



View of the Invincible Colliery (SMH 7/2/2018).

# **ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN**

## **INVINCIBLE COLLIERY**

### **Acknowledgement**

OzArk acknowledge the traditional custodians of the area on which this assessment took place and pay respect to their beliefs, cultural heritage, and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the Elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

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Enquiries should be addressed to Shoalhaven Coal Pty Limited.

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## ABBREVIATIONS AND GLOSSARY

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ACHAA	Aboriginal Cultural Heritage and Archaeological Assessment
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCRs	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
ACHMP	Aboriginal Cultural Heritage Management Plan
ACHMP boundary	Approved project area
AFGM	Aboriginal Focus Group Meeting
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit. Issued by HNSW to allow harm to Aboriginal objects.
ASIRF	Aboriginal Site Impact Recording Form
ATSIHP Act	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>
BLALC	Bathurst Local Aboriginal Land Council
Castlereagh Coal	Castlereagh Coal Pty Ltd
DPE	NSW Department of Planning and Environment
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EA	Environmental Assessment
EMS	Environmental Management System
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
HNSW	Heritage NSW. Government department tasked with ensuring compliance with the NPW Act. HNSW is advised by the Aboriginal Cultural Heritage Advisory Committee (ACHAC)
Invincible	Invincible Colliery
Invincible CPP	Invincible Coal Preparation Plant
LGA	Local Government Area
NPW Act	<i>NSW National Parks and Wildlife Act 1974</i> . Primary legislation governing Aboriginal cultural heritage within NSW.
PAC	Planning Assessment Commission

The Plan	This ACHMP
RAPs	Registered Aboriginal Parties. An individual or group who have indicated through the ACHCR process that they wish to be consulted regarding the project.
RFS	Rural Fire Service
Shoalhaven Coal	Shoalhaven Coal Pty Limited
WNTCAC	Warrabinga Native Title Claimants Aboriginal Corporation
WVWAC	Wellington Valley Wiradjuri Aboriginal Corporation

## CONTENTS

<b>ABBREVIATIONS AND GLOSSARY .....</b>	<b>I</b>
<b>1 INTRODUCTION.....</b>	<b>1</b>
1.1 Purpose .....	1
1.2 Invincible background.....	1
1.3 Objectives .....	2
<b>2 REGULATORY BACKGROUND.....</b>	<b>6</b>
2.1 Commonwealth legislation .....	6
2.1.1 <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) .....	6
2.1.2 <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (ATSHP Act) ..	6
2.2 State legislation .....	7
2.2.1 <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act).....	7
2.2.2 <i>National Parks and Wildlife Act 1974</i> (NPW Act) .....	7
<b>3 REQUIREMENTS OF THE ACHMP .....</b>	<b>9</b>
3.1 Project approval conditions .....	9
3.2 Environmental assessment requirements.....	12
<b>4 CONSULTATION.....</b>	<b>15</b>
4.1 Consultation with government stakeholders .....	15
4.2 Aboriginal community consultation .....	15
4.2.1 Aboriginal parties consulted.....	15
4.2.2 RAP consultation on this Plan .....	16
4.2.3 Native title .....	18
4.2.4 Ongoing consultation protocols .....	19
<b>5 ABORIGINAL CULTURAL HERITAGE VALUES .....</b>	<b>20</b>
5.1 Previous archaeological investigation and ethnohistory within Invincible .....	20
5.2 Previous iterations of the ACHMP .....	20
5.3 Aboriginal sites .....	20
5.4 Socio-cultural values .....	26
5.4.1 Cultural values .....	26
<b>6 HERITAGE MANAGEMENT MEASURES.....</b>	<b>29</b>
6.1 Obligation to protect all cultural heritage .....	29
6.1.1 Obligation to avoid harm .....	29
6.1.2 Obligation to protect.....	29
6.2 Mitigation of potential impacts from future surface works .....	30

6.3	Measures to protect known Aboriginal objects .....	32
6.3.1	Monitoring of sites .....	33
6.3.2	Salvage of sites within the approved disturbance footprint .....	33
6.3.3	Management measures for 45-1-2712 (CV-RCK1-10) .....	34
6.3.4	Pagoda formations .....	35
6.3.5	Management measures for 45-1-2668 (Invincible OS-1) .....	35
6.3.6	Management measures for 45-1-2797 (Invincible Coal) .....	35
6.3.7	Management of 45-1-2794 (IC ST) .....	36
6.3.8	Management of sites outside the approved disturbance area .....	36
6.4	Long term management of salvaged objects .....	36
6.5	Unanticipated heritage finds procedures .....	37
6.5.1	Artefact scatters and isolated finds .....	37
6.5.2	Aboriginal scarred trees .....	38
6.5.3	Rock shelters .....	39
6.5.4	Potential skeletal remains .....	39
6.5.5	Other site types .....	40
6.6	Other measures .....	40
6.6.1	Aboriginal Site Impact Recording Form (ASIRF) .....	40
6.6.2	Aboriginal cultural heritage awareness training .....	40
6.6.3	Access to Aboriginal objects .....	41
6.6.4	Vehicle access to Invincible .....	42
6.6.5	Erosion control .....	42
6.6.6	Bushfire hazard reduction .....	42
6.6.7	Weed and feral animal control .....	43
<b>7</b>	<b>RECORD KEEPING AND REPORTING REQUIREMENTS .....</b>	<b>44</b>
7.1	Establishment of an Aboriginal archaeological sites database .....	44
7.2	Reporting of ACHMP non-compliance/incident .....	44
7.3	External reporting .....	44
7.4	Access to this Plan .....	45
7.5	Adaptive management .....	45
7.5.1	Performance measures and indicators .....	45
7.5.2	Review of environmental performance and indicators .....	46
7.5.3	Contingency plan to manage unintended impacts .....	47
7.5.4	Improvement of the environmental performance at Invincible .....	47

<b>8</b>	<b>REVIEW AND IMPROVEMENT .....</b>	<b>48</b>
8.1	Dispute resolution process .....	48
8.2	Revision of strategies, plans and programs .....	48
8.3	Annual review .....	49
8.4	Independent environmental audit .....	49
8.5	Statutory reporting requirements .....	49
8.5.1	Discovery of Aboriginal objects .....	50
8.6	Salvage records .....	50
8.7	Invincible heritage records .....	50
<b>9</b>	<b>ACCOUNTABILITIES .....</b>	<b>51</b>
<b>10</b>	<b>DOCUMENT INFORMATION .....</b>	<b>52</b>
10.1	Relevant legislation .....	52
10.2	Reference information .....	52
	<b>APPENDIX 1: CONSULTATION RECORDS.....</b>	<b>53</b>
	Appendix 1 Table 1: Consultation log for the 2023 updated draft Plan. ....	53
	Appendix 1 Figure 1: Letter from the Bathurst LALC referenced in Schedule 3, Condition 36 of the Project Approval. ....	56
	Appendix 1 Figure 2: Correspondence with DPE on the 2018 draft of this Plan. ....	57
	Appendix 1 Figure 3: Sample letter to RAPs seeking review of the 2018 version of this Plan. ....	58
	Appendix 1 Figure 4: WVVAC response to the 2018 draft of this Plan. ....	59
	Appendix 1 Figure 5: Response received from Warrabingga Native Title Claimants Aboriginal Corporation (5 March 2019). ....	62
	Appendix 1 Figure 6: WVVAC information on site 45-1-2797 (received 21 March 2019). ....	63
	Appendix 1 Figure 7: Project update letter (4 August 2022). ....	65
	Appendix 1 Figure 8: Response from Mr Bradley Bliss to the update letter (4 August 2022). ....	67
	Appendix 1 Figure 9: Sample meeting invitation (22 August 2022). ....	68
	Appendix 1 Figure 10: Meeting minutes from the 31 August consultation meeting. ....	70
	<b>APPENDIX 2: CULTURAL HERITAGE MANAGEMENT PLAN APPROVAL.....</b>	<b>73</b>
	<b>APPENDIX 3: SALVAGE METHODOLOGY.....</b>	<b>74</b>
	<b>DOCUMENT CONTROLS.....</b>	<b>77</b>

## FIGURES

Figure 1-1: Location of Invincible ACHMP Boundary.....	4
Figure 1-2: Existing Approved Mining Disturbance, Southern Extension Area, and Mining Restriction Boundary.....	5
Figure 5-1: AHIMS registered sites within or near the ACHMP Boundary. ....	25
Figure 5-2: Inspection photos of site 45-1-2797.....	27
Figure 6-1: Previous survey within the ACHMP boundary.....	31

## TABLES

Table 3-1: Aboriginal cultural heritage-related development consent conditions.....	9
Table 3-2: Relevant EA Aboriginal cultural heritage management recommendations.....	13
Table 4-1: Consultation responses regarding this Plan. ....	17
Table 5-1: Aboriginal heritage sites within and near Invincible.....	21
Table 6-1: Management of known Aboriginal archaeological sites. ....	32
Table 7-1: Performance criteria and measures.....	45
Table 9-1: Accountabilities.....	51
Table 0-1: Artefact analysis attributes. ....	75



# 1 INTRODUCTION

This Aboriginal Cultural Heritage Management Plan (ACHMP) (the Plan) provides heritage management measures for Aboriginal heritage in relation to the Invincible Colliery (Invincible). Invincible is owned by Shoalhaven Coal Pty Limited (Shoalhaven Coal, the proponent), trading as Castlereagh Coal Pty Ltd (Castlereagh Coal). The coal mine encompasses an area of 511 hectares (ha) and is located approximately three kilometres (km) southeast of the town of Cullen Bullen, within the Lithgow City Local Government Area (LGA) in New South Wales (NSW). This ACHMP applies to the ACHMP boundary shown on **Figure 1-1**.

It should be noted that the Plan is an amended version of the previous draft ACHMP completed by Umwelt (2018). This plan has been prepared by Ben Churcher, OzArk Environment & Heritage Principal Archaeologist. Ben Churcher was endorsed to prepare this Plan by the Secretary of the Department of Planning and Environment (the Secretary) (DPE) on 24 January 2023.

*Note: This plan will be updated following the approval of the ACHMP by the Secretary (**Appendix 2**).*

## 1.1 PURPOSE

The ACHMP provides a description of the Aboriginal cultural heritage management strategies, procedures, controls, and monitoring programs to be implemented within the ACHMP boundary for mining activities and ancillary activities required to be undertaken to support mining operations. This Plan forms part of a series of Environmental Management Plans that together form the Environmental Management System (EMS) for Invincible.

This ACHMP addresses the relevant requirements of the Project Approval. The Project Approval conditions and Environmental Assessment (EA) management recommendations relevant to this plan are provided in **Section 3.1**.

## 1.2 INVINCIBLE BACKGROUND

In 2015, Shoalhaven Coal purchased Invincible, and the nearby Cullen Valley Mine, to secure a continued supply of speciality coal product, known as 'nut' coal, for Manildra's Shoalhaven Starches Plant located at Bomaderry on the NSW South Coast. The Invincible site has a long history of mining operations commencing in 1901. Open cut mining has been conducted at Invincible at various times ranging from the 1940s through to the mine being placed into care and maintenance in 2013 when the available coal within the approved mining area was exhausted. The existing operations are shown on **Figure 1-2**.

Shoalhaven Coal sought to modify the Invincible Project Approval 07\_0127 (Project Approval Mod 5) to extend open cut mining operations to the south of the existing approved mining area

(Southern Extension Area). The Southern Extension Area is located within the Ben Bullen State Forest to the east of the Castlereagh Highway (**Figure 1-2**). The modification was approved by the Planning Assessment Commission (PAC) on 2 February 2018. The Project Approval permits mining operations to be conducted until 31 December 2025.

The Project Approval for the Southern Extension includes:

- Extending the open cut mining area to mine down to, and including, the Lithgow Seam to the south of the existing mine in the Southern Extension Area
- Maximum mining and production rates of up to 1.2 million tonnes per annum of product coal
- Removal and emplacement of overburden and the extraction of coal between the hours of 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and public holidays
- Processing of coal onsite and/or transport of coal from the site between the hours of 7 am to 10 pm on Monday to Saturday, and 8 am to 10 pm on Sundays and public holidays (daytime and evening)
- The undertaking of maintenance activities and safety procedures as directed by the DPE at any time
- Product coal transport arrangements (with coal to be transported from the site by road truck to either the Shoalhaven Starches Plant or Mt Piper Power Station)
- Continued use of existing Invincible infrastructure (including maintenance work, and minor upgrades and operation of the existing Invincible Coal Preparation Plant (Invincible CPP)
- Rehabilitation of the Southern Extension and all existing disturbance areas at Invincible by backfilling and reshaping mining areas to remove voids and revegetating the reshaped landform with locally endemic woodland and forest communities.

### 1.3 OBJECTIVES

This ACHMP has been developed to satisfy the relevant conditions of the Project Approval and to ensure that Aboriginal cultural heritage within the ACHMP boundary is managed in accordance with all relevant legislation and in consultation with relevant Aboriginal parties.

The objectives of this ACHMP are to set out controls and protocols for salvage of sites to be impacted during approved surface disturbance works and to prevent unapproved impact to any identified and/or unidentified Aboriginal cultural heritage sites and values within the ACHMP boundary because of mining and ancillary activities.

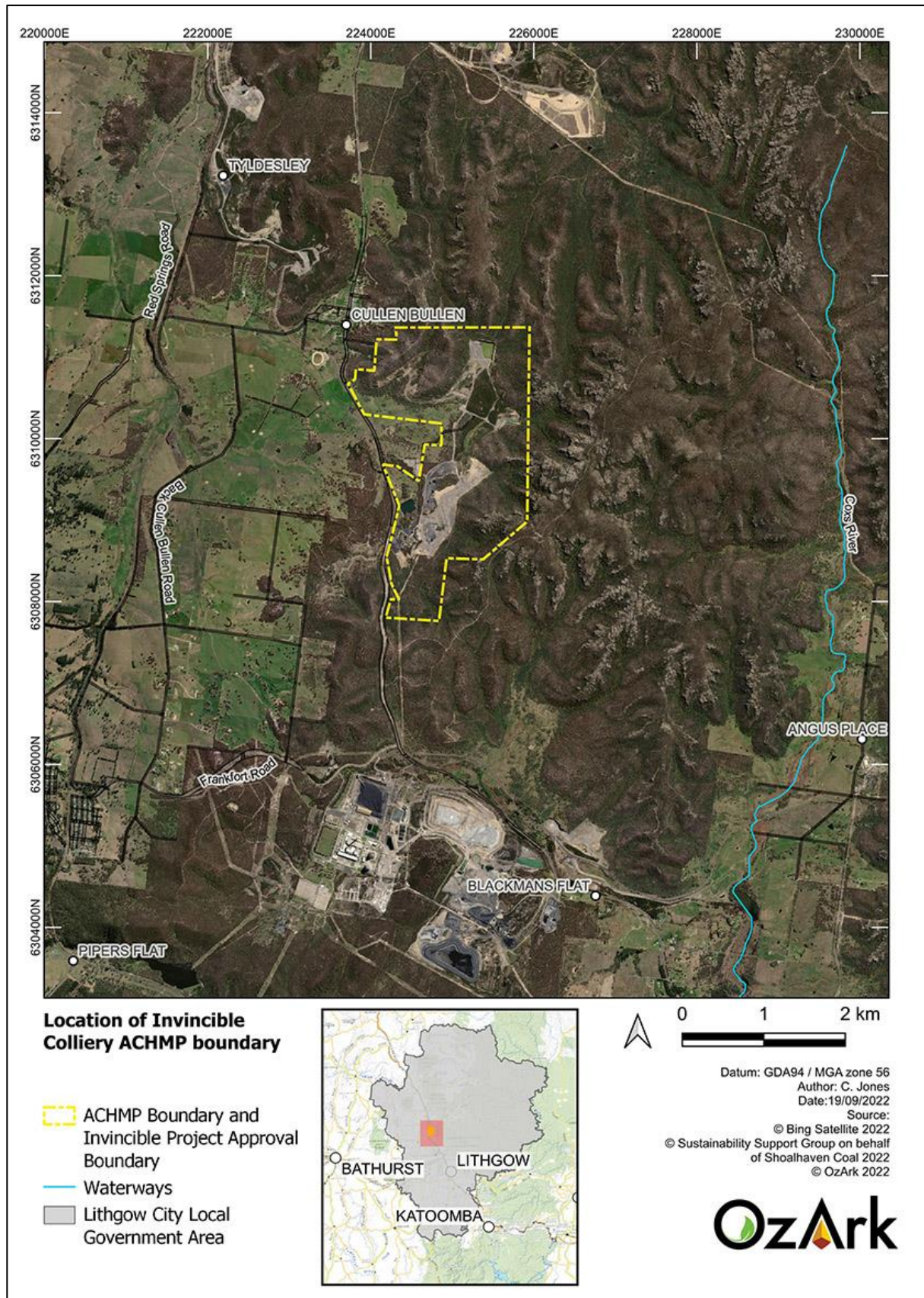
This ACHMP:

- Details the management procedures for Aboriginal heritage within the ACHMP boundary

- Details reporting requirements and further heritage assessment requirements
- Presents a detailed process for ongoing Aboriginal consultation
- Outlines the obligations of project personnel to protect Aboriginal sites not subject to approved harm.
- Describes the roles and responsibilities of Invincible personnel in managing Aboriginal heritage sites before and after salvage works
- Provides for continuous improvement through auditing and plan modification.

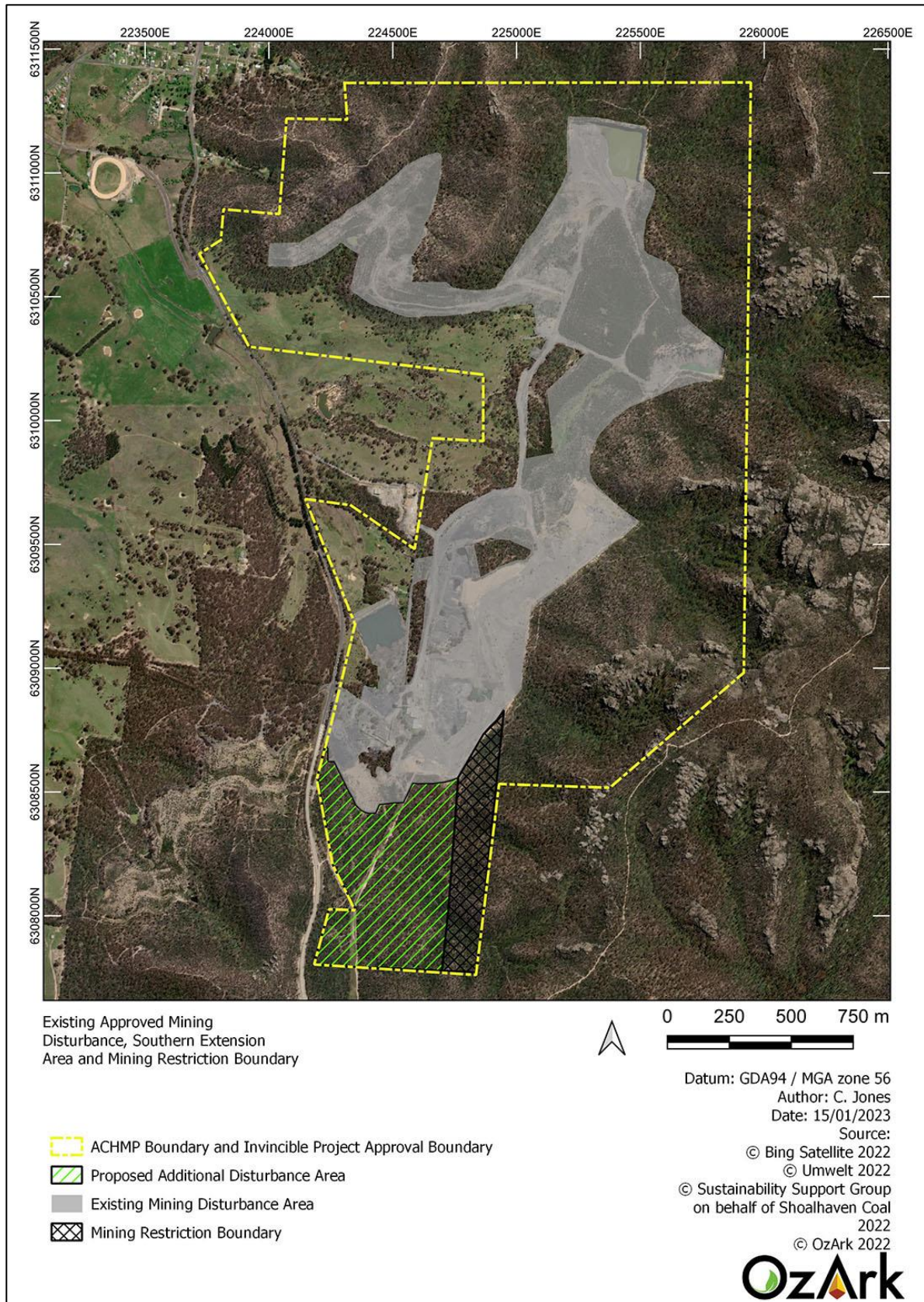
The way this Plan addresses the statutory requirements of the Project Approval is detailed in **Section 3.1**.

Figure 1-1: Location of Invincible ACHMP Boundary.





**Figure 1-2: Existing Approved Mining Disturbance, Southern Extension Area, and Mining Restriction Boundary**



## 2 REGULATORY BACKGROUND

Cultural heritage is managed by several state and national Acts. Baseline principles for the conservation of heritage places and relics can be found in the *Burra Charter* (ICOMOS 2013). The *Burra Charter* has become the standard of best practice in the conservation of heritage places in Australia, and heritage organisations and local government authorities have incorporated the inherent principles and logic into guidelines and other conservation planning documents. The *Burra Charter* generally advocates a cautious approach to changing places of heritage significance. This conservative notion embodies the basic premise behind legislation designed to protect our heritage, which operates primarily at a state level.

Several Acts of Parliament provide for the protection of heritage at various levels of government. However, only the key legislation pertaining to the ACHMP boundary are included below.

### 2.1 COMMONWEALTH LEGISLATION

#### 2.1.1 *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*

The EPBC Act, administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water, provides a framework to protect nationally significant flora, fauna, ecological communities, and heritage places. The EPBC Act establishes both a National Heritage List and a Commonwealth Heritage List of protected places. These lists may include Aboriginal cultural sites or sites in which Aboriginal people have interests. The assessment and permitting processes of the EPBC Act are triggered when a proposed activity or development could potentially have an impact on one of the matters of national environment significance listed by the Act. Ministerial approval is required under the EPBC Act for proposals involving significant impacts on national/commonwealth heritage places.

#### 2.1.2 *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act)*

The ATSIHP Act is aimed at the protection from injury and desecration of areas and objects that are of significance to Aboriginal Australians. This legislation has usually been invoked in emergency and conflicted situations.

#### Applicability to Invincible

The Greater Blue Mountains Area - Additional Values (Place ID 105696), is a nominated place on the National Heritage List and this listing covers much of the ACHMP boundary. As a nominated place, Place ID 105696, is not automatically protected by the EPBC Act. However, it

is industry practice to consider the values associated with the listed The Greater Blue Mountains Area (Place ID 105999) have potential to exist within the ACHMP boundary.

The ATSIHP Act is currently not applicable to Invincible.

## **2.2 STATE LEGISLATION**

### **2.2.1 *Environmental Planning and Assessment Act 1979 (EP&A Act)***

This Act established requirements relating to land use and planning. The main parts of the EP&A Act that relate to development assessment and approval are Part 4 (development assessment) and Part 5 (environmental assessment). The Minister responsible for the Act is the Minister for Planning.

The EP&A Act currently provides the primary legislative basis for planning and environmental assessment in NSW. The objects of the EP&A Act include encouragement of:

- The proper management, development, and conservation of natural resources
- The provision and coordination of the orderly and economic use and development of land
- Protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats
- Ecologically sustainable development.

The objects also provide increased opportunities for public involvement and participation in environmental planning and assessment.

The EP&A Act includes provisions to ensure that the potential environmental impacts of a development or activity are rigorously assessed and considered in the decision-making process.

However, it should be noted that this project was granted approval under Part 3A of the EP&A Act (now repealed) and was modified under Section 75W of the EP&A Act. Therefore, it is not necessary to obtain an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act in relation to activities approved under Part 3A of the EP&A Act and accordingly there is no requirement to obtain an AHIP under the current approval.

### **2.2.2 *National Parks and Wildlife Act 1974 (NPW Act)***

The NPW Act provides for the protection of Aboriginal objects (sites, objects, and cultural material) and Aboriginal places. Under the Act (Part 6), an Aboriginal object is defined as:



‘any deposit, object, or material evidence (not being a handicraft for sale) relating to Indigenous and non-European habitation of the area that comprises NSW, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction and includes Aboriginal remains.’

An Aboriginal place is defined under the NPW Act as:

‘an area which has been declared by the Minister administering the Act as a place of special significance for Aboriginal culture. It may or may not contain physical Aboriginal objects.’

It is an offence under Section 86 of the NPW Act to ‘harm or desecrate an object the person knows is an Aboriginal object’. It is also a strict liability offence to ‘harm an Aboriginal object’ or to ‘harm or desecrate an Aboriginal place’, whether knowingly or unknowingly. Section 87 of the Act provides a series of defences against the offences listed in Section 86, such as:

- The harm was authorised by and conducted in accordance with the requirements of an AHIP under Section 90 of the Act
- The defendant exercised ‘due diligence to determine whether the action would harm an Aboriginal object
- The harm to the Aboriginal object occurred during the undertaking of a ‘low impact activity’ (as defined in the regulations).

Under Section 89A of the Act, it is a requirement to notify the Secretary of HNSW of the location of an Aboriginal object. Identified Aboriginal objects are registered on Aboriginal Heritage Information Management System (AHIMS) that is administered by Heritage NSW (HNSW).

#### Applicability to Invincible

Any Aboriginal objects within the ACHMP boundary are afforded legislative protection under the NPW Act. However, as discussed in **Section 2.2.1**, the provisions of the EP&A Act provide an exemption from the requirement for an AHIP under the NPW Act for activities approved as under Part 3A of the EP&A Act, as is the case with the current Project Approval. However, the other provisions of the NPW Act are still applicable. This Plan contains policies and procedures to guide heritage management within the ACHMP boundary.



### 3 REQUIREMENTS OF THE ACHMP

#### 3.1 PROJECT APPROVAL CONDITIONS

The PA 07\_0127(MOD 5) Project Approval conditions stipulate requirements related to this Plan. These are summarised in **Table 3-1**.

**Table 3-1: Aboriginal cultural heritage-related development consent conditions.**

Schedule	Condition	Description	Section/s addressed
<b>Schedule 3 – Specific Environmental Conditions (Heritage)</b>	S3.36	<p><b>Management of Aboriginal Heritage Site Invincible OS1 (45-1-2668)</b></p> <p>The Proponent must prevent any further disturbance to the Aboriginal heritage site Invincible OS1, unless:</p> <ul style="list-style-type: none"> <li>(a) The secretary agrees otherwise; and</li> <li>(b) The disturbance is undertaken in accordance with the procedures recommended by the Bathurst Local Aboriginal Land Council in its letter dated 17 June 2007 and reproduced in the EA.</li> </ul>	<b>Section 6.3.5</b>
	S3.37	<p><b>Aboriginal Cultural Heritage Management Plan</b></p> <p>Prior to recommending mining operations, unless the Secretary agrees otherwise, the Proponent must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary.</p> <p>The plan must:</p> <ul style="list-style-type: none"> <li>(a) Be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;</li> <li>(b) Be prepared in consultation with HNSW and the RAPs;</li> <li>(c) Include the following for the management of Aboriginal Heritage: <ul style="list-style-type: none"> <li>• 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;</li> <li>• A program and description of the measures/procedures that would be implemented for: <ul style="list-style-type: none"> <li>○ Protecting, monitoring and/or managing Aboriginal cultural heritage on site including collection and salvage of sites, including artefact scatters, isolated finds and modified trees;</li> <li>○ Maintaining and managing reasonable access to cultural heritage sites for Aboriginal stakeholders;</li> <li>○ Managing the discovery of human remains or previously unidentified Aboriginal artefacts;</li> <li>○ Protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the object/sites on site; and</li> <li>○ Ongoing consultation with and involvement of RAPs in the conservation and/or management of Aboriginal cultural heritage on site;</li> </ul> </li> </ul> </li> </ul>	<p>Umwelt (2018) ACHMP draft and OzArk (2023) ACHMP.</p> <p><b>Section 4.2</b> <b>Section 6.6.2</b> <b>Sections 4.2.4 and 6</b></p> <p>The OzArk 2023 Plan is authored by Ben Churcher, OzArk Principal Archaeologist. Ben was endorsed by DPE as suitably qualified to prepare this Plan on 24 January 2023.</p>

Schedule	Condition	Description	Section/s addressed
		<ul style="list-style-type: none"> <li>○ A strategy for the storage of heritage items salvaged on site, both during the project and in the long term.</li> </ul>	
	S3.38	<b>Aboriginal Cultural Heritage Management Plan</b> The Aboriginal Cultural Heritage Management Plan approved by the Secretary must be implemented.	This Plan
<b>Schedule 5 - Adaptive Management</b>	S5.2	The Proponent must assess and manage project-related risks to ensure that there are no exceedances of the criteria and/or performance measures in Schedule 3. Any exceedance of these criteria and/or performance measures constitutes a breach of this approval and may be subject to penalty or offence provisions under the EP&A Act or EP&A Regulation.  Where any exceedance of these criteria and/or performance measures has occurred, the Proponent must, at the earliest opportunity: <ul style="list-style-type: none"> <li>(a) take all reasonable and feasible steps to ensure that the exceedance ceases and does not recur;</li> <li>(b) consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Department describing those options and any preferred remediation measures or other course of action; and</li> <li>(c) implement remediation measures as directed by the Secretary.</li> </ul>	<b>Section 7.5</b>
<b>Schedule 5 - Management Plan Requirements</b>	S5.3	The Proponent must ensure that the management plans required under this approval are prepared in accordance with any relevant guidelines and include: <ul style="list-style-type: none"> <li>a) Detailed baseline data</li> <li>b) A description of:               <ul style="list-style-type: none"> <li>• The relevant statutory requirements (including any relevant approval, licence or lease conditions)</li> <li>• Any relevant limits or performance measures/criteria</li> <li>• The specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures</li> </ul> </li> <li>c) A description of the measures that would be implemented to comply with the relevant statutory requirement, limits, or performance measures/criteria</li> <li>d) A program to monitor and report on the:               <ul style="list-style-type: none"> <li>• Impacts of environmental performance of the project</li> <li>• Effectiveness of any management measures (see c above)</li> </ul> </li> <li>e) A contingency plan to manage unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible</li> <li>f) A program to investigate and implement ways to improve environmental performance of the project over time</li> <li>g) A protocol for managing and reporting any:               <ul style="list-style-type: none"> <li>• Incidents</li> <li>• Complaints</li> <li>• Non compliances with statutory requirements and</li> <li>• Exceedances of impact assessment criteria and/or performance criteria and</li> </ul> </li> <li>h) Protocol for periodic review of the plan</li> </ul>	<b>Section 6.2</b> <b>Sections 2.2 and 5</b>  <b>Section 8</b>
<b>Schedule 5 - Annual Review</b>	S5.4	By the end of March each year, or other timing as may be agreed by the Secretary, the Proponent must review the environmental performance of the project to the satisfaction of the Secretary. This review must:	<b>Section 8.3</b>

Schedule	Condition	Description	Section/s addressed
		<p>(a) describe the project (including any rehabilitation) that was carried out in the past financial year, and the project that is proposed to be carried out over the next year;</p> <p>(b) include a comprehensive review of the monitoring results and complaints records of the project over the past financial year, which includes a comparison of these results against the:</p> <ul style="list-style-type: none"> <li>relevant statutory requirements, limits or performance measures/criteria;</li> <li>requirements of any plan or program required under this approval;</li> <li>monitoring results of previous years; and</li> <li>relevant predictions in the EA;</li> </ul> <p>(c) identify any non-compliance over the past financial year, and describe what actions were (or are being) taken to ensure compliance;</p> <p>(d) identify any trends in the monitoring data over the life of the project;</p> <p>(e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and</p> <p>(f) describe what measures will be implemented over the current financial year to improve the environmental performance of the project.</p>	
<b>Schedule 5 - Revision of Strategies, Plans and Programs</b>	S5.5	<p>Within 3 months of:</p> <ul style="list-style-type: none"> <li>the submission of an annual review under condition 4 above;</li> <li>the submission of an incident report under condition 7 below;</li> <li>the submission of an audit report under condition 9 below; or</li> <li>any modification to the conditions of this approval, (unless the conditions require otherwise),</li> </ul> <p>the Proponent must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. Where this review leads to revisions in any such document, then within 4 weeks of the review, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.</p>	<b>Section 8.2</b>
<b>Schedule 5 - Updating and Staging Strategies, Plans or Programs</b>	S5.6	To ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project, the Proponent may submit revised strategies, plans or programs required under this approval at any time. With the agreement of the Secretary, the Proponent may also submit any strategy, plan or program required by this consent on a staged basis.	<b>Section 8.2</b>
<b>Schedule 5 - Updating and Staging Strategies, Plans or Programs</b>	S5.7	The Secretary may approve a revised strategy, plan or program required under this consent, or the staged submission of any of these documents, at any time. With the agreement of the Secretary, the Proponent may prepare the revised or staged strategy, plan or program without undertaking consultation with all parties nominated under the applicable condition in this consent.	<b>Section 8.2</b>
<b>Schedule 5 - Incident reporting</b>	S5.9	The Proponent must immediately notify the Secretary and any other relevant agencies of any incident. Within 7 days of the date of the incident, the Proponent must provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested.	<b>Section 7.2</b>
<b>Schedule 5 - Regular reporting</b>	S5.10	The Proponent must provide regular reporting on the environmental performance of the project on its website, in accordance with the reporting arrangements in any plans or programs approved under the conditions of this approval.	<b>Section 7.3</b>

Schedule	Condition	Description	Section/s addressed
<b>Schedule 5 – Independent Environmental Audit</b>	S5.11	<p>Within 1 year of recommending mining operations, and every 3 years thereafter, unless the Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:</p> <ul style="list-style-type: none"> <li>(a) be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;</li> <li>(b) include consultation with the relevant agencies;</li> <li>(c) assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any relevant EPL or Mining Lease (including any assessment, plan or program required under these approvals);</li> <li>(d) review the adequacy of strategies, plans or programs required under the abovementioned approvals; and</li> <li>(e) recommend appropriate measures or actions to improve the environmental performance of the project, and/or any assessment, plan or program required under the abovementioned approvals.</li> </ul>	<b>Section 8.4</b>
<b>Schedule 5 – Access to information</b>	S5.12	<p>The Proponent must:</p> <ul style="list-style-type: none"> <li>(a) make copies of the following publicly available on its website: <ul style="list-style-type: none"> <li>• the EA;</li> <li>• current statutory approvals for the project;</li> <li>• approved strategies, plans and programs required under the conditions of this approval;</li> <li>• a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;</li> <li>• a complaints register, which is to be updated monthly;</li> <li>• minutes of CCC meetings;</li> <li>• the annual reviews of the project;</li> <li>• any independent environmental audit of the project, and the Proponent's response to the recommendations in any audit;</li> <li>• any other matter required by the Secretary; and</li> </ul> </li> <li>(b) keep this information up-to-date.</li> </ul>	<b>Sections 7.4 and 8.1</b>

### 3.2 ENVIRONMENTAL ASSESSMENT REQUIREMENTS

In addition to the project approval conditions, there are several environmental assessment conditions stipulated for the project based on recommendations proposed in the Aboriginal Cultural Heritage and Archaeological Assessment (ACHAA) (Umwelt 2016). These are included in **Table 3-2**.

**Table 3-2: Relevant EA Aboriginal cultural heritage management recommendations.**

Section	Description	Section/s addressed
<b>EA Section 6.5.7.1 (Aboriginal Party Recommendations)</b>	The scarred tree (IC ST) needs to be recovered from the pile at the windrow and stored in a weather-sheltered location, elevated off the ground. The tree could be trimmed either side of the scarred section as part of this process. Wellington Valley Wiradjuri Aboriginal Corporation (WVWAC) further recommended that IC ST be recovered and moved to a safe storage location on site and stored under cover on reinforced steel racking support not on the ground or on concrete to minimise any future damage.	<b>Section 6.3.1</b>
	The artefact scatters and isolated finds (IC 1, IC 2, IC 3, IC 4, IC 5, 45-1-0069, 45-1-0070, 45-1-2708 and 45-1-2714) need to be collected if they are to be impacted.	<b>Section 6.3.1</b>
	The potential birthing tree may be recorded through detailed, high resolution photography and 3D scanning.	<b>Section 6.3.6</b> Note: recommendations for the birthing tree have been revised as the tree was destroyed by bushfires in 2019/2020.
	Any salvaged artefacts need to be returned to a secure keeping place on country, potentially a shipping container within the Southern Extension Area / Invincible site that can be accessed by the Registered Aboriginal Parties (RAPs).	<b>Sections 6.3.1 and 6.4</b>
<b>EA Section 6.5.7.2 (Archaeological Management Measures)</b>	The ACHMP for the Invincible Project Approval will be revised in consultation with the RAPs. The revised ACHMP will be updated, in consultation with RAPs to reflect the outcomes of the current assessment and will include the management activities listed below. Consideration will also be given in the ACHMP to ongoing consultation mechanisms such as regular consultation meetings with Aboriginal parties, as requested by WVWAC.	<b>Sections 4.2.2 and 6</b>
	Prior to any impacts, surface collection of sites IC 1, IC 2, IC 3, IC 4, IC 5, 45-1-0069, 45-1-0070, 45-1-2708 and 45-1-2714 will be undertaken in accordance with the methodology provided in Appendix 3.	<b>Section 6.3.1 Appendix 3</b>
	Prior to any further impacts, the scarred tree (IC ST) will be salvaged in accordance with the methodology recommended by the RAPs.	<b>Section 6.3.1 Appendix 3</b>
	Rock shelter 45-1-2712 is located outside the Southern Extension Area, and outside any predicted areas of blasting impacts. Baseline recording and ongoing periodic monitoring of the shelter will be undertaken to ensure that there are no incidental impacts to the site. The methodology and requirements for monitoring will form part of the revised ACHMP and will be subject to consultation with the RAPs.	<b>Section 6.3.3</b>
	The rock formations known as pagodas are outside the Southern Extension Area and will not be subject to direct or indirect impacts from the Southern Extension Project. However, given that these formations have been identified as having high Aboriginal cultural value, RAPs will be provided with an opportunity to be	<b>Section 6.3.4</b>

Section	Description	Section/s addressed
	part of monitoring at these locations (refer to Section 6.8). This monitoring will form part of the revised ACHMP and will be subject to consultation with the RAPs.	
	Should any Aboriginal objects be identified during works (other than the sites referenced above), all works in the immediate vicinity of the objects will cease until such time as an appropriate strategy for their management has been developed in consultation with the RAPs and HNSW.	<b>Section 6.5</b>
	<p>In the unlikely event that a potential burial site or potential human skeletal material is exposed within the Proposed Disturbance Area, the following procedure will be followed in accordance with the Policy Directive – Exhumation of Human Remains (NSW Department of Health 2008), Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977 (NSW Heritage Office 1998) and the Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1997):</p> <ul style="list-style-type: none"> <li>As soon as remains are exposed, work in the immediate area is to halt immediately to allow assessment and management</li> <li>Contact local police and HNSW</li> <li>A physical or forensic anthropologist will inspect the remains in situ, and decide of ancestry (Aboriginal or non-Aboriginal) and antiquity (pre-contact, historic or forensic)</li> <li>If the remains are identified as forensic the area is deemed as a crime scene</li> <li>If the remains are identified as Aboriginal, the site is to be secured and HNSW and all RAPs are to be notified in writing</li> <li>If the remains are non-Aboriginal (historical) remains, the site is to be secured and the Heritage Division is to be contacted.</li> </ul> <p>The above process functions only to appropriately identify the remains and secure a site. From this time, the management of the remains is to be determined through liaison with the appropriate stakeholders (NSW Police Force, forensic anthropologist, HNSW, Heritage Division, RAPs etc.) and in accordance with the <i>Public Health Act 1991</i>.</p>	<b>Section 6.5</b>
	Shoalhaven Coal will maintain existing controls and protection of site "Invincible 0S1" in accordance with existing requirements of the Invincible Project Approval.	<b>Section 6.3.5</b>
	Shoalhaven Coal will inform all site personnel and provide training to relevant employees on the presence of all known Aboriginal sites potentially affected by operations at the site and their obligations under the NPW Act and the Invincible Project Approval.	<b>Section 6.6.2</b>
	Shoalhaven Coal will conduct a Cultural Heritage Awareness Induction Course for all staff on site and any contractors who will be working at Invincible and may be undertaking surface disturbance works, blasting or tree felling activities	<b>Section 6.6.2</b>

## 4 CONSULTATION

### 4.1 CONSULTATION WITH GOVERNMENT STAKEHOLDERS

This Plan has been prepared in consultation with HNSW as per Condition 37(b) Schedule 3 of the Project Approval.

To this end, the following consultation has occurred:

- On 2 July 2018, Umwelt (Australia) Pty Ltd wrote to DPE seeking the Secretary's endorsement for Ms Nicola Roche to prepare the ACHMP as per Schedule 3, Condition 37(a) of the Project Approval
- On 3 July 2018 DPE replied that the Secretary endorsed Ms Nicola Roche of Umwelt to prepare the ACHMP
- On 16 November 2018 a draft of this Plan was sent to DPE for distribution to the Office of Environment and heritage (now HNSW) (**Appendix 1 Figure 2**). This version of the Plan was never approved and has been updated in this revised Plan. On
- On 31 October 2022 Heritage NSW declined to comment on the ACHMP.

### 4.2 ABORIGINAL COMMUNITY CONSULTATION

In accordance with Condition 37(b) Schedule 3 of the Project Approval, this ACHMP has been prepared in consultation with the Registered Aboriginal Parties (RAPs).

#### 4.2.1 Aboriginal parties consulted

The RAPs for Invincible were identified by undertaking the guidelines established in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (ACHCRs) (DECCW 2010b) whereby an advertisement was placed in the local press and relevant agencies were contacted to determine if they were aware of groups or individuals who may have cultural knowledge of the region surrounding the Invincible Colliery.

The ACHCRs were undertaken by Umwelt (2016) as part of the ACHAA and identified seven Aboriginal groups and/or individuals registered as RAPs for Invincible and consultation is assumed to be continued from the Umwelt draft preparation of the ACHMP and will remain ongoing with these RAPs in relation to this revision of the ACHMP. The RAPs for the project are:

- Ann Glassenbury
- Bathurst Local Aboriginal Land Council (BLALC)
- Booral Maliyan
- Mingaan Aboriginal Corporation

- Wellington Valley Wiradjuri Aboriginal Corporation (WVWAC)
- Wiray-duraa Maing-gu
- Warrabinga Native Title Claimants Aboriginal Corporation (WNTCAC).

#### 4.2.2 RAP consultation on this Plan

A timeline of the consultation on both the 2018 draft of this Plan and the 2022 draft follows:

- On 21 November 2018 a draft of this Plan was sent to RAPs for their review. The closing date for comments was 19 December 2018 but this was extended until 28 February 2019 (**Appendix 1 Figure 3**)
- On 17 December 2018, 5 March 2019, and 21 March 2019 responses were received from the Wellington Valley Wiradjuri Aboriginal Corporation and the Warrabinga Native Title Claimants Aboriginal Corporation providing comments on the 2018 draft of this Plan (**Appendix 1 Figure 4, Appendix 1 Figure 5, Appendix 1 Figure 6**)
- On 4 August 2022 after the project had been re-initiated, OzArk wrote to all RAPs to inform them of the project's re-initiation and to ask if they wished to continue being consulted about the project (**Appendix 1 Figure 7**)
- OzArk received one response from Mr Bradley Bliss asking that he be consulted under his traditional name, Booral Maliyan, as well as via the WVWAC (**Appendix 1 Figure 8**)
- On 22 August 2022, all RAPs were invited to a consultation meeting to discuss the revised draft of the ACHMP, to provide a project update, and to discuss site 45-1-2797 (potential birthing tree) (**Appendix 1 Figure 9**)
- On 31 August 2022 the consultation meeting was held with an OzArk archaeologist, site representatives, and RAPs (Mr Bradley Bliss, Ms Helen Riley, and Sharon Riley). The meeting minutes were made available to all RAPs on 26 September 2022 (**Appendix 1 Figure 10**)
- OzArk received further correspondence from Booral Maliyan (Mr Bradley Bliss) regarding the meeting stating his dissatisfaction with the meeting and the provided minutes. This correspondence has not been reproduced in this Plan as it pertains to the meeting, rather than the ACHMP, although Booral Maliyan's request that the scarred tree be considered a men's site has been noted in this Plan.
- On 7 October 2022, OzArk received emails from Booral Maliyan (Mr Bradley Bliss) and from the WVWAC stating, that they '*have no additional comments or recommendations in reference to the Draft Invincible Colliery Aboriginal Cultural Heritage Management Plan*'.

Comments regarding the updated revision of the Plan, the AFGM responses, as well as the Umwelt (2018) draft Plan are shown in **Table 4-1**.

A log regarding the consultation undertaken by OzArk is provided in **Appendix 1**.



**Table 4-1: Consultation responses regarding this Plan.**

	RAP	Comment	Response	Where addressed in this report
Umwelt (2018) ACHMP Draft	WVWAC (Brad Bliss)	A written response was received from WVWAC that identified objections to the involvement of 'any other non-traditional Aboriginal organizations or people taking part in site surveys, consultation or site visits...'.  In addition, WVWAC identified the registration of the potential birthing tree as AHIMS #45-1-2797 and noted that there was no provision for subsurface testing at artefact scatters within 150 m of watercourses.  WVWAC also requested that an additional meeting be held with all registered parties, Umwelt archaeologists and relevant Shoalhaven Coal staff to review the CHMP.	Umwelt (2018) responded that the number of participants (two), was commensurate to the scope of a minimum assessment and if the scope of the assessment were adjusted, the invited representatives would also be adjusted to reflect the scope of work.  Umwelt (2018) responded that all artefact scatters were identified as having low subsurface potential based on lack of soil depth, the disturbed nature of sites, and the determination that excavation was not warranted for these areas.	<b>Section 4.2.4</b>  <b>Sections 5.3</b>
OzArk (2022) AFGM	Sharon Reilly and WVWAC (Brad Bliss)	Sharon Reilly raised a query regarding the validity of the birthing tree (45-1-2797, Invincible Coal) given that no female elders were present during the surveys undertaken. Brad Bliss responded that he had only submitted the recording of the site after consultation with Joyce Williams.	The agreed interim management of the tree is to revisit the site and record its current condition to decide if further mitigation measures are required.  A site inspection was also suggested to verify the condition of the scarred tree (45-1-2794, IC ST).	<b>Sections 6.3.6</b>
		Sharon also raised concern regarding the potential dust impacts to the rock art sites located in the vicinity of the pagoda formations areas (e.g. 45-1-2712) and proposed monitoring of art sites.	Site representatives explained that the project will not involve any blasting, which was an assumption for the draft 2019 ACHMP. Therefore, no geotechnical monitoring was currently proposed. All agreed that cultural monitoring was less applicable without any blasting.	<b>Section 6.3.3</b>
	Sharon Reilly	Sharon expressed preference for salvaged objects to be taken under Care Agreement to a community organisation rather than be reburied. Mingaan cultural centre suggested as an appropriate location where the objects could be used in cultural workshops and interpreted with the archaeological data in the salvage report (e.g. usewear and potential material source location).	One of the conditions (EA Section 6.5.7.1) of project approval is for the salvage materials to be placed on Country potentially within a shipping container within the southern extension area to allow access to the materials by all RAPs. This will allow access of materials by all RAPs.	<b>Sections 6.4 and 6.3.1</b>
		Unanticipated finds protocol	Agreed as advised	<b>Section 6.5</b>

	RAP	Comment	Response	Where addressed in this report
		All agreed Aboriginal cultural heritage awareness would be included in worker inductions. No specific site information was identified as sensitive, pending the results of site inspection at potential birthing tree. Sharon offered Mingaan as provider for inductions (on site workshops).	Site representatives expressed interest in the service and that details could be organised with the Shoalhaven Coal. Harrison Rochford (OzArk) noted that ACHMP would include provision and leave specifics for the Shoalhaven Coal. This must accord with the provisions set out in <b>Section 4.2.3</b> .	<b>Section 6.6.2 and 4.2.4</b>
		Sharon noted that that there were cultural considerations for ecology and fire management. Due to expected 'not a site' condition of the potential birthing tree, no information location restrictions were proposed (i.e. in any RFS bushfire management documents).	Site representatives responded that these were separate plans and cultural considerations would be taken on notice. It was noted that site 45-1-2710 was already fenced. No other conserved sites were proposed for fencing due to their location in existing revegetation or non-impact zones. Until reinspection of 45-1-2797 (Invincible Coal) may occur, the 20 m buffered location must be shown on all maps provided to RFS.	<b>Section 6.6.6</b>
		Sharon would prefer a 28-day review window but could accept 14 days considering that the AFGM had been held and on the condition that OzArk provided a meeting summary and expected delivery of draft so that groups could be prepared for the fortnight turnaround.	Agreed	No amendment necessary
OzArk (2022) ACHMP Draft	Bradley R. Bliss (Booral Maliyan)	I have no additional comments or recommendations in reference to the Draft Invincible Colliery Aboriginal Cultural Heritage Management Plan.	Received with thanks	No amendment necessary
	WVWAC	WVWAC have no additional comments or recommendations in reference to the Draft Invincible Colliery Aboriginal Cultural Heritage Management Plan.	Received with thanks	No amendment necessary

### 4.2.3 Native title

A search of the Native Title Tribunal register was undertaken on 9 August 2022. The ACHMP boundary is located within an area of land subject to a registered Native Title claim (Warrabinga-Wiradjuri #7, NC2017/001) that was accepted for registration on 1 September 2017.

The ACHMP boundary is also subject to an ancillary deed of agreement for which the joint signatories are the WNTCAC, the Gundungurra Tribal Council Aboriginal Corporation, and

Coalpac. Under this deed, the Southern Extension area is designated as 'other areas to which the agreement applies' and is located outside the Gundungurra Tribal Council Aboriginal Corporation Native Title Application area and in proximity to the Warrabinga – Wiradjuri Claim Group Native Title Application area. A meeting was held with representatives of WNTAC, Shoalhaven Coal, and Umwelt in 2016 to discuss the ancillary deed and its requirements as it related to the ACHAA process. At the time, it was agreed that the proposed methodology for the assessment met the requirements of the deed, and that the assessment report should address all relevant aspects of the deed.

This ACHMP is prepared with reference to the relevant sections of the ancillary deed (as related to cultural heritage management).

#### **4.2.4 Ongoing consultation protocols**

Shoalhaven Coal will continue to consult with the RAPs identified in **Section 4.2.1** in compliance with Project Approval Condition 37 (c). Consultation with the RAPs will include, but not be limited to:

- This version of the draft ACHMP has been reviewed by the RAPs and any applicable comments have been incorporated into the final version
- Invitation and opportunity for RAPs to attend regular consultation meetings. Information that may be discussed at regular consultation meetings may include (but will not be limited to) reviews of previous meeting minutes and actions, updates on mining activities, outcomes of cultural heritage inspections/surveys/monitoring activities and outcomes of salvage activities conducted in accordance with ACHMP requirements. During the meetings, RAPs may also wish to inspect the artefact storage location (once established), as discussed in **Section 6.4**. Meetings will be held at approximately 12 monthly intervals but may be more or less regular depending on the nature of activities undertaken
- Notification of new discoveries of Aboriginal objects (**Section 6.5**)
- Notification of new discoveries of Aboriginal skeletal material (**Section 6.4**)
- Review of the Plan, any modifications to Project Approval in accordance with relevant requirements, as established by the regulatory authorities (currently HNSW) (**Section 8**)
- Cultural awareness training and induction materials will be developed in consultation with the RAPs through review and comment by the RAPs on the proposed packages
- Notification of cultural heritage works (including inspections, monitoring, site management, and salvage activities as detailed in **Section 6**) will be provided to RAPs at least 14 days before the works commence. A minimum of two RAP representatives will be involved with any field work associated with Aboriginal cultural heritage.

## 5 ABORIGINAL CULTURAL HERITAGE VALUES

### 5.1 PREVIOUS ARCHAEOLOGICAL INVESTIGATION AND ETHNOHISTORY WITHIN INVINCIBLE

The ACHMP boundary has been subject to several previous archaeological assessments that have resulted in the identification of archaeological sites throughout the ACHMP boundary and surrounds (see **Figure 5-1** and **Figure 6-1**). Detailed information on the outcomes of previous archaeological assessments and ethnohistory for the area is provided in Umwelt (2016) and AECOM (2011) and is not reproduced in this Plan.

### 5.2 PREVIOUS ITERATIONS OF THE ACHMP

In 2018, Umwelt prepared an updated Plan for Invincible. That document was V2 of the current Plan.

### 5.3 ABORIGINAL SITES

A total of 13 valid Aboriginal sites are registered on the AHIMS register within the ACHMP boundary. In addition, the 'pagoda formations' hold high cultural significance but are not registered on AHIMS.

All 13 sites within the ACHMP boundary remain valid and include seven artefact scatters, five isolated finds, and one scarred tree. One site previously recorded at Invincible, (45-1-2797 [Invincible Coal]), is known to have been destroyed by natural processes (bushfire)<sup>1</sup> and is not included in the list of valid sites. A rock shelter site is known to exist close to but outside the ACHMP Boundary.

**Table 5-1** outlines the details of all known Aboriginal sites within or near the ACHMP boundary and **Figure 5-1** shows the location of these sites.

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<sup>1</sup> This tree was destroyed in the 2019/2020 Black Summer bushfires. However, this Plan recommends that the location is visited by RAPs to confirm the destruction and to allow an updated site card to be submitted to the AHIMS register (**Section 6.3.6**).

**Table 5-1: Aboriginal heritage sites within and near Invincible.**

General Area	AHIMS ID	Site Name	Site Details	Description	GDA Zone 56
Within the Southern Extension Area and subject to harm from approved mining activities	45-1-0069	Invincible Colliery 1	Artefact Scatter	The site was originally recorded as a scatter of 16 artefacts within a 100 square metre area partially within a 66kV transmission line parallel to the Castlereagh Highway (Haglund 1982). The site was disturbed because of the construction of the transmission line and a drain. During subsequent inspection by AECOM, only one artefact was present. Umwelt (2016) identified a total of six artefacts at the recorded site location and assessed the site as having low subsurface potential based on the extent of erosion and loss of topsoil.	224504; 6308420
	45-1-0070	Invincible Colliery 2	Artefact Scatter	This site was recorded as a sparse artefact scatter within a 220 square metre area within a 66kV transmission line parallel to the Castlereagh Highway. The site condition was disturbed because of the construction of the transmission line. During subsequent inspection by AECOM, seven artefacts were identified. AECOM assessed the site as having low significance and low subsurface archaeological potential. No artefacts were present at the recorded site location during inspection by Umwelt in 2016.	224493; 6308309
	45-1-2708	CV-AS1-10	Artefact Scatter	This site was recorded as an artefact scatter consisting of a quartz core and broken chert flake 170 metres (m) southeast of Invincible Colliery 2 on a vehicle track within an area of six square metres. AECOM (2011) assessed the site as highly disturbed with low subsurface archaeological potential. No artefacts were present at the recorded site location during inspection by Umwelt in 2016.	224646; 6308269
	45-1-2714	CV-IF1-10	Isolated Find	This site was recorded as an isolated complete chert/ tuff flake on an unsealed vehicle track within the 66kV transmission line parallel to the Castlereagh Highway. It was assessed as highly disturbed with low subsurface archaeological potential. No artefacts were present at the recorded site location during inspection by Umwelt in 2016.	224414; 6308183
	45-1-2791	IC 1	Isolated Artefact	IC 1 was recorded as an isolated artefact located on an upper slope below a spur crest and above the confluence of two minor drainage lines. The site is on a gentle slope with a north-westerly aspect within a cleared electricity easement. The area was assessed to have low	224477; 6308338

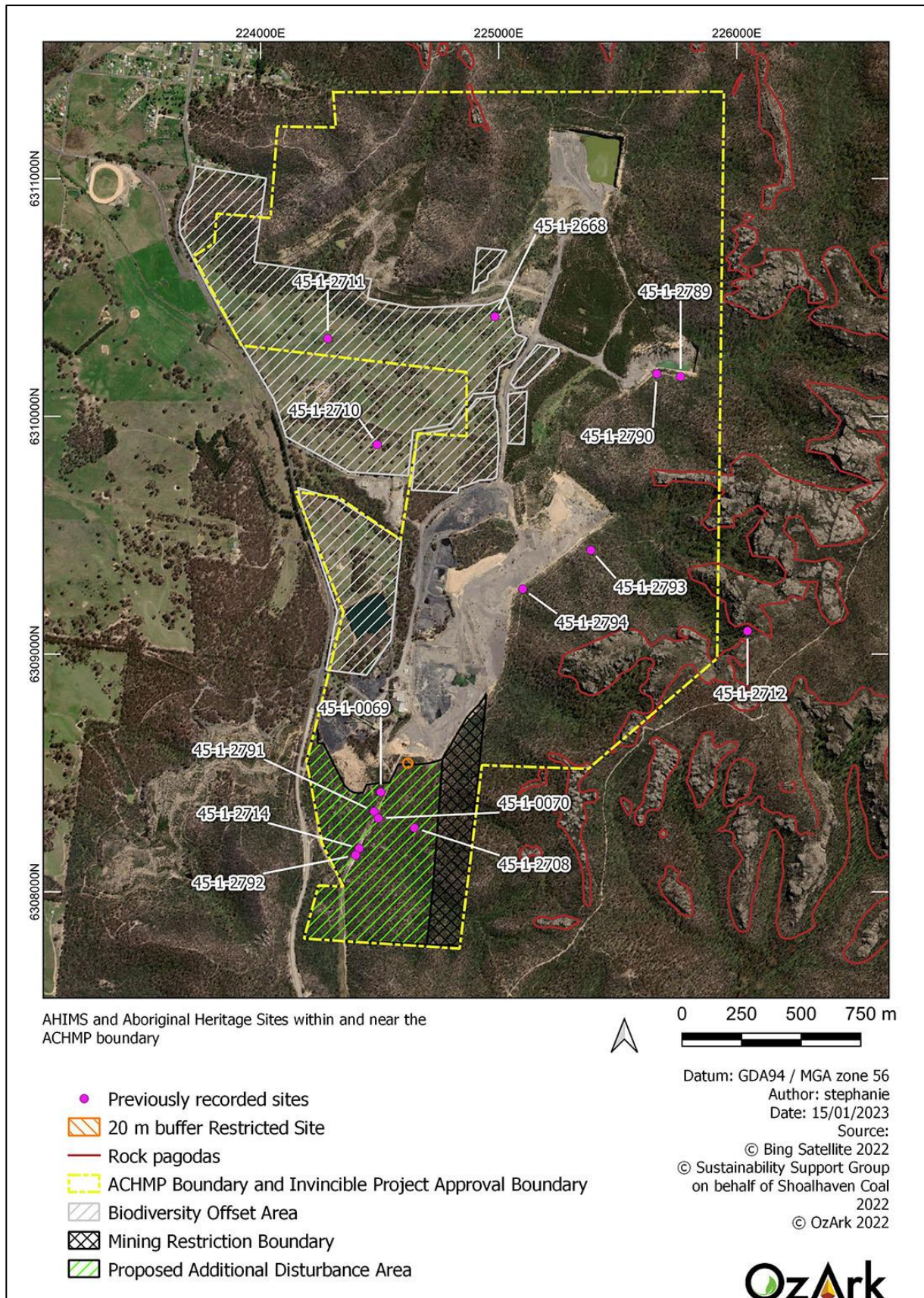
General Area	AHIMS ID	Site Name	Site Details	Description	GDA Zone 56
				subsurface archaeological potential due to the shallow soil depth and its position on the slope. The associated crest was also assessed as having low subsurface archaeological potential as it was eroded to clay (the B Horizon of the soil profile).	
	45-2792	IC 2	Isolated Artefact	IC 2 was recorded as an isolated artefact located on the mid slope of a gently inclined spur within a cleared electricity easement, adjacent to a vehicle track. The site and surrounding area had been subject to significant sheetwash erosion, resulting in the loss of most of the topsoil. The artefact was present within an area of gravel lag left after topsoil had been eroded. The area was assessed as having low subsurface potential based on the extent of erosion and loss of topsoil.	224399; 6308154
	45-1-2797	Invincible Coal	Modified tree and PAD	The site was recorded as a birthing tree with potential archaeological deposit (PAD). The site has been identified as having high cultural significance but is in extremely poor condition <sup>2</sup> . Recorded in 2016, this site consisted of a fallen tree believed to be a 'birthing tree'. However, the site was destroyed in in the 2019/2020 Black Summer bushfires ( <b>Figure 5-2</b> ).	Restricted site location. The general location of the site is shown on <b>Figure 5-1</b>
Located within or immediately adjacent to the former mining area and subject to impact from approved mining activities (including rehabilitation)	45-1-2789	IC 5	Isolated Find	IC 5 consisted of an isolated artefact located on the windrow on the edge of the current open cut pit. The artefact, a chert flake, was not <i>in situ</i> . The area was assessed as having low subsurface potential as the area was disturbed because of the earthworks and the artefact was not located in situ.	225764; 6310167
	45-1-2790	IC 4	Artefact Scatter	IC 4 consisted of an artefact scatter located within a highly modified drainage ditch and adjacent windrow at the edge of the current open cut pit. Six artefacts were present in an area of approximately 12 x 5 m, within the ditch and on the windrow which had 40 per cent ground surface visibility. The artefacts were included within areas of material (soil, gravels, and leaf litter) that had accumulated because of ongoing erosion. Consequently, it was assessed that the artefacts represented an accumulation that may have come from a considerable area of exposure and are unlikely to have all originated from the immediate location. The site condition was poor, within a highly modified area subject to vegetation	225664; 6310179

<sup>2</sup> See footnote 1.

General Area	AHIMS ID	Site Name	Site Details	Description	GDA Zone 56
				clearance and grading to create the drainage ditch and the artefacts were no longer in situ. The area was assessed as having low subsurface potential as it has been severely disturbed because of the earthworks and the artefacts were within areas of wash and not located in situ.	
	45-1-2793	IC 3	Isolated Find	IC 3 consisted of an isolated artefact located within the eroded tyre rut of previously graded vehicle track on a lower slope that is gently inclined to the north. The site was located up slope from a small ephemeral drainage line. The site condition was poor, and the chert flake is not in its original depositional location but had been moved because of erosion and vehicle movements. The area was assessed as having low subsurface potential because of the erosion and previous disturbance of the area.	225387; 6309437
	45-1-2794	IC ST	Scarred Tree	IC ST consisted of a scarred tree located within a pile of pushed over trees, next to the windrow, at the edge of the current open cut pit. The tree was not in situ and was dead and lying on its side.	225101; 6309274
Located within Biodiversity Offset Area within the ACHMP boundary	45-1-2668	Invincible OS1	Artefact scatter	This site was originally recorded as a large open artefact scatter containing 74 artefacts on a low rise adjacent to a third order tributary of Cullen Creek. Artefacts were identified in exposