorded Aboriginal heritage evidence that is identified during the course of operations is provided in **Appendix 8**.

³ Other than new evidence identified during heritage mitigation works 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).

5.2.4 Accidental Damage to Known Aboriginal Places and/or Objects

In the event that impacts are caused to a known Aboriginal place and/or object (that is not authorised for impact), the following steps will be undertaken:

- Work will immediately cease in the vicinity of the site;
- The incident will be reported to the ECM;
- The ECM will report the incident to OEH and DPIE (**Section 8.1**);
- The site will be secured by the ECM (with input from the RAPs, if required);
- The ECM will engage an archaeologist to examine the site and determine an appropriate management or remediation strategy for the site in consultation with the RAPs;
- The ECM will prepare and submit a formal incident report to OEH and DPIE (**Section 8.1**);
- The ECM will ensure the appropriate management or remediation strategy for the site is implemented in consultation with the archaeologist and the RAPs;
- The ECM will authorise when work can recommence in the vicinity of the site; and
- The ACHMP will be reviewed and revised (if necessary) (**Section 9.0**) and distributed to the DPIE, OEH and the RAPs.

5.2.5 Discovery of Skeletal Remains

As yet no human skeletal material or burial sites have been identified in the Development Application Area, although the potential still remains for such material to be identified in the future. All human skeletal remains and burial sites are of high cultural significance to the Aboriginal community.

If human skeletal material is identified in the Development Application Area, **all work in the area of the material must cease immediately** and the management process shown in **Figure 5** will be followed. A written description of the full process is described in **Appendix 6**.

5.3 Temporary Keeping Place

WCPL will provide an appropriate Temporary Keeping Place for salvaged Aboriginal artefacts. For the majority of salvaged artefacts (i.e. stone artefacts), the Temporary Keeping Place will comprise, at a minimum, a locked cabinet at the Mine office. Artefacts will be stored in clear plastic bags within the temporary keeping place and clearly labelled. Details of the artefacts will be entered into a Register of Objects (**Section 5.3.1**).

For salvaged modified trees, two Temporary Keeping Place locations have been established:

- A shed on the 'Wyangle' property that is enclosed on three sides, with a mesh fence on the fourth side. The ground is covered by stemming (rocks) and the trees raised from the ground on concrete or similar (i.e. not wooden) blocks; and
- An open area at the Cumbo Workshop Area. This area has been upgraded to ensure that the ground is covered by stemming or concrete, that all salvaged trees are raised from the ground on concrete or similar (i.e. not wooden) blocks and that a roof to protect the trees from the sun and rain is provided.

Processes for the long-term curation of objects in the Temporary Keeping Place are covered in **Section 5.4**.

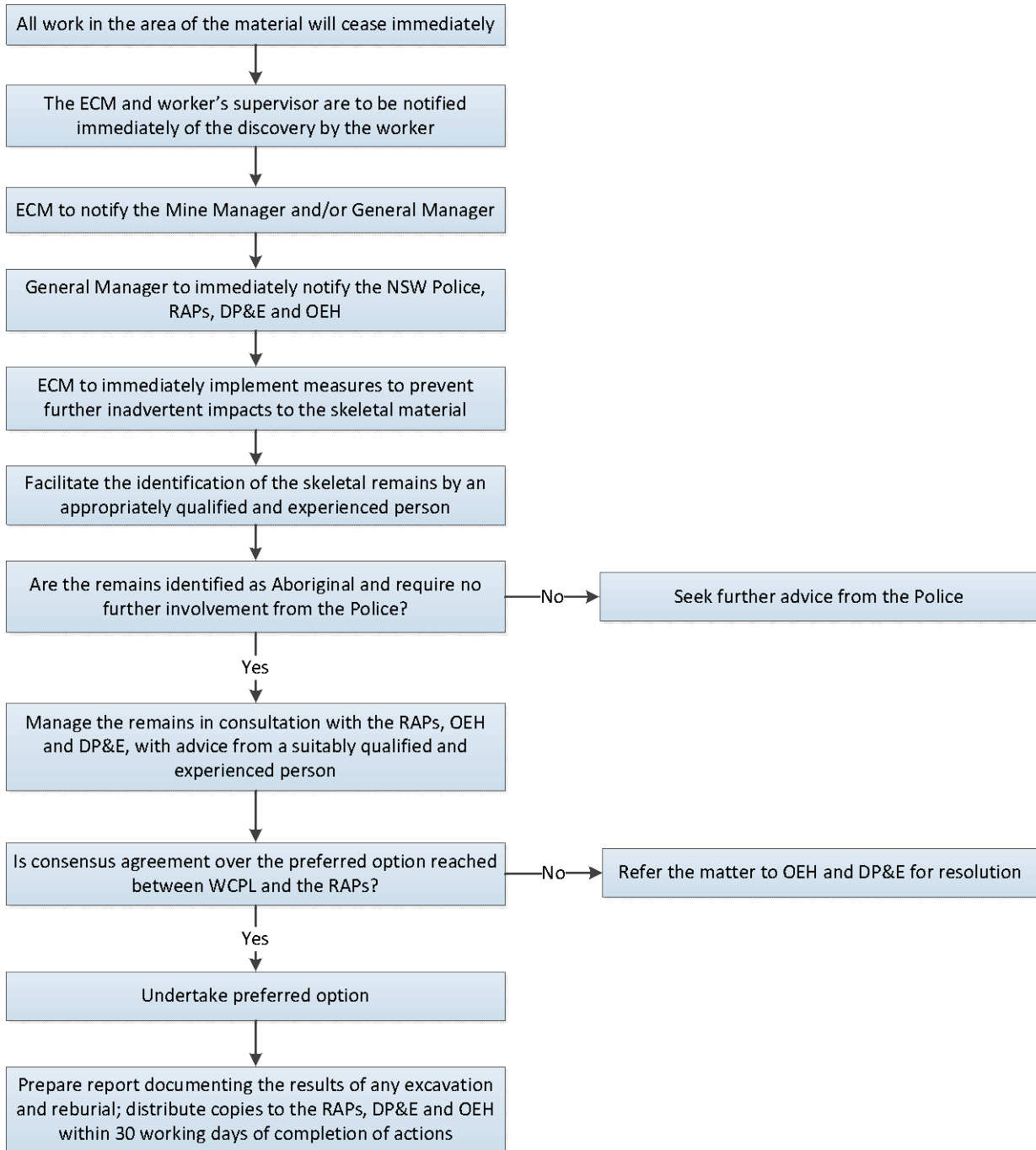


Figure 5 Human Skeletal Remains Procedure

5.3.1 Maintenance of a Register of Objects Stored in the Temporary Keeping Place

A Register of Objects stored in the Temporary Keeping Place will be maintained by the NTLO, in consultation with the ECM, and archaeologist(s) responsible for conducting their salvage. This Register will be updated whenever material is lodged in, or removed from, the Temporary Keeping Place. Whenever this Register is updated, a copy of the updated information will be provided to the archaeologist responsible for maintaining the WCPL Cultural Heritage Site Database so it can also be appropriately correlated against the database in a timely fashion. A status update on the Temporary Keeping Place will also be provided at the quarterly RAPCC meetings.

5.3.2 Provision of the Register of Objects to Registered Aboriginal Parties

A hard copy of the Register of Objects archived in the Temporary Keeping Place will be provided within five working days to the RAPs upon written request to the ECM.

5.3.3 Aboriginal Community Access to the Temporary Keeping Place

Visitation to the Temporary Keeping Place (and therefore access to any salvaged Aboriginal objects) by the RAPs is permissible upon written request addressed to the ECM, provided at least 10 working days' notice of the requested visit is given. Visitors to the Temporary Keeping Place will be accompanied by the NTLO or a WCPL representative at all times.

5.3.4 Temporary Off-site Storage of Salvaged Objects

Where required for the purposes of analysis and recording post-salvage, salvaged objects can be temporarily stored at the office of an archaeologist engaged by WCPL to carry out any required analysis and recording mandated under this ACHMP. Under such circumstances, the artefacts must be stored in a secure location, and returned to the Temporary Keeping Place at the Mine no later than the time of submission of the draft report to WCPL. The only exception to this shall be in instances where the retention of the artefacts is required for an extended period of time (such as might be necessary to enable additional specialist analyses to be completed). Under such a circumstance, approval must be specifically negotiated by the archaeologist with the ECM and NTLO on an as-needs basis. Any artefacts removed from the Mine or the Temporary Keeping Place for the purpose of conducting specialist analysis, as negotiated on a case-by-case basis with the ECM, must be returned to the Temporary Keeping Place at the Mine no later than the time of submission of the draft specialist report to WCPL or the archaeologist, whichever comes sooner.

5.4 Long-Term Curation Options

Prior to, or post-salvage, but before the relocation of any Aboriginal objects from the Temporary Keeping Place to within the Development Application Area, WCPL and the RAPs will negotiate and reach a majority consensus agreement on the manner of long-term curation of those salvaged objects. The majority consensus agreement for specific salvaged objects may involve any of the following outcomes:

- Permanent transferral to a RAP, in which case an application will be made to OEHL under s.85A of the NP&W Act for a Care Agreement to be established;
- Transferral to another party for storage and/or display (such as a local museum, historical society or educational institution), in which case an application will be made to OEHL under s.85A of the NP&W Act for a Care Agreement to be established;
- Storage and/or display at the Mine office;

- Storage within the Development Application Area at a designated 'natural' keeping place (e.g. such as in any of the designated Conservation Areas that will not be subject to future development impacts), subject to the access provisions of **Section 5.3.3**;
- Storage and/or display within or outside of the Development Application Area in a purpose-built secure location (a constructed 'permanent' Keeping Place), subject to the access provisions of **Section 5.3.3**; or
- Relocation of the objects, or as near as possible to, the original location from which they were salvaged (including, for example, reburial of objects excavated from a rockshelter within the same rockshelter, or reburial of objects collected from open artefact sites along roads, as close as possible to their original positions but adjacent to the area subject to ongoing impact), subject to the access provisions of **Section 5.3.3**.

An application may also be made to OEH under s.85A of the NP&W Act for a Care Agreement to be established for the transfer of Aboriginal objects for safekeeping at the Mine.

Where majority consensus agreement cannot be reached between the RAPs through the RAPCC and WCPL as to the long-term curation of any salvaged Aboriginal object, such objects will be retained in storage at the WCPL Temporary Keeping Place.

5.4.1 Relocation Guidelines

Replacement of objects from the Temporary Keeping Place onto rehabilitated landforms and/or Conservation Areas (as a form of 'permanent' Keeping Place), will be undertaken in accordance with the following general guidelines:

- No relocation of objects will be carried out until the general rehabilitation works utilising mobile machinery (including tree planting) in the relevant area has been completed.
- The relevant rehabilitated landform will be adequately stabilised, as determined by the ECM.
- Consideration will be given to future mining proposals to eliminate the risk that an alteration to the mine plan will result in a need to re-collect the relocated objects to avoid impacts to them during construction of additional infrastructure or future mining. If certainly cannot be offered by WCPL with this regard, then the objects should remain in the Temporary Keeping Place.
- The objects will be replaced to approximately their original location (or as near to) as possible.
- The location of replaced objects will be recorded by global positioning system (GPS) and included on the WCPL Cultural Heritage Site Database for future reference, and the Register of Objects in the Temporary Keeping Place updated accordingly in a timely fashion. OEH will also be notified of the new data in a timely fashion.

5.5 General Land Management Measures to Protect Aboriginal Cultural Heritage

WCPL will implement a number of general land management measures to help minimise the potential for damage to cultural heritage in the Development Application Area. These include:

- Restricting public access to the Development Application Area in accordance with condition of the Mining Leases. This will make it difficult for members of the public to access Aboriginal cultural heritage sites that are potentially vulnerable to inappropriate visitation or vandalism;

- Education of WCPL employees and contractors regarding the potential for incidental damage to Aboriginal cultural heritage sites during land disturbance activities and to minimise disturbance areas as part of the cultural heritage employee and contractor training programme (**Section 3.4.2**);
- Exclusion of domestic stock and other animals from parts of the Development Application Area containing significant Aboriginal sites;
- Provision of protective fencing and signage as appropriate;
- Restricting mobile vehicles to existing access tracks where practicable;
- Operating all plant and equipment in a proper and efficient manner; and
- Implementation of the GDP process to prevent any unauthorised surface disturbance works (including, for example, drilling, clearing, trenching and road works) to the extent feasible, and to avoid inadvertent impacts to Aboriginal sites associated with the construction of surface infrastructure.

5.6 Additional Cultural Heritage Survey Requirements

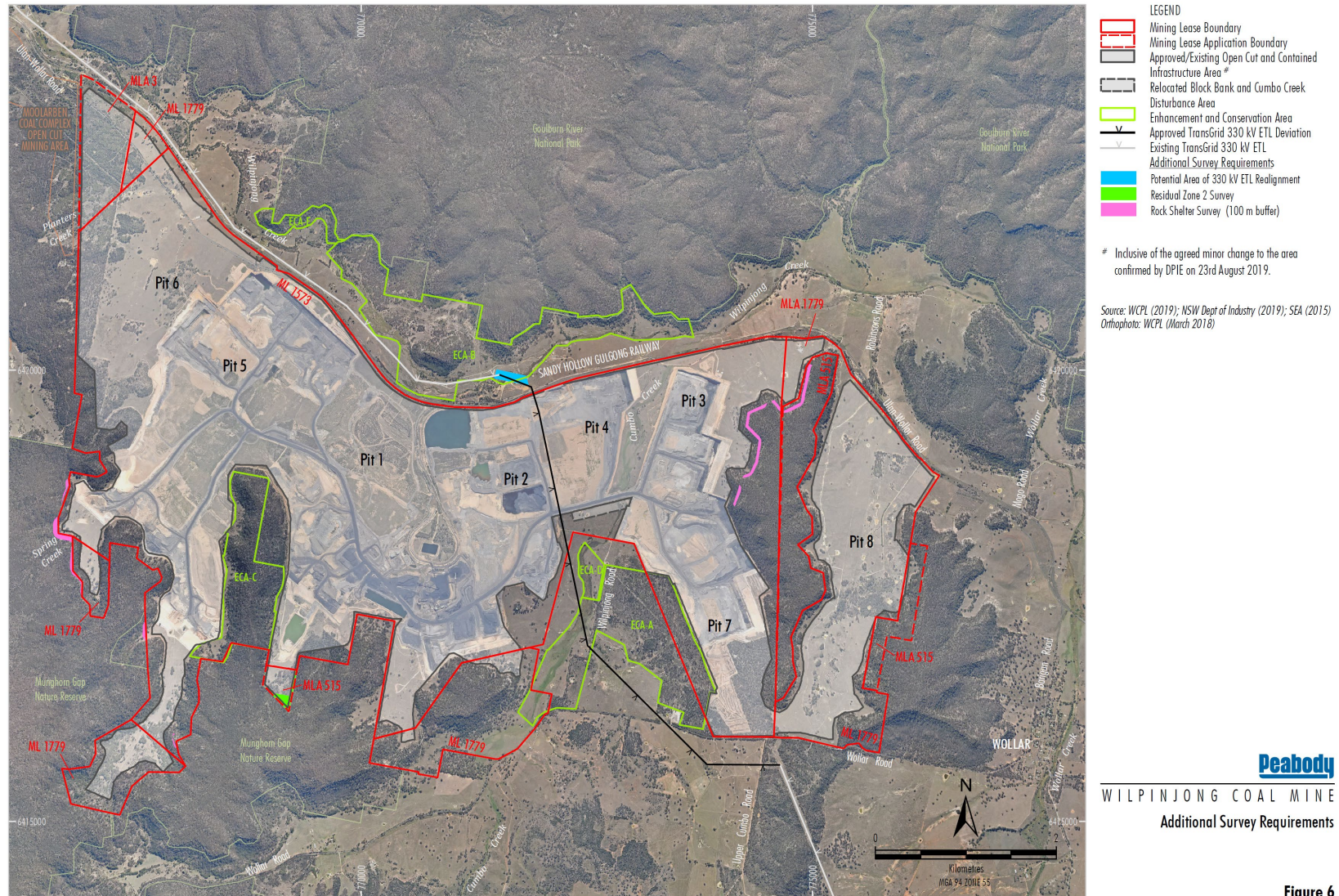
5.6.1 Additional Survey Requirements

As described in the ACHA (SEA, 2015) prepared for the Wilpinjong Extension Project EIS, archaeological survey is required for all potential impact areas that have not yet been subject to systematic survey sampling. In this regard, surveys will be undertaken in the following areas (Figure 6), if not already the subject of systematic survey sampling:

- Approximately 3 ha of the Wilpinjong Extension Project area was not subject to systematic archaeological survey sampling due to revisions to the Zone 2 boundary after completion of the field survey. If impacts are proposed to this area, systematic heritage survey of these areas would occur prior to any impacts occurring.
- The portion of the approved northern revised alignment of the 330 kV electricity transmission line, if impacts are proposed.
- Any potential impact areas within the extent of the approved Wilpinjong Extension Project that may be defined as detailed design of ancillary works progress, where significant ground disturbance may be proposed or in which identified sites occur in the immediate vicinity of.
- Small portions of the 100 metre zone (from the margin of the Wilpinjong Extension Project additional open cut pits) in which blasting impacts may occur, which have not been subject to archaeological survey coverage in order to identify if any rock shelter sites are present and allow their management in accordance with procedures specified in this ACHMP. The relevant areas are described in SEA (2015) as minor areas along the western margin of Area B, south-western and south-eastern margins of Area C, western, southern and eastern margins of Area D, and the eastern margin of Area G east of Pit 3 (Areas B, C, D and G are illustrated in detail in SEA, 2015).

The above-described surveys would be undertaken in accordance with the protocols outlined in **Section 5.2**.

Figure 6 Additional Survey Requirements



5.6.2 Surveys within Biodiversity Offset Areas 1-5

Condition 46, Schedule 3 of the Development Consent (SSD-6764) requires the following, in relation to Aboriginal heritage surveys within the Biodiversity Offset Areas 1-5:

46. *Within 12 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant shall carry out an investigation into the Aboriginal cultural heritage values in Offset Areas 1 to 5 to the satisfaction of the Secretary. This investigation must:*
- (a) be undertaken by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;*
 - (b) be undertaken in consultation with OEH and RAPs;*
 - (c) focus the survey effort to identifying areas of moderate to high significance, such as rock shelter/ art sites;*
 - (d) include a detailed report on the findings; and*
 - (e) describe how the outcomes would be incorporated into the Biodiversity Management Plan and Aboriginal Cultural Heritage Plan required under this consent.*

The Biodiversity Offset Areas 1-5 have not been subject to detailed cultural heritage surveys. Within 12 months of the commencement of development under Development Consent (SSD-6764) (unless otherwise agreed by the Secretary), WCPL will engage an appropriately qualified and experienced archaeologist (whose appointment has been endorsed by the Secretary) to conduct an investigation into the Aboriginal cultural heritage values within Biodiversity Offset Areas 1-5 to the satisfaction of the Secretary.

This investigation will be undertaken in consultation with the OEH and the RAPs, with findings distributed to all the RAPs (i.e. including those who do not attend any surveys). The survey methodology that will be employed for the additional survey requirements at the Mine is based on the OEH policy *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b), and will be designed to focus the survey effort on the identification of areas of moderate to high significance (including rock shelters and/or art sites). The survey will also be designed in consideration of local knowledge of Aboriginal cultural heritage from previous investigations undertaken at the Mine and surrounds.

WCPL has developed a Biodiversity Management Plan (WI-ENV-MNP-0035) that includes management of biodiversity within the approved Mine area, Enhancement and Conservation Areas (ECAs), Regeneration and Rehabilitation Areas and relevant biodiversity offset areas. All cultural heritage items identified prior to the commencement of management works within the ECAs will be managed in accordance with this ACHMP.

Following completion of the above-described investigation, WCPL will seek to incorporate key findings with respect to the Aboriginal cultural heritage values of the offset areas in the Biodiversity Management Plan, and/or update this ACHMP as required.

The requirements of the ACHMP will be considered when implementing any ecological or rehabilitation actions that will require disturbance to the ground surface, or disturbance to other features of potential or known heritage significance.

6.0 Measurement and Evaluation

6.1 Performance Indicators

The performance indicators in **Table 6** will be used to assess the performance of the Mine against the predicted impacts.

Table 6 Performance Indicators

Performance Indicator	Number
Number of complaints received regarding Aboriginal cultural heritage management at the Mine	Nil
Number of incidents or non-compliances recorded regarding Aboriginal cultural heritage at the Mine	Nil

WCPL will report on progress against these performance indicators in the Annual Review (**Section 8.2**). In the event that a complaint is received relating to Aboriginal heritage, it will be handled in accordance with the protocol described in **Section 7.0**. A contingency plan will be developed in the event of an unintended impact on Aboriginal cultural heritage i.e. an incident or non-compliance with this ACHMP (Section 6.6).

6.2 Cultural Heritage Database and Site Records

WCPL will maintain a geographic information system (GIS) database, which includes all cultural heritage places in the Mine (including all AHIMS registered sites) to better inform WCPL employees and contractors regarding identified Aboriginal cultural heritage objects and places within the Mine. On behalf of WCPL the archaeologist will lodge appropriate site records with the OEH relating to any previously unrecorded Aboriginal heritage places or objects that are identified within the Development Application Area, or any modifications to any Aboriginal sites already registered with the OEH.

Updates to the cultural heritage database will be undertaken as required, including when new Aboriginal sites are identified within the Mine area. It is noted that changes to the management status of the known Aboriginal heritage sites listed in the cultural heritage database may 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 known Aboriginal heritage sites listed in **Appendix 2** will only be undertaken based on advice from a suitably qualified and experienced archaeologist and in consultation with the attending RAPs in relation to these specific circumstances (changed level of impact or revised level of significance). As advised from the archaeologist approval for such changes would be sought from the **DPIE** prior to impacts occurring.

6.3 Monitoring Rock Art Sites

During the original survey by NOHC (2005a), three rock art sites (Sites WCP72, also known as 'Castle Rock', WCP152 and WCP153) were identified adjacent to the Development Application Area (Figure 3). Further rockshelters with potential archaeological deposits (PADs) were also identified during the escarpments surveys⁴ of KAS (2006) beyond the Development Application Area that could be subject to indirect impacts (such as dust accumulation and vibration [causing physical deterioration]) from mine-related activities.

Further investigations undertaken by South East Archaeology for the Wilpinjong Extension Project have resulted in an additional 75 rockshelters (including those with PADs, artefacts, art and/or ochre quarry). Rock art and rockshelter sites are also vulnerable to the consequences of inappropriate visitor behaviour, such as graffiti, litter and smoke damage from campfires. The Aboriginal community has identified the rock art sites adjacent to the Mine as having a high management priority, with substantial concern over their long-term in situ conservation.

In order to address these concerns, rock art sites that were assessed in consultation with the Aboriginal community as being vulnerable to potential indirect impacts of the project were deemed to be the subject of a monitoring program. It was recommended that none of the 65 rockshelter sites identified by KAS (2006), or the additional 75 rockshelters identified by South East Archaeology (2015), required any ongoing management actions, and thus monitoring focuses on sites WCP72, WCP152 and WCP153. Notwithstanding, consistent with Condition 14, Scheduled 3 of Development Consent (SSD-6764), the Blast Management Plan (BMgtP) also provides measures for rockshelters located within the Munghorn Gap Nature Reserve.

The initial stage of monitoring required that base-line recording of each rockshelter and its rock art occur prior to mining within 1 km of those sites. The baseline recording was completed by NOHC (2006d) and involved systematic photographic coverage of all of the rock art, preparation of a site plan (including a detailed floor plan of the rockshelter), and completion of a condition report (e.g. the state of the rock surfaces, presence of existing damage, dust, graffiti, plant or animal damage). Fencing was also installed at the three sites to limit access by people and animals and includes an appropriate buffer zone to minimise the potential for disturbance of any in-situ deposits. However, the fencing at WCP152 and WCP153 has been assessed as being inadequate due to its considerable distance from the rockshelters, and thus these two sites will be re-fenced at the earliest opportunity. The location for the re-fencing is to be determined through consultation with a suitably experienced and qualified archaeologist, the RAPs and the NTLO, and it will be erected by WCPL staff or contractors engaged by them for this specific purpose.

Previous assessment of the rock art sites by Brennan (2013) noted that dust is a major issue for WCP72. In June 2016, a further investigation was undertaken into the dust and other surface deposits associated with the rock art site WCP72 (NOHC, 2016j). The study indicated that although the dust sampled from the art panels was predominately coal-containing aerosol particles, the accumulation of dust is influenced by a number of factors including geological weathering and the implementation of controls such as stock exclusion (NOHC, 2016j). As a result of this investigation, a number of recommendations were made, which are described in **Section 5.1.7**.

⁴ As required under the previous version of this ACHMP.

In addition, WCPL will continue to implement blast management practices to protect Aboriginal cultural heritage sites in the areas adjacent to blasting operations, from blasting damage, and to minimise dust and fume emissions. Management measures and monitoring programs are discussed in detail in the Blast Management Plan (BMgtP). WCPL has developed an Air Quality Management Plan (AQMP) which details the management measures and monitoring programs that are implemented at the Mine site, including those relevant to Aboriginal cultural heritage.

The following monitoring programs are being implemented on-site:

- Ground vibration levels are being monitored at WCP72, WCP152 and WCP153 for blasting activities conducted within 1 km of these sites, in accordance with the BMgtP;
- Monitoring of rockshelter sites within the Munghorn Gap Nature Reserve and within 100 metre of the extent of the open cut pits, in accordance with the BMgtP.
- Dust deposition levels are being monitored at WCP72, WCP152 and WCP153 (dust deposition gauges have been installed adjacent to each site). Dust gauges are monitored monthly in accordance with the AQMP and when mining operations are conducted within 1 km of the rock art sites monthly reports should be provided to the NTLO and summary reports to each meeting of the RAPCC; and
- Regular inspections of the WCP72, WCP152 and WCP153 rock art sites are undertaken to ensure the fencing is serving the intended purpose of keeping animals out of the sites.

If dust deposition rates or ground vibration levels are found to exceed those set out in the AQMP and the BMgtP, the following procedure will be implemented:

- The location and type of exceedance will be recorded and reported in accordance with the statutory requirements of the Development Consent (SSD-6764) and EPL;
- The ECM, in consultation with an adequately experienced and qualified archaeologist and the RAPs, will determine if the exceedance has been caused by WCPL's operations;
- The archaeologist, accompanied by representatives from the RAPs and a blast engineer if required, will physically examine the rockshelter to determine if any damage has occurred;
- The archaeologist, in consultation with the ECM and RAP representatives, will determine if and what additional mitigation measures are required to minimise the risk of additional exceedances or damage;
- If so determined, such mitigation measures will be implemented;
- The relevant monitoring program (dust, ground vibration) will continue to identify whether any adopted mitigation measures have been successful;
- Regular inspection of WCP72 will be conducted by the NTLO after they have received appropriate instruction from an adequately experienced and qualified archaeologist; and
- The ACHMP will be reviewed and revised (if required) and distributed to DPIE, OEH and the RAPs.

In the event of a monitoring exceedance or actual damage to a rock art site, a summary of the issue, including any mitigation measures applied will be reported in the Annual Review for distribution to government stakeholders and the RAPs (**Section 8.2**).

Further to the above, if ground vibration levels are found to exceed those set out in the BMgtP or actual damage to a rock art site is identified, the RAPs, DPIE and OEH will be notified within 24 hours of the exceedance, as per section 9.1 of the BMgtP.

6.4 Monitoring of Sites in Munghorn Gap Nature Reserve

In accordance with Condition 47(c), Schedule 3 of the Development Consent (SSD-6764), WCPL will undertake monitoring at potentially affected Aboriginal cultural heritage sites located within the Munghorn Gap Nature Reserve. It is further noted that Condition 12(b), Schedule 3 of the Development Consent (SSD-6764) requires WCPL not to:

- i. damage any identified rock shelters with moderate to high Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve; and*
- ii. cause more than negligible damage to any identified rock shelters with low Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve;*

The approved Blast Management Plan outlines the adopted ground vibration limits for archaeological structures, including rockshelters. The relevant performance indicator is 80 millimeters per second and the relevant damage criteria is 250 millimetres per second. The blast monitoring program is described in the Blast Management Plan.

In order to address these requirements, WCPL will undertake the following:

- Identify through an OEH AHIMS search and searches of the relevant WCPL sites database the specific identified Aboriginal rock shelter sites within the Munghorn Gap Nature Reserve to which this Condition may apply.
- A qualified archaeologist will assess the significance of each relevant identified rock shelter site (using AHIMS records, and where sufficient information is not available, by undertaking a site inspection). If insufficient photographic documentation/baseline data is available for a site prior to blasting, additional recording of the site will occur to ensure baseline data for comparison is present to ensure that potential blasting impacts can be identified and can be distinguished from pre-existing impacts or impacts relating to other causes, such as natural erosion and rockfall.
- Blasting will be managed to ensure that the relevant performance indicator of 80 millimetres per second and relevant damage criteria of 250 millimetres per second are maintained.
- At intervals as determined by the ECM (eg. annually, or after specific blasting events) the condition of either all or a representative sample of the relevant identified rock shelter sites will be inspected to identify if any perceptible physical impacts have occurred that may relate to blasting.
- The monitoring results will be used to compare potential visible impacts against the approved Blast Management Plan ground vibration criteria to ensure that those criteria continue to represent “suitable management limits” below which it is unlikely that impacts will occur. The results of the monitoring will be used to inform future blast management at the Mine.

Should an exceedence of the Consent Condition 12(b), Schedule 3 occur, the procedures in Section 6.6 will be followed.

6.5 Verification Program

There are several reported Aboriginal cultural heritage sites at the Mine whose current status is unclear, as listed in **Appendix 2**. As such, a verification program is required to correctly identify the current status of these sites and update **Appendix 2** and the WCPL Cultural Heritage Sites Database for the Mine. The verification program will be conducted by an appropriately qualified and experienced archaeologist, and will involve (as determined by the archaeologist), an initial phase of documentary, GIS and literature review, accompanied by a second phase of field inspection where warranted based on the outcomes of the initial phase.

Where field inspection is warranted, the archaeologist will be accompanied by RAP representatives following issuing by WCPL of a CHWP Notice. Should the field inspection reveal sites that have not yet

been subject to mitigation, the mitigation will be carried out following the relevant process established in Appendix 5. Results from the verification program will be incorporated into the WCPL Cultural Heritage Site Database (**Appendix 2**), the Register of Objects for the Temporary Keeping Place, and OEH site cards updated as appropriate.

If the verification program identifies open artefact concentrations of more than 10 artefacts that were previously subject to salvage, but where impact has not yet occurred and at least 18 months has passed since the initial salvage was conducted, the archaeologist, accompanied by representatives of the RAPs, will carry out a re-inspection of the location. If any additional artefacts are observed these will be salvaged as per the process established in **Appendix 5**.

As part of the verification program, attempts would be made to locate all sites that had potentially incorrect grid references in earlier investigations, by searching the potential alternative locations (i.e. AMG vs. MGA locations) within a sufficient margin of error. If found, the site would be recorded to an appropriate level of detail, the significance assessed, and appropriate management strategies determined in accordance with this ACHMP.

Further, for any possible scarred tree that may be subject to surface disturbance, a verification process will be undertaken to confirm the precise location of the trees, the nature of the scarring (i.e. Aboriginal or natural in origin) and a re-assessment of significance (if required). Note that any verification works in relation to scarred trees will be undertaken by a suitably qualified archaeologist or arborist or forestry specialist.

Upon request, WCPL will provide the RAPs with final hard copies of all heritage reports produced under this ACHMP within 28 days of the finalisation of the report. Electronic copies of all heritage reports will be provided to the RAPs following finalisation.

6.6 Contingency Plan for Unpredicted Impacts

In the event of an unpredicted impact the following steps will be undertaken:

- Work will immediately cease in the vicinity of the site;
- The incident will be reported to the ECM;
- The ECM will report the incident to OEH and DPIE (**Section 8.1**);
- The site will be secured by the ECM (with input from the RAPs, if required);
- The ECM will engage an archaeologist to examine the site and determine an appropriate management or remediation strategy for the site in consultation with the RAPs;
- The ECM will prepare and submit a formal incident report to OEH and DPIE (**Section 8.1**);
- The ECM will ensure the appropriate management or remediation strategy for the site is implemented in consultation with the archaeologist and the RAPs;
- The ECM will authorise when work can recommence in the vicinity of the site; and
- The ACHMP will be reviewed and revised (if necessary) (**Section 9.0**) and distributed to the DPIE, OEH and the RAPs.

7.0 Complaints Response Protocol

WCPL has developed a Complaint Response Protocol to reply to community concerns. This protocol includes provisions for complaints about cultural heritage from the RAPs or other persons.

WCPL operates a Community hotline (**1300 606 625**) for the purpose of receiving complaints in relation to mining activities at the Mine. The hotline number is advertised on the WCPL Website.

Response to a cultural heritage-related complaint will include:

1. Accurately recording all relevant details regarding the complaint in a Complaints Register, including:
 - The date and time of the complaint;
 - The method by which the complaint was made;
 - Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - The nature of the complaint;
 - The action taken by WCPL in relation to the complaint, including any follow-up contact with the complainant; and
 - If no action was taken by the licensee, the reasons why no action was taken;
2. Undertaking investigations into the likely cause of the complaint;
3. Assessing and implementing additional heritage conservation measures, as required in consultation with the RAPs and archaeologist;
4. Monitoring and assessing the effectiveness of the additional controls; and
5. Advising the complainant of the outcome of the investigation.

Every effort will be made to ensure that concerns are addressed in a manner that results in a mutually acceptable outcome. WCPL will endeavour to resolve all complaints as quickly as possible however this will depend on the following:

- Nature of the complaint;
- Outcomes of the investigation; and
- Conservation or mitigation measures required (including implementation, monitoring/assessment).

The Complaints Register will be maintained by the ECM or their delegate, for at least four years after the complaint was made. The Complaints Register will be uploaded to the WCPL website and updated monthly. It will also be made available in hard copy format upon written request from any RAP, DPIE and OEH.

8.0 Reporting

The following reporting will be undertaken by WCPL in accordance with the conditions of the Development Consent (SSD-6764), EPL and Mining Leases:

- Non-Compliance reporting;
- Annual Review;
- Independent Environmental Audit;
- Registered Aboriginal Parties' Consultation Committee meetings;
- Cultural Heritage Liaison Sub-Committee meetings; and
- Website updates.

A copy of this ACHMP will be made available to the RAPs, WCPL and the CCC. In addition, a copy will be made available for viewing to members of the public at the Mine and on the WCPL website.

8.1 Non Compliance/Incident Reporting

Cultural heritage non-compliances (incidents) will be reported to the RAPs, DPIE and OEH as soon as practicable. Within seven days of the date of a non-compliance, WCPL will provide a detailed report to the RAPs, OEH, DPIE and EPA that:

1. Describes the date, time, and nature of the non-compliance;
2. Identifies the cause (or likely cause) of the non-compliance;
3. Describes what action has been taken to date; and
4. Describes the proposed measures to address the non-compliance.

8.2 Annual Review

At the end of March each year, WCPL will review the cultural heritage performance as part of the environmental performance of the Mine and submit an Annual Review report to the DPIE. This report will:

- a) Describe the development (including any rehabilitation) that was carried out in the past year, and the development that is proposed to be carried out over the next year;
- b) Include a comprehensive review of the rock art monitoring results and cultural heritage complaints records of the Mine over the past year, which includes a comparison of these results against the:
 - Relevant statutory requirements, limits or performance measures/criteria;
 - Monitoring results of previous years; and
 - Relevant predictions in the EIS;
- c) Identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- d) Identify any trends in the rock art monitoring data over the life of the Mine;

- e) Identify any discrepancies between the predicted and actual impacts of the Mine, and analyse the potential cause of any significant discrepancies; and
- f) Describe what measures will be implemented over the next year to improve the environmental performance of the Mine.

With respect to Aboriginal cultural heritage, the Annual Review will also include:

- The results of any additional surveys undertaken;
- A description of any mitigation activities conducted;
- A summary of consultation undertaken; and
- Reporting of rock art site dust monitoring and ground vibration monitoring.

The Annual Review will be distributed to the RAPs annually; the past five years' of Annual Reviews will also be made available on the WCPL website.

As part of the Annual Review, a summary of the rock art site monitoring program results will be updated and made publicly available at the mine and on the WCPL website and provided in written format to the CHLSC and RAPCC.

8.3 Independent Environmental Audit

Within a year of commencing development under the Development Consent (SSD-6764), and every three years thereafter (unless the Secretary of DPIE directs otherwise) WCPL will commission an Independent Environmental Audit of the Mine. This audit will:

- a) Be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
- b) Include consultation with the relevant agencies and the relevant RAPs;
- c) Assess the environmental performance of the Mine (including cultural heritage) and assess whether it is complying with the requirements in the Development Consent (SSD-6764) and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);
- d) Review the adequacy of strategies, plans or programs required under the abovementioned approvals, including this ACHMP; and
- e) Recommend appropriate measures or actions to improve the environmental performance of the Mine, and/or any assessment, plan or program, including this ACHMP, required under the abovementioned approvals.

Within three months of commissioning this audit, or as otherwise agreed by the Secretary, WCPL will submit a copy of the audit report to the Secretary, together with its response to any recommendation contained in the audit report.

A copy of the audit report (and WCPL's response to any recommendations) will be made publicly available on the WCPL website and sent to the RAPs.

8.4 Website Updates

A summary of the cultural heritage related reports and rock art monitoring results will be made publicly available at WCPL and on its website as part of the Annual Review process.

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

- Environmental Assessments;
- Current statutory approvals;
- Approved strategies, plans or programs required under the Development Consent (SSD-6764);
- A complaints register (updated monthly);
- Minutes of CCC meetings;
- The last five Annual Reviews;
- A copy of any Independent Environmental Audits and WCPL's response to any recommendations in any audit; and
- Any other matter required by the Secretary.

The following information will also be maintained with the WCPL Cultural Heritage Database (and kept up to date):

- Minutes of CHLSC meetings (only to be made available to parties to the Ancillary Agreement); and
- Minutes of RAPCC meetings.

9.0 Review and Improvement

WCPL, through the ECM (or delegate) will review and, if necessary, revise this ACHMP within three months of the submission of:

- a) The Annual Review;
- b) A cultural heritage incident report;
- c) An Independent Environmental Audit (meaning a major review of the ACHMP will be undertaken at least every three years); and
- d) Any modification to Development Consent SSD-6764 relating to cultural heritage.

WCPL will also review, and if necessary revise, the ACHMP in response to any significant changes in technology, legislation, or operations.

Any review and/or revision of this ACHMP will be undertaken in consultation with the CHLSC, the RAPCC and the RAPs.

Where amendments to the ACHMP are made as a result of the review process, WCPL will provide the RAPs notification of the proposed amendments, and a minimum 28 days to comment on the amended plan.

WCPL will submit a copy of the revised ACHMP to the DPIE and OEH for approval within four weeks of amendments being made (following the RAP review). Any proposed amendments will not be implemented until the approval of DPIE has been received.

WCPL will ensure that copies of any updated version of this ACHMP are distributed to the RAPs within 28 days of approval.

WCPL will comply with any reasonable requirement/s of the Secretary arising from the Department's assessment of:

- a) Any reports, strategies, plans, programs, reviews, audits or correspondence that are submitted in accordance with the PA; and
- b) The implementation of any actions or measures contained in these documents.

10.0 Responsibilities

Specific responsibilities in relation to cultural heritage management are set out in **Table 7**.

Table 7 ACHMP Responsibilities

Responsibility	Task	Timing
General Manager	Ensure that adequate resources are available to effectively implement requirements of this ACHMP.	During budget planning and then ongoing
	Implementation of the Ancillary Deed	Ongoing
	In consultation with the ECM and the RAPs, establish the RAPCC to oversee cultural heritage management at the Mine.	Prior to 30 June 2016
	Monitor the performance of cultural heritage management strategies and provide ongoing directives as necessary.	Ongoing
	Ensure the effective implementation of strategies designed to reduce heritage impacts from the operation of the Mine.	Ongoing
	Authorise internal and external reporting requirements of this ACHMP.	As required
Environment and Community Manager	Coordinate revision of the ACHMP in consultation with the RAPs.	As required
	Support the implementation of the Ancillary Agreement.	Ongoing
	In consultation with the General Manager and the RAPs, establish the RAPCC to oversee cultural heritage management at the Mine.	Prior to 30 June 2016
	Ensure that adequate resources are requested to effectively implement requirements of this ACHMP.	During budget planning
	Delegate responsibilities for cultural heritage management to site personnel and contractors as required, to achieve and maintain standards required under this ACHMP.	As required
	Ensure that all cultural heritage-related complaints are responded to in accordance with the Complaints Response Protocol.	Following a complaint
	Develop criteria to determine when landscape rehabilitation is sufficiently advanced so as to allow the relocation of salvaged Aboriginal objects.	Prior to 30 June 2016
	Coordinate relocation of salvaged Aboriginal objects.	As required
	Issue GDPs to WCPL employees and contractors once requirements regarding cultural heritage established under this ACHMP have been met.	As requested
	Coordinate relevant reviews of the ACHMP in accordance with Section 9.	As required
	Ensure that all employees and contractors are given adequate training in cultural heritage awareness and their legal responsibilities with respect to cultural heritage.	Within 6 months of approval of this ACHMP, and as required
	Prepare, with assistance from the NTLO as requested, CHWP Notices for delivery to archaeologists and the RAPs.	As required

Table 7 ACHMP Responsibilities (Continued)

Responsibility	Task	Timing
	Undertake specific cultural heritage awareness training.	Within 12 months of the approval of this ACHMP (in the case of existing employees) or, within 6 months of the commencement of work (in the case of new employees)
	Ensure arrangements are in place for adequate mine-approved vehicles and drivers to be available at all times during Cultural Heritage Works Programs to ensure compliance with WHS requirements.	As required
	Ensure adequate support and funding is made available to the NTLO to ensure timely commencement of the development of the general cultural heritage training program.	Within 1 month of approval of this ACHMP (to enable delivery of the program during 2016 training days and ongoing)
	Commission a suitably qualified, experienced and independent expert to undertake comparative photographic monitoring of rock art sites in the escarpment area and development of a detailed ongoing management plan for those sites, in association with the NTLO.	Within 3 months of approval of this ACHMP
	Manage the rock art monitoring program in accordance with this ACHMP.	Ongoing
	Manage and respond to complaints from the RAPs.	As required
	Coordinate the implementation of any new cultural heritage management strategies as required in response to a cultural heritage incident.	As required
	Ensure all employees and contractors are familiar with all environmental management plans and strategies, including those associated with cultural heritage and this ACHMP.	Upon commencement of employment with WCPL and whenever the ACHMP is revised
	Ensure that all regulatory reporting is undertaken in relation to the ACHMP.	As required
	Ensure any potential or actual cultural heritage issue is reported in accordance with legal requirements and the corporate standard and develop contingency plans in consultation with suitably qualified archaeologists and the RAPs.	As required
	In consultation with the NTLO, respond to requests by the RAPs to access the Mine.	As required
	Monitor and revise the performance of cultural heritage management strategies, including the annual review of this ACHMP.	Annually, and/or within 3 months of a cultural heritage incident
	Approve subsequent revisions of this ACHMP.	As required
	Carry out risk assessment of, and WHS approval for, requests from the RAPs to carry out smoking or other ceremonies involving fire on WCPL-owned land.	Within 10 days of receipt of written request

Table 7 ACHMP Responsibilities (Continued)

Responsibility	Task	Timing
Consultant Archaeologist(s)	Maintain the comprehensive WCPL Cultural Heritage Database in a timely fashion.	Ongoing
	Carry out on-site cultural heritage works in line with the specific CHWP Notice.	As required
	Prepare and submit all data and information required for WCPL monitoring and reporting requirements in a timely fashion.	Within 4 weeks of the completion of fieldwork, or as otherwise agreed with the ECM
	Prepare and submit all cultural heritage relevant forms and paperwork to OEHL in a timely fashion.	Within 4 weeks of the completion of fieldwork, or as otherwise agreed with the ECM
	Ensure all records relating to cultural heritage are managed in accordance with this ACHMP.	As required
Native Title Liaison Officer	On-site management of the Temporary Keeping Place, including maintenance of the list of items lodged into, or removed from it.	As required
	Provision of information about changes to the list of items held in the Temporary Keeping Place in a timely fashion to the archaeologist responsible for maintaining the WCPL Cultural Heritage Sites Database.	As required
	Deliver cultural heritage components of the general WCPL induction for all employees and contractors	As required
	In consultation with the ECM, RAPCC, CHLSC, external experts and the RAPs, development a specific half-day cultural heritage training program package specific to local cultural heritage.	Before 1 September 2016
	Delivery of the general cultural heritage training program to WCPL employees and contractors.	Quarterly as part of safety training days
	Under supervision from the ECM, maintenance of the register of cultural heritage complaints.	As required
	Assistance to the ECM, as requested, with preparation of CHWP Notices.	As required
	Attend meetings of the RAPCC.	Annually, or as required
	Participate in on-site CHWP, including rock art monitoring.	As required
	In consultation with the ECM, respond to requests by the RAPs to access the Mine.	As required
Cultural Heritage Liaison Sub Committee	Oversee implementation of the ACHMP and the participation of Aboriginal community representatives in the cultural heritage works programs on behalf of NEWCO.	As required
	Attend annual meetings.	As required
Registered Aboriginal Parties' Consultation Committee	Oversee implementation of the ACHMP and the participation of Aboriginal community representatives in the cultural heritage works programs.	As required
	Attend annual meetings.	Annually, or as required

Table 7 ACHMP Responsibilities (Continued)

Responsibility	Task	Timing
Other Managers, Supervisors and Coordinators	Ensure site personnel under their supervision have received the general cultural heritage induction and general cultural heritage training program as specified under this ACHMP.	Ongoing
	Ensure that heritage considerations are effectively taken into account when planning or carrying out works for the Mine.	Daily
	Provide input to the ECM on the adequacy and effectiveness of this ACHMP.	Ongoing
	Ensure that site personnel both implement and comply with cultural heritage management strategies consistent with requirements of this ACHMP.	At all times
	Undertake specific cultural heritage awareness training if their work brings them into contact with representatives of the RAPs and/or Aboriginal issues.	Within 12 months of the approval of this ACHMP (in the case of existing employees) or, within 6 months of the commencement of work (in the case of new employees)
All employees and contractors	Undertake general introduction to cultural heritage as part of the WCPL general inductions.	Prior to commencement of work
	Undertake detailed cultural heritage training.	As required
	Comply with strategies established in this ACHMP for the management of cultural heritage in relation to their own duties and work area.	As required
	Ensure that any potential or actual cultural heritage issues and/or incidents are reported to the ECM, Project Manager, Supervisor or Coordinator.	As required
WCPL Fire Warden	Carry out risk assessment of, and WHS approval for, requests from the RAPs to carry out smoking or other ceremonies involving fire on WCPL-owned land.	Within 10 days of receipt of written request

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12.0 Appendices

12.1 Appendix 1: Aboriginal Cultural Heritage Management Plan Requirements

Condition	Requirement	Section
Schedule 3 Condition 12	<p>12. During mining operations on the site, the Applicant must:</p> <p>a) implement reasonable and feasible measures to: ...</p> <p>b) ensure that blasting at the site does not:</p> <p>(i) damage any identified rock shelters with moderate to high Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve; and</p> <p>(ii) cause more than negligible damage to any identified rock shelters with low Aboriginal cultural heritage significance located within the Munghorn Gap Nature Reserve; ...</p>	<p>Blast Management Plan</p> <p>Blast Management Plan</p>
Schedule 3 Condition 45	Unless otherwise authorised under the NP&W Act, the Applicant must ensure that the development does not cause any direct or indirect impact on the identified Aboriginal heritage items located outside the approved disturbance area of the development.	2.2.2 and 5.2.3
Schedule 3 Condition 46	<p>Within 12 months of the commencement of development under this consent, unless the Secretary agrees otherwise, the Applicant shall carry out an investigation into the Aboriginal cultural heritage values in Offset Areas 1 to 5 to the satisfaction of the Secretary. This investigation must:</p> <p>a) be undertaken by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</p> <p>b) be undertaken in consultation with OEH and RAPs;</p> <p>c) focus the survey effort to identifying areas of moderate to high significance, such as rock shelter/ art sites;</p> <p>d) include a detailed report on the findings; and</p> <p>e) describe how the outcomes would be incorporated into the Biodiversity Management Plan and Aboriginal Cultural Heritage Plan required under this consent.</p>	5.6.2
Schedule 3 Condition 47	Prior to carrying out any development under this consent, unless the Secretary agrees otherwise, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:	This ACHMP
	a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;	1.6
	b) be prepared in consultation with OEH and the RAPs;	1.5
	c) include the following for the management of Aboriginal heritage:	
	<ul style="list-style-type: none"> ensure any workers on-site receive suitable heritage inductions prior to carrying out any project on-site, and that suitable records are kept of these inductions; 	3.4
<ul style="list-style-type: none"> a program and description of the measures/procedures that would be implemented for: 		

Condition	Requirement	Section
Schedule 3 Condition 47 (Continued)	<ul style="list-style-type: none"> ○ where reasonable and feasible, designing, constructing and operating ancillary infrastructure to avoid direct impacts on the Aboriginal sites identified in the EIS as being potentially impacted, with particular consideration for the 15 sites classified as moderate, low-moderate or low-possibly moderate significance; 	5.2.1
	<ul style="list-style-type: none"> ○ protecting, monitoring and/or managing (including any proposed archaeological investigations and/or salvage measures) Aboriginal cultural heritage on-site, including monitoring of ground vibration and dust deposition at sites WCP72, WCP152 and WCP153; 	5 and 6
	<ul style="list-style-type: none"> ○ protecting, monitoring and/or managing the impacts of blasting on potentially affected Aboriginal cultural heritage sites located outside of the disturbance area including rock shelters in the Munghorn Gap Nature Reserve in accordance with condition 12 of this schedule; 	6.3
	<ul style="list-style-type: none"> ○ undertaking test and salvage excavation at sites within the disturbance boundary as having high scientific significance and representative sites identified as potential archaeological deposits (PADs) and undertaking detailed recording of the ochre quarry evidence and rock art associated with WCP578 and WCP579, to inform the archaeological research program described in the Aboriginal Cultural Heritage Assessment in Appendix G of the EIS; 	5.1.3-5.1.6 and 5.1.8
	<ul style="list-style-type: none"> ○ managing the discovery of any new Aboriginal objects or skeletal remains during the development; 	5.2.3 and 5.2.5
	<ul style="list-style-type: none"> ○ maintaining and managing reasonable access for relevant Aboriginal stakeholders to heritage items on-site and within offset areas; 	5.3.3
	<ul style="list-style-type: none"> ○ ongoing consultation and involvement of RAPs in the conservation and/or management of Aboriginal cultural heritage on the site; and • a strategy for the storage of heritage items salvaged on-site, both during the development and in the long term. 	3 5.3 and 5.4
Schedule 5 Condition 3	<p>The Proponent shall ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines, and include:</p> <p>a) detailed baseline data;</p>	4
	<p>b) a description of:</p> <ul style="list-style-type: none"> • the relevant statutory requirements (including any relevant approval, licence or lease conditions); 	2 and this Appendix
	<ul style="list-style-type: none"> • any relevant limits or performance measures/criteria; 	6.1
	<ul style="list-style-type: none"> • the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; 	6.1
	<p>c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;</p>	3, 5, 6 and Appendix 5

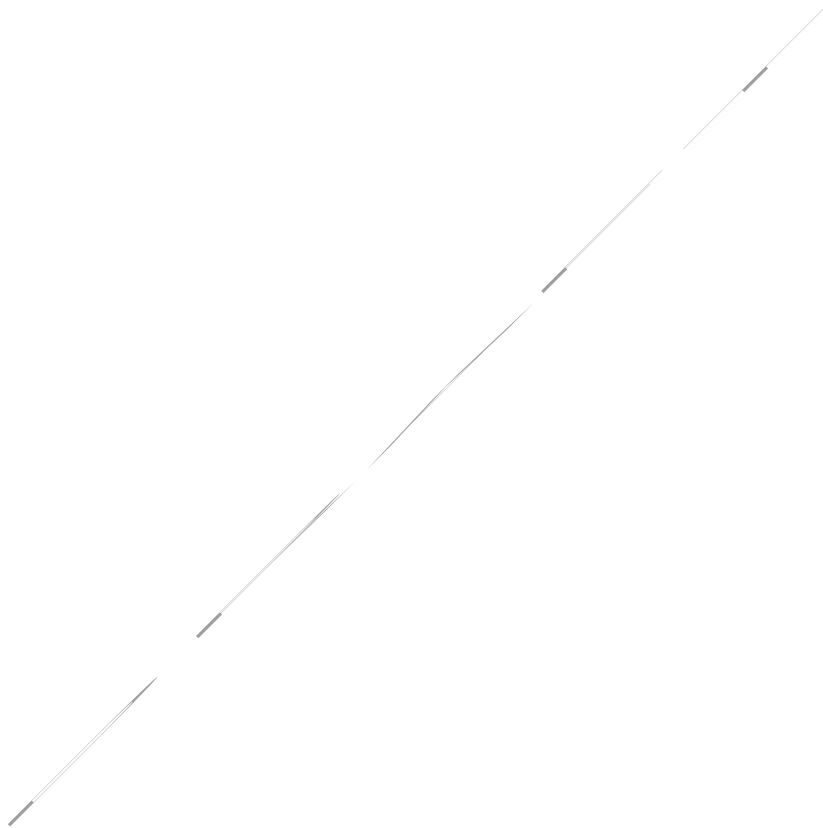
Condition	Requirement	Section
Schedule 5 Condition 3 (Continued)	d) a program to monitor and report on the: <ul style="list-style-type: none"> • impacts and environmental performance of the development; • effectiveness of any management measures (see c above); 	8.2
	e) a contingency plan to manage any unpredicted impacts and their consequences;	6.6
	f) a program to investigate and implement ways to improve the environmental performance of the development over time;	8.3
	g) a protocol for managing and reporting any: <ul style="list-style-type: none"> • incidents; 	8.1
	<ul style="list-style-type: none"> • complaints; 	7.0
	<ul style="list-style-type: none"> • non-compliances with statutory requirements; and 	8.1
	<ul style="list-style-type: none"> • exceedances of the impact assessment criteria and/or performance criteria; and 	8.1
	h) a protocol for periodic review of the plan.	9.0

12.2 Appendix 2: WCPL Cultural Heritage Sites Database

AHIMS Site ID	Site Name	WCP Site ID#	Site Type	Management Strategy

[REFER TO SEPARATE WORKING SPREADSHEET, TO BE INCORPORATED INTO ACHMP FOLLOWING WCPL/SEA REVIEW]

12.3 Appendix 3: Consultation undertaken in relation to development of this ACHMP



Contact: Chris Schultz
Phone: 02 4224 9478
Fax: 02 4224 9470
Email: Christopher.Schultz@planning.nsw.gov.au

Mr Kieren Bennetts
Environment and Community Manager
Wilpinjong Coal Mine
Locked Bag 2005
MUDGEE NSW 2850

Dear Mr Bennetts,

**Wilpinjong Coal Mine (PA 05_0021)
Approval of Aboriginal Cultural Heritage Management Plan**

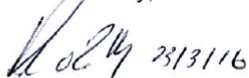
I refer to the Aboriginal Cultural Heritage Management Plan (Version 3 – March 2016) required under Project Approval 05_0021 (the approval), submitted to the Department on 9 March 2016 for consideration.

The Department has reviewed the plan and is satisfied that it generally addresses the requirements set out in the relevant conditions of the approval. Accordingly, the Secretary has approved the management plan.

Please ensure a copy of this management plan is placed on your website in accordance with Schedule 5, Condition 11 of the approval.

Should you wish to discuss the above matter, please contact Chris Schultz, Senior Compliance Officer, on 02 4224 9478 or Christopher.Schultz@planning.nsw.gov.au.

Yours sincerely,



Katrina O'Reilly
Team Leader Compliance Southern Region
as nominee of the Secretary



Mr Ian Flood
Manager – Project Development and Approvals
Peabody Australia
1434 Ulan-Wollar Road
WILPINJONG NSW 2850
Via email: iflood@peabodyenergy.com

Dear Mr Flood

**Wilpinjong Coal Mine (SSD-6764)
Management Plan Review**

I refer to your emails dated 27 September 2019 and 17 April 2020 submitting revised management plans for the Wilpinjong Coal Mine (SSD-6764), including the:

- Aboriginal and Cultural Heritage Management Plan (condition 47 of Schedule 3, version 6 dated September 2019);
- Air Quality Management Plan (condition 20 of Schedule 3, version 5 dated September 2019);
- Biodiversity Management Plan (condition 42 of Schedule 3, version 6 dated September 2019);
- Blast Management Plan (condition 14 of Schedule 3, version 6 dated September 2019);
- Environmental Management Strategy (condition 1 of Schedule 5, version 6 dated September 2019);
- Historical Heritage Management Plan (condition 49 of Schedule 3, version 3 dated September 2019); and
- Noise Management Plan (condition 5 of Schedule 3, version 4 dated September 2019).

The Department has reviewed the above plans and is satisfied that they meet the requirements of the relevant conditions of consent. Accordingly, the Secretary has approved these plans.

I also refer to the revised Water Management Plan which was submitted on 17 April 2020. The Department notes that substantial changes have been made to the site water balance component of this plan.

As such, the Department requests that this plan be submitted through the Major Projects portal for review by the Department and relevant agencies.

If you have any questions, please contact Jack Turner on 02 9995 5387 or Jack.Turner@planning.nsw.gov.au

Yours sincerely

19/6/20

Stephen O'Donoghue
Director
Resource Assessments
as nominee of the Secretary

Date	Description
October - December 2012	Registration of interest in the Mod 5 Project invited through public advertisements and direct contact with Aboriginal organisations (as detailed in South East Archaeology [2013]). This registration process also incorporated the Wilpinjong Extension Project.
30 November 2012	Invitation sent to all RAPs to attend a meeting on 18 December to discuss Mod 5, the proposed methodology for the cultural heritage assessment of the Mod 5 Development Application Area and undertake reconnaissance inspection of it (as detailed in South East Archaeology [2013]).
3 December 2012	Detailed information about the Mod 5 Proposal sent by WCPL to all RAPs, with request for comment by 18 January 2013 (as detailed in South East Archaeology [2013]).
18 December 2012	Meeting held with the RAPs to discuss Mod 5, the proposed methodology for cultural heritage assessment of the Mod 5 Project Areas, and to undertake reconnaissance inspection of the Development Application Area. Representatives of MLALC, NEWCO, MGATSIC, WNTCAC and WVVAC attended (as detailed in South East Archaeology [2013]).
23–25 January and 4-5 March 2013	Field survey of the Mod 5 areas undertaken by SEA accompanied by representatives of the RAPs (as detailed in South East Archaeology [2013]).
11 June 2013	Copies of the draft heritage assessment report provided to all RAPs with request for comment by 10 July 2013, including invitation to attend a meeting on 28 June 2013 to discuss assessment results, the draft report and cultural values (as detailed in South East Archaeology [2013]).
28 June 2013	Meeting held with the RAPs to discuss the assessment results, the draft report and cultural values, and inspect the sites located during the assessment. No issues were raised with the draft assessment report at the meeting. Telephone calls were also made to all RAPs both before and after the meeting to seek their input. At the conclusion of the period for comments on the draft heritage assessment report, written responses had been received from three of the RAPs and verbal responses from two RAPs, all in agreement with the draft report and its recommendation; the other RAPs provided no comments on the draft report despite multiple requests for input (as detailed in South East Archaeology [2013]).
August 2013	Copies of the final heritage assessment report for Mod 5 by South East Archaeology (2013) were made available to all RAPs.
26 November 2013	CHLSC meeting at which members were advised informally that the existing ACHMP (WCPL 2008) would be subject to major revision in relation to Mod 5.
To be advised	Formal discussion with the CHLSC about the upcoming review of the ACHMP.
17 February 2014	Letters sent to the RAPs inviting them to attend a workshop in Mudgee on 25 February 2014 to discuss the review of the existing ACHMP. The letter also advised that, if they were unable to attend the meeting, written or verbal feedback could be provided prior to or following the meeting. A copy of the existing ACHMP was sent with the letters of invitation.
20 February 2014	Detailed agenda sent to the RAPs again inviting them to attend the workshop in Mudgee on 25 February 2014.
21 February 2014	Letter sent to YCS advising them of the upcoming review of the existing ACHMP and seeking their input. A copy of the existing ACHMP was sent with the letter.
25 February 2014	Workshop held in Mudgee with the RAPs to discuss heritage issues including detailed review of the existing ACHMP. The following RAP representatives attended: Larry Foley and Debbie Foley (MGATSIC); Aleshia Lonsdale (Mudgee LALC); Joyce Williams, Brenn Doherty and Violet Carr (WVVAC); Shaen Morgan (NEWCO/ WNTCAC); Lyn Syme (NEWCO); Coral Williams (NEWCO); Robyn Williams (WNTCAC); Suzie Worth (WLALC) and Tanietta de Launey (North Eastern Wiradjuri Wilpinjong Community Fund / NEWCO). Comments received from RAPs during the workshop were recorded for consideration in revision of the existing ACHMP, and circulated post-meeting (as per 3 March 2014 entry in this table).
25 February 2014	All participants at the initial workshop were made aware that this document was already publically available on the DP&E website during the workshop of 25 February 2014, and again via the notes circulated post-workshop on 3 March 2014.

Date	Description
3 March 2014	Detailed notes from the workshop held on 25 February 2014 were written up and circulated to all RAPs, with the repeated invitation to provide any corrections, amendments or additional feedback either verbally or in writing by COB 10 March 2014. Covering email also advised of a subsequent workshop to consider the initial draft of the revised management plan.
9 March 2014	Detailed written feedback received from WVVAC on notes circulated from the first Workshop. Feedback incorporated in initial draft of revised ACHMP.
10 March 2014	Letter providing written feedback received from WLALC on notes circulated from the first Workshop. Feedback incorporated in initial draft of revised ACHMP.
12 March 2014	Telephone conversation with Debbie Foley from MGATSIC on notes circulated from the first Workshop; Telephone conversation with Tanietta de Launey regarding the notes circulated from the first Workshop and the draft ACHMP. Feedback incorporated in initial draft of revised ACHMP.
24 March 2014	Invitation to attend a workshop in Mudgee on 8 April 2014 to discuss the initial revised draft. The invitation advised that, if they were unable to attend the meeting, written or verbal feedback could be provided prior to or following the meeting by a date to be advised.
9 April 2014	Initial revised draft of revised ACHMP sent to the RAPs for review prior to the workshop in Mudgee on 16 April 2014.
16 April 2014	Second workshop of RAPs regarding the revision of the ACHMP, this time to discuss the pre-circulated initial draft of the revised ACHMP. Note: Workshop was initially scheduled for 8 April.
22 April 2014	Updated revised draft of the ACHMP (incorporating changes discussed and agreed during the Second Workshop on 16 April 2014), and meeting notes, sent to the RAPs for further discussion amongst themselves, prior to the provision of final feedback and input from RAPs on 9 May 2014.
29 April 2014	Hard copy of the revised draft of the ACHMP sent to Paul Brydon following his verbal request for such on 29 April 2014.
6 May 2014	Hard copy of the revised draft of the ACHMP sent to MGATSIC following Debbie Foley's email request for such on 6 May 2014.
8 May 2014	Emailed reminder to all RAPs of deadline for comments on the revised draft ACHMP.
9 May 2014	Written responses from MGATSIC and WVVAC supporting the revised draft ACHMP. Written response from NEWCO requesting numerous minor changes.
12 May 2014	MGATSIC requesting confirmation that WCPL was in receipt of MGATSIC correspondence from 9 May 2014.
13 May 2014	Revision of draft ACHMP following closure of comment period from RAPs.
22 May 2014	ACHMP provided to OEH for consultation in accordance with the PA.
5 June 2014	Telephone conversation between ECM and Paul Houston from OEH – Paul not able to provide comments on ACHMP on or after 13 June 14. ECM requested that Paul provide this in writing.
5 June 2014	Telephone conversation between ECM and Ben Harrison from DP&E – ECM advised that OEH not able to provide comments on ACHMP until on or after 13 June 14. Discussed holding off submission of ACHMP to DP&E until OEH comments received.
6 June 2014	Telephone conversation between ECM and Ben Harrison from DP&E – agreed that WCPL would submit ACHMP to DP&E today, to ensure compliance with PA. DP&E will review and provide comments on plan concurrently to OEH review.
6 June 2014	ACHMP provided to DP&E for approval in accordance with the PA.
23 June 2014	Paul Houston from OEH emailed comments on draft ACHMP to ECM.
19 August 2014	Wayne Jones from DP&E emailed comments on draft ACHMP to ECM.
19 March 2015	All RAPs and the additional interested stakeholder were invited to attend an information session and an inspection of a selection of sites to discuss the survey results, Aboriginal cultural values and draft ACHA for the Wilpinjong Extension Project, including consultation on the management measures proposed.

Date	Description
2 April 2015	The Wilpinjong Extension Project draft ACHA was issued to the RAPs for review, with a request for comment.
2 April 2015	An information session to present information about the Wilpinjong Extension Project and the draft ACHA was held for all RAPs. Inspections of sites along Wilpinjong Creek and Slate Gully (including the rocky hill in Slate Gully and other rock shelters). Attended by representatives of MGATSIC, Mudgee LALC, NEWCO, Paul Brydon, WNTCAC and WWAC.
29 April 2015 – 8 May 2015	Comments received on the Wilpinjong Extension Project draft ACHA were reviewed and addressed in the ACHA.
22 October 2015	A copy of the Wilpinjong Extension Project draft ACHA addendum report was provided to the RAPs for their review, with a request for comment.
November 2015	Comments received on the Wilpinjong Extension Project draft addendum report were reviewed and addressed in the addendum report.
January 2016	Copies of the final ACHA for the Wilpinjong Extension Project were made available to all RAPs.

12.4 Appendix 4: Template for the Cultural Heritage Works Program Notice

Notice Number: [Insert number here]

Date this request was issued on: [Insert date here]

Date a response is required by: [Insert date 5 working days after issue date here]

In accordance with the Wilpinjong Coal Project Aboriginal Cultural Heritage Management Plan (ACHMP), WCPL wishes to provide notice to the Registered Aboriginal Parties (RAPs) of upcoming operational activities to be undertaken within the Development Application Area and requests the participation of [insert RAP name here] in the associated cultural heritage works program.

Nature and extent of proposed operational activities

The operational activities will comprise [insert here a written description of the proposed activities outlining the kinds of ground disturbance that will be involved and what will be constructed (if anything). Information about the plant and equipment to be used should be stated here, in line with requirements of the ACHMP].

The work area in which these operational activities will occur is shown on the attached map.

Estimated Commencement Date for Operational Activities

[Insert date here]

Number and Roles of Personnel involved in the conduct of Proposed Disturbance Activities

[Insert details here - note that these are the WCPL and subcontractors carrying out the operational works, not the cultural heritage team].

Cultural Heritage Works Program Information

Methodology

Cultural heritage survey / test pitting / inspection / open area excavation / site verification / recording / monitoring (delete whichever is not relevant) is required for the specified work area.

[Insert additional details here about the methodology to be adopted; note this will usually be copied from the ACHMP]

Anticipated Dates and Duration of Works Program

It is anticipated that the cultural heritage works program for the specified work area will commence on [insert date here].

It is anticipated that the cultural heritage works program will take approximately # full days/ # part days to complete, subject to suitable weather conditions and no equipment-related delays.

Cultural Heritage Team

[Insert archaeological company name] has been engaged by WCPL to direct the cultural heritage works program.

The cultural heritage team will comprise the following personnel:

- Insert name and relevant qualifications and experience of directing archaeologist
- Insert other archaeologists (as advised by the directing archaeologist)
- Insert x representative from x of the eight RAPs.

The cultural heritage team will be accompanied by at least one representative from WCPL.

RAP Representative(s) Requested

We request insert number representative(s) from insert acronym of RAP to participate in the work program.

Vehicles and Travel Arrangements

[Insert details of the number and types of vehicles to be used during the work program and who is providing them (egg the archaeologist or WCPL or the RAP).]

[Specify where the reps are to meet and what time each day.]

Contact details for relevant personnel

- WCPL Contact (will usually be the ECM)

Invoicing Requirements

WCPL will pay # representative from RAP acronym at a rate of \$x per day excluding GST (and will cover reasonable travel/logistical expenses) for their participation in the work program.

In order to obtain payment, an invoice will need to be provided to WCPL for payment to be made. This invoice will need to be addressed to WCPL Staff Name [note this will usually be the Environment and Community Manager, i.e. currently Kieren Bennetts] as per the details below.

Environment & Community Manager
Wilpinjong Coal Pty Ltd
(Peabody Energy Australia)
Locked Bag 2005
Mudgee NSW 2850
Mobile: 0488 103 807
Email: kbennetts@peabodyenergy.com

Invoices from the RAPs must include the following:

- Work Program Notice Number (at the top of this Notice)
- Dates of the work actually undertaken
- Name of the RAP personnel who participated

Response Required

Please do not hesitate to contact the WCPL Contact if you have any queries or concerns about this works program. Otherwise we look forward to receiving confirming of the availability of [insert RAP name] representative[s] to participate in the work program by the specified date.

Attachments

[Insert map(s) of the work areas here - ensure they are at such a scale to be easily understood]

12.5 Appendix 5: Processes for the Management of Cultural Heritage

Salvage of Culturally Modified Trees

Numerous possible and probable culturally modified trees have been identified in the Development Application Area through the various cultural heritage assessments conducted over the past decade. For the culturally modified trees where the management recommendation is salvage (refer **Appendix 2**), the following process will be followed:

- i. An experienced and qualified archaeologist will be engaged, to work in collaboration with an arborist and representatives of the RAPs, to assess the likelihood that the scar is Aboriginal in origin. Assessment of the tree will be based on criteria set out in the NSW scarred tree field manual (Long 2005), with the age of the tree being a highly relevant criterion. The final determination of whether the scar is likely to be Aboriginal in origin will rest with the archaeologist following discussion with an arborist (if required) and representatives of the RAPs. In the case of trees with scars that are identified as likely to be Aboriginal in origin, discussion will be held at this time to determine the most appropriate method of removal, in line with the process set out in point (vii) below.
- ii. If it is determined that the scar is not likely to be Aboriginal in origin, but has been registered with the AHIMS database, an Aboriginal Site Impact Recording Form (ASIRF) will be completed and submitted to the AHIMS Registrar to state that the scar is not Aboriginal in origin. The WCPL Aboriginal Sites Database will also be updated in a timely fashion to reflect the non-Aboriginal origin of the scar on the tree. No further action would be required prior to impacting the tree.
- iii. If the scar is likely to be Aboriginal in origin, the tree and the scar will be recorded using a scarred tree recording form, digital photography and 3D laser scanning to ensure there is a permanent record of the tree.
- iv. An assessment of the condition and fragility of the tree will be conducted. If it is unlikely that the modified section of trunk can be recovered/salvaged without significant break-up, then the RAPs will be consulted as to whether an attempt to salvage the scarred trunk should be continued and whether the recovery and storage of fragments is required.
- v. In the event that a successful salvage of the modified section of tree is not considered possible, no further action is required prior to impact to the tree following completion of the recording and assessment indicated in (iii) and (iv) above.
- vi. If it is considered possible to salvage the modified section of tree without significant break-up, then the section of the tree trunk containing both the remaining exposed modified surface and the healed-over regrowth will be clearly determined.
- vii. An inspection of the condition and context of the tree will be conducted. Any areas requiring special attention or management including structural integrity, fragile features, fauna, necessity for excavation, access constraints, and requirement for machinery platforms will be identified. The extent of the portion of the tree trunk requiring salvage will be determined, ensuring that this area includes any suspected fully occluded sections at the top and bottom of the original scar, and an appropriate buffer distance.
- viii. Access tracks for franna and elevated working platform access, will be constructed as necessary.
- ix. Any superficial dirt or other debris which may obscure laser and photographic recording will be removed.
- x. Terrestrial (i.e. drone) and hand held 3D laser scanning survey will be conducted to create a systematic high resolution colour photographic record. This may be undertaken by internal Wilpinjong Staff.

- xi. Canopy branches and any upper sections of trunk not required for salvage will be removed using a chainsaw and personnel within an elevated working platform, ensuring that there is substantial length to allow the securing of the trunk to an overhead crane/franna without impacting the occluded and unoccluded sections of the scar. Care should be taken to protect and avoid impacting the scarred portion of trunk from falling limbs.
- xii. As necessary, use of an excavator to excavate around base of tree to provide enough clearance/depth for the safe use of a chainsaw and to gain enough clearance below trunk scar will occur.
- xiii. The top of the remaining trunk will be secured to an overhead crane/franna. As necessary, slight upward tension can be applied by the crane/franna.
- xiv. The location of the basal chainsaw cut will be reviewed, taking into consideration the area required for salvage, the necessity for a straight cut, or a scarf and hinge, slope and tendency to fall, and likely depth of wood prior to encountering termite nest or other internal non-wooden material. Obscuring dirt or other hazards can be removed.
- xv. A chainsaw cut around the base of, and below the scarred section of trunk, can be made. The use of wedges may be beneficial. Where a scar extends close to or into the base of a tree, it is beneficial to salvage as much of the trunk as possible. In such cases a straight cut, utilising wedges, is preferable to employing a scarf and back cut and a hinge detachment.
- xvi. As necessary upward tension on the upper trunk using the overhead crane/franna can be maintained. Following completion of the chainsaw basal cut, the salvaged section of trunk can be detached and/or raised away from the stump.
- xvii. With the use of a crane/franna, the salvaged section of trunk can be moved to a flatbed truck, ensuring that the scarred sections and any fragile features are not subject to direct impact.
- xviii. Secure trunks to truck for transport. Ensure that some form of pedestal or packing (such as sleepers) are used between the trunk and truck surface.
- xix. So as to minimise the potential impacts of exposure to the effects of weather etc. on the salvaged tree trunk, immediately following salvage the trunk should be stored under cover, and off the ground on a concrete or similar (i.e. not wood) block on which the trunk is positioned, with the site number clearly and permanently identified on the trunk (do not place identification on modified or regrowth areas) until rehabilitation is possible.
- xx. As determined by the RAPCC during rehabilitation, salvaged trees will be replaced in a horizontal position within the rehabilitated mine landscape, again on concrete or similar (i.e. not wood) blocks, with termite mesh placed between the concrete or similar (i.e. not wood) block on which the trunk is positioned and the trunk itself, and with a covering to protect the trunk from exposure to sun and rain.
- xxi. Updated site records will be lodged with the OEH in a timely fashion.
- xxii. The WCPL Cultural Heritage Site Database will be updated in a timely fashion (**Appendix 2**).

Salvage of Stone Artefacts

For open artefact sites for which surface collection is the management requirement (refer Appendix 2), the collection will:

- i. Be undertaken by appropriately qualified and experienced archaeologists, who will work in collaboration with the RAPs;
- ii. Be undertaken prior to any development impacts occurring to those specific areas or sites;

- iii. Involve systematic collection procedures selected by the archaeologist with respect to the nature and extent of the evidence and collection area, but involving delineation of the collection area, recording of artefact locations (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), collection of artefacts with the provenance recorded and labelled on the bag containing the item, and photographs and recording of each site location;
- iv. Involve collected artefacts being washed and dried if necessary and recorded by a qualified archaeologist. A minimal level of information will be recorded for every artefact collected (provenance, stone material type, lithic item type, size, weight, nature and quantity of cortex, and presence and nature of any use-wear or residues) with additional attributes recorded where necessary. Individual artefacts of significance may be photographed and/or illustrated;
- v. Involve recording of artefacts into a computer spread sheet, individual objects will be bagged separately in resalable, labelled plastic bags, with provenance information recorded on waterproof ink on the plastic bag label strips. Artefact bags will be grouped together for each collection area or site and further provenance information included on internal tags; the latter will be on archival quality paper or card. The curated artefacts, along with an electronic and hard copy of the artefact register will be lodged with the Native Title Liaison Officer for storage in the temporary Keeping Place;
- vi. Involve preparation of a report by an appropriately qualified and experienced archaeologist with reference to relevant OEH guidelines and the requirements of this ACHMP, documenting the methods, results (including a plan of the site and collection areas, and an artefact register) and Aboriginal involvement. Hard copies will be distributed to the RAPs, DP&E and OEH within 30 working days of completion;
- vii. Involve lodging updated site records with the OEH in a timely fashion; and
- viii. Involve updating the WCPL Cultural Heritage Site Database in a timely fashion (**Appendix 2**).

Surface Scrapes by Machinery

For open artefact sites for which surface scrapes and localised hand excavations are the management requirement (refer **Appendix 2**), these procedures will:

- i. Be undertaken by appropriately qualified and experienced archaeologists, who will work in collaboration with the RAPs;
- ii. Be undertaken prior to any development impacts occurring to those specific areas or sites (and after any required surface collection, test excavation and/or broad area hand excavation has occurred);
- iii. 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 development impact of any significant, unexpected or unusual features;
- iv. Only machinery with rubber tyres or tracks will be used;
- v. Involve systematic procedures selected by the archaeologist 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;

- vi. 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, involve hand excavation of those features in order to retrieve the evidence that comprises the feature. Hence, where identified, these features will be temporarily protected from further surface scrapes or other impacts until controlled hand excavation has been undertaken. For many features, this may involve excavation of one or more contiguous 1 m² units by shovel and trowel to the depth of the A-horizon/top of B-horizon or visible or predicted cultural deposits, as determined by the archaeologist. Soil from each excavation unit will be sieved through 2–3 mm mesh. Material (both natural and cultural) remaining in the sieve will be sorted by a qualified archaeologist to retain all probable and potential cultural items and dispose of the natural items. The excavation locations will be photographed and recorded;
- vii. Where features (e.g. fireplaces, hearths or heat-treatment pits) are identified that contain samples suitable for radiocarbon or other methods of direct dating, involve retrieval of these samples and submission to an accredited laboratory for dating. Soil samples will also be retained;
- viii. Involve collected artefacts being washed and dried if necessary and recorded by a qualified archaeologist. A minimal level of information will be recorded for every artefact collected (provenance, stone material type, lithic item type, size, weight, nature and quantity of cortex, and presence and nature of any use-wear or residues) with additional attributes recorded where necessary. Individual artefacts of significance may be photographed and/or illustrated;
- ix. Involve recording of artefacts into a computer spread sheet, individual objects will be bagged separately in resalable, labelled plastic bags, with provenance information recorded on waterproof ink on the plastic bag label strips. Artefact bags will be grouped together for each collection area or site and further provenance information included on internal tags; the latter will be on archival quality paper or card. The curated artefacts, along with an electronic and hard copy of the artefact register will be lodged with the NTLO for storage in the temporary Keeping Place;
- x. Involve preparation of a report by a qualified archaeologist with reference to relevant OEH guidelines and the requirements of this ACHMP, documenting the methods, results (including a plan of the site and collection and excavation areas, artefact databases and analysis with respect to relevant research questions) and Aboriginal involvement. Hard copies will be distributed to the RAPs, DP&E and OEH within 30 working days of completion;
- xi. Involve lodging updated site records with OEH in a timely fashion; and
- xii. Involve updating the WCPL Cultural Heritage Site Database in a timely fashion (**Appendix 2**).

Test and Open Area Excavation

For open artefact sites for which test-excavation and/or open area hand excavation is the management requirement (refer **Appendix 2**), these procedures will:

- i. Be undertaken by appropriately qualified and experienced archaeologists, who will work in collaboration with the RAPs;
- ii. Be undertaken prior to any development impacts occurring to those specific areas or sites;
- iii. Aim to develop a greater understanding of the heritage resource in these locations, assist management of potential future impacts (through testing and refinement of the occupation model and predictive model and therefore improved understanding of the nature and distribution of evidence), and assist in mitigating the impacts of the approved Project and additional impacts from the Extension Project on these identified and potential resources. Salvage would also permit any evidence identified to be retrieved for curation by the Aboriginal community, thereby also assisting to mitigate impacts on the contemporary cultural values identified by the Aboriginal stakeholders. Relevant research questions are outlined in Section 10.2.1 of SEA (2015);
- iv. Test excavation would involve establishment of transects with reference to the location of the water source and zone of heritage potential, zone of development impacts, location of identified evidence, local conditions of ground disturbance and potential depth of sub-surface deposits at each location. Different zones may require different sampling strategies, but in general transects of up to 100 metres length extending perpendicular from the water source, supplemented by similar transects parallel to the water source, may be appropriate. Test excavation may involve units measuring 1 x 1 metre each in area excavated at intervals of no greater than five metres along each transect, by shovel and trowel in 0.1 metre 'spits' to the depth of the A unit soil/top of B unit soil or visible or predicted cultural deposits. Soil from each level within an excavation unit would be separately sieved through 2-3 millimetre mesh and material remaining in the sieve sorted by a qualified archaeologist to retain all cultural items
- v. Broad area hand excavation would occur to mitigate impacts and investigate and salvage potential deposits of research value, by expanding on test excavation units that exhibit a relatively high density of evidence, indicative of focused Aboriginal occupation. This would involve similar procedures to the test excavations, with the excavation area determined by the archaeologist in consultation with the attending RAPs, with respect to the nature and extent of the evidence and potential impacts. It would involve hand excavation by shovel and trowel of multiple contiguous one square metre units to the depth of the A unit soil/top of B unit soil or visible or predicted cultural deposits, such that evidence that comprises the feature/activity area is retrieved in a manner consistent with obtaining information to address relevant research aims and mitigate the impacts of the Project.
- vi. The excavation locations will be photographed and recorded;
- vii. 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. Soil samples will also be retained;
- viii. Involve collected artefacts being washed and dried if necessary and recorded by a qualified archaeologist. A minimal level of information will be recorded for every artefact collected (provenance, stone material type, lithic item type, size, weight, nature and quantity of cortex, and presence and nature of any use-wear or residues) with additional attributes recorded where necessary. Individual artefacts of significance may be photographed and/or illustrated;
- ix. Involve recording of artefacts into a computer spread sheet, individual objects will be bagged separately in resalable, labelled plastic bags, with provenance information recorded on waterproof ink on the plastic bag label strips. Artefact bags will be grouped together for each collection area or site and further provenance information included on internal tags; the latter will be on archival

quality paper or card. The curated artefacts, along with an electronic and hard copy of the artefact register will be lodged with the NTLO for storage in the temporary Keeping Place;

- x. Involve preparation of a report by a qualified archaeologist with reference to relevant OEH guidelines and the requirements of this ACHMP, documenting the methods, results (including a plan of the site and collection and excavation areas, artefact registers and analysis with respect to relevant research questions) and Aboriginal involvement. Hard copies will be distributed to the RAPs, DP&E and OEH within 30 working days of completion;
- xi. Involve lodging updated site records with OEH in a timely fashion; and
- xii. Involve updating the WCPL Cultural Heritage Site Database in a timely fashion (**Appendix 2**).

12.6 Appendix 6: Written Process for the Discovery of Skeletal Remains

- (a) All work in the area will cease immediately and the worker(s) will notify their Supervisor and the ECM;
- (b) WCPL will immediately notify the NSW Police, RAPs, DP&E and OEH (via the incident reporting telephone line);
- (c) WCPL will immediately implement additional measures (beyond ceasing work) considered necessary by the ECM to ensure that inadvertent impacts do not occur to the skeletal material. This may include provision of information to relevant WCPL staff and contractors, temporary protective fencing, and/or signage;
- (d) WCPL will facilitate, in cooperation with the NSW Police, RAPs, DP&E and OEH, the identification of the skeletal remains by an appropriately qualified and experienced archaeologist;
- (e) Should the remains be identified as Aboriginal and the NSW Police require no further involvement, WCPL will manage the remains in consultation with the RAPs, DP&E and OEH, with advice from an appropriately qualified and experienced archaeologist. Options available include:
 - In the first instance, WCPL would seek to redesign the proposed works to avoid impacts to the skeletal remains;
 - Where the skeletal remains occur within an area for which impact cannot be avoided through redesign, and the impacts involve the emplacement of fill or overburden, the skeletal remains can be left in situ (in which case (a) detailed recording by an appropriately qualified and experienced archaeologist and (b) a protective barrier and fill may be emplaced above the skeletal remains if so requested by consensus agreement of the RAPs) **unless** majority consensus agreement is reached between the RAPs and WCPL to excavate the remains⁵ (refer to below);
 - Where the skeletal remains occur within an area for which impact cannot be avoided through redesign, and the impacts involve impact **other than** the emplacement of fill or overburden, the skeletal remains will be excavated (see below);
 - Where excavation has been agreed to, it will be done by hand by an appropriately qualified and experienced archaeologist accompanied by representatives from the RAPs in accordance with best practice methods, with reference to the *Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales*. (DECCW 2010b). Excavation may include submission of samples for radiometric dating and isotope analysis where approved by majority consensus of the RAPs.
 - After excavation has occurred, reburial will be undertaken outside of the impact area for the life of the Mine at a location agreed to by WCPL and the RAPs⁶. The reburial location will be mapped with GPS and added to the WCPL Cultural Heritage Sites Database to ensure it is effectively managed in the future. If so requested by majority consensus of the RAPs, the reburial location will be fenced;
 - If any of the RAPs wish to conduct a smoking or other ceremony as part of the reburial process, this shall be facilitated by WCPL;

⁵ Where majority consensus agreement over the preferred management option cannot be reached between WCPL and the RAPs through the RAPCC, the matter will be referred to OEH for resolution; the determination of OEH will be binding on all parties.

⁶ Where majority consensus agreement over the location for the reburial of any excavated skeletal remains cannot be reached between WCPL and the RAPs through the RAPCC, the matter will be determined by an appropriately qualified and experienced archaeologist in consultation with the ECM; the determination of the archaeologist will be binding on all parties.

- Where the skeletal remains occur within an open context, and impacts are proposed in adjacent areas of the same environmental context, WCPL will engage an appropriately qualified and experienced expert and the RAPs to conduct investigations in that area to identify whether further skeletal material exists. The methodology of the investigation will be determined by the archaeologist in consultation with the RAPs and the ECM, and may include surface scrapes (refer to **Appendix 5**) and/or geophysical techniques (for example, but not necessarily limited to, ground magnetic survey, ground penetrating radar, electromagnetic survey and/or resistivity);
 - In locations where proposed works will occur in close proximity to an identified Aboriginal burial site, but impacts to the burial site itself can be avoided, WCPL will implement measures considered necessary by the ECM, guided by an appropriately qualified and experienced archaeologist and taking into consideration the wishes of the majority consensus of the RAPs, to ensure that inadvertent impacts do not occur to the burial site (refer to **Section 5.1.1**). This may include provision of information to relevant WCPL staff and contractors, permanent protective fencing, and/or signage;
- (f) A report will be prepared with reference to the *Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales* (DECCW 2010b) and this ACHMP, documenting the results of any report of the discovery of skeletal remains, particularly excavation and reburial, and hard copies will be distributed to the RAPs, DP&E and OEH within 30 working days of completion of the investigation.

12.7 Appendix 7: Aboriginal Cultural Heritage Meeting Protocols

This protocol sets down the process for the conduct of the Aboriginal cultural heritage meetings for both Operational and Project Specific purposes.

Personnel with responsibilities for these protocols are as follows:

Position	Responsible for
Environment and Community Manager	<ul style="list-style-type: none"> • Convening meetings. • Providing an update on WCPL mining activities and implementation of the ACHMP. • Providing an Archaeologist to represent WCPL on Aboriginal cultural heritage matters (as required). • Arranging for the meeting minutes taken by a WCPL administrative assistant. • Distributing minutes.
WCPL Administrative Assistant	<ul style="list-style-type: none"> • Taking the minutes of meetings.
Independent Chairperson	<ul style="list-style-type: none"> • To Chair Native Title Implementation Committee (NTIC) meetings.
Native Title Liaison Officer	<ul style="list-style-type: none"> • Attending meetings • Providing information as required.
RAP Representatives	<ul style="list-style-type: none"> • Attending operational cultural heritage meetings on behalf of the RAPs. • Attending project specific cultural heritage meetings on behalf of the RAPs. • Providing information and advice on Aboriginal cultural heritage matters in the requested format i.e. written or verbal. • Reporting back to their Aboriginal community on all Aboriginal cultural heritage matters discussed.

Operational Cultural Heritage Meetings

Step	Action
1	<p>Operational meeting participants should normally comprise:</p> <ul style="list-style-type: none"> • Environment and Community Manager (Chairperson). • WCPL nominated archaeologist (when required). • Relevant government agency officers (e.g. from DP&E or OEH) (when required). • RAPs (one nominated individual per RAP). <p>Other specialists shall be invited to attend by the Chairperson on an as required basis. Participants may request specialists attend through the Chair.</p>
2	<ul style="list-style-type: none"> • Meetings shall be convened every six months. Additional meetings may be requested through the Chairperson.
3	<ul style="list-style-type: none"> • Dates for the meetings shall be set annually (where possible a year in advance).
4	<ul style="list-style-type: none"> • The location of the meeting shall be nominated by the WCPL ECM.
5	<ul style="list-style-type: none"> • Should the nominated participant be unable to attend, a substitute from the relevant organisation shall be allowed. This shall be communicated to the Chairperson prior to the meeting.
6	<ul style="list-style-type: none"> • Agendas for the review meetings shall be provided to the various representatives prior to the meeting in the form of a formal notification of the meeting. • Representatives are to RSVP their attendance or nominate a substitute. • Representatives are to notify their requests for any additions to the agenda to the Chairperson via their RSVP.
7	<p>The Agenda shall be structured to ensure participants:</p> <ul style="list-style-type: none"> • Are informed of the mine operations which may impact on issues of Aboriginal cultural heritage • Are informed on key implementation actions undertaken in accordance with the ACHMP • Are informed on issues of concern for the Aboriginal community • Receive written minutes from the previous meeting • Can comment on mine operations and the conservation of sites and artefacts
8	<ul style="list-style-type: none"> • Meetings will have minutes taken with minutes distributed to all participants by the ECM. Should any culturally sensitive material be discussed and notified to the Chairperson, it may be deleted from minutes at the request of an Aboriginal representative.
9	<ul style="list-style-type: none"> • WCPL undertakes to pay ONE representative per RAP as per the agreed daily rate or half daily rate if the meeting is only for less than half a normal working day (a working day being defined as 8 hours). • Where travel or out of pocket expenses are incurred, the participants may request reimbursement of these expenses from the ECM with the provision of evidence (i.e. tax Invoices and vehicle km) to support their claim.

Project Specific Cultural Heritage Meetings

Step	Action
1	<p>Project Specific Cultural Heritage meetings participants should normally comprise:</p> <ul style="list-style-type: none"> • Environment and Community Manager (Chairperson). • WCPL nominated archaeologist (when required). • Relevant government agency officers (e.g. from DP&E or OEH). • RAPs (maximum 2 per group, only 1 of whom is to be paid). <p>Other specialists shall be invited to attend by the Chairperson on an as required basis. Participants may request specialists attend through the Chair.</p>
2	<ul style="list-style-type: none"> • Meetings shall be convened as required on a project-by-project basis.
3	<ul style="list-style-type: none"> • Consultation will be undertaken in accordance with Section 3 of the ACHMP.
4	<ul style="list-style-type: none"> • The location of the meeting shall be nominated by the WCPL ECM.
5	<ul style="list-style-type: none"> • Should the nominated participant be unable to attend, a substitute from the relevant organisation shall be sent. This shall be communicated to the Chairperson prior to the meeting.
6	<ul style="list-style-type: none"> • Agendas for the Consultation meetings shall be provided to the RAPs prior to the meeting in the form of a formal notification of the meeting. RAP representatives are to RSVP their attendance or nominate a substitute.
7	<ul style="list-style-type: none"> • Meetings will have minutes taken with minutes distributed to all parties by the Chairperson. Should any culturally sensitive material be discussed and notified to the Chairperson it may be deleted from minutes at the request of a RAP representative.
8	<ul style="list-style-type: none"> • WCPL undertakes to pay ONE representative per RAP as per the agreed daily rate or half daily rate if the meeting is only for less than half a normal working day (a working day being defined as 8 hours). • Where travel or out of pocket expenses are incurred, the participants may request reimbursement of these expenses from the ECM with the provision of evidence (i.e. tax Invoices and vehicle km) to support their claim.

12.8 Appendix 8: Management for Previously Unidentified Aboriginal Places and/or Objects excluding Skeletal Remains

Management of any previously unrecorded Aboriginal heritage evidence that is identified within the Project area during the course of operations or further heritage investigations will occur with consideration of the nature of the evidence, significance of the evidence and nature of the proposed impacts. Management measures for individual site types may be implemented as detailed below. Work that may impact upon the Aboriginal heritage evidence may only recommence with the approval of the ECM and after relevant actions set out in this Plan have been implemented, including the approval of the DP&E where the works are not consistent with the Development Consent (SSD-6764).

Open Artefact Sites

- Where disturbance impacts (i.e. removing or shifting the ground surface) are proposed on open artefact sites and avoidance of impacts is not feasible:
 - Where the site is assessed as being of low significance, following detailed recording of the evidence, impacts will be permitted to occur without further action;
 - Where the site is assessed as being of low to moderate, or moderate significance, following detailed recording of the evidence, it will be subject to surface collection (refer to procedures in **Appendix 5** of this Plan) before impacts are permitted to occur. Where the consensus agreement of WCPL and the RAPs is reached, additional mitigation measures, such as surface scrapes and/or hand excavation (refer to procedures in **Appendix 5** of this Plan), may be implemented;
 - Where the site is assessed as being of moderate to high, or high significance, following detailed recording of the evidence, it will be subject to surface collection and any other mitigation measures, such as surface scrapes and/or hand excavation, as determined by the consensus agreement of WCPL and the RAPs (refer to procedures in **Appendix 5** of this Plan) before impacts are permitted to occur. In the event that consensus agreement cannot be reached between WCPL and the RAPs about the mitigation strategy, the ECM will determine the strategy in consultation with a heritage expert, but it will as a minimum involve surface collection of the evidence;

Open Grinding Groove Sites

- Where impacts of open grinding grooves are proposed sites and avoidance of impacts is not feasible:
 - 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, it will be subject to reasonable mitigation measures, such as removal of the sandstone slab hosting the grooves and subsequent display for educational purposes, as determined by the consensus agreement of WCPL and the RAPs before impacts are permitted to occur. In the event that consensus agreement cannot be reached between WCPL and the RAPs about the mitigation strategy, the ECM will determine the strategy in consultation with a heritage expert;

Rock Shelters

- Where impacts on rock shelters are proposed and avoidance of impacts is not feasible:

- Where the site is assessed as being of low 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 low to moderate, or moderate significance, following detailed recording of the evidence, where the consensus agreement of WCPL and the RAPs is reached, the site will be subject to test excavation and consideration of further mitigation measures (salvage excavation) generally as per the excavation procedures established in **Appendix 5** of this Plan. In the event that consensus agreement cannot be reached between WCPL and the RAPs about the mitigation strategy, the ECM will determine the strategy in consultation with a heritage expert;
- Where the site is assessed as being of moderate to high, or high significance, it will be subject to test excavation and any other mitigation measures, such as salvage excavation by hand, as determined by the consensus agreement of WCPL and the RAPs (refer to procedures in **Appendix 5** of this Plan) before impacts are permitted to occur. In the event that consensus agreement cannot be reached between WCPL and the RAPs about the mitigation strategy, the ECM will determine the strategy in consultation with a heritage expert, but it will as a minimum involve test excavation of the shelter;

Other Site Types

- For site types that contain or are defined as Aboriginal objects (for example, scarred trees, carved trees, ochre quarries or stone arrangements)⁷:
 - and avoidance of impacts is not feasible, the ECM will determine an appropriate mitigation strategy in consultation with a heritage expert and with the consensus agreement of the RAPs. In the event that consensus agreement cannot be reached between WCPL and the RAPs about the mitigation strategy, the ECM will determine the strategy in consultation with a heritage expert. Where the site is assessed as being of moderate to high, or high significance, and impacts are substantial, some form of mitigation will be implemented before impacts are permitted to occur. For scarred trees, the procedures as outlined in **Appendix 5**;

⁷ Excluding open artefact, open grinding groove and rock shelter sites that are addressed above in this Plan and skeletal remains that are addressed in **Section 5.2.5** of this Plan.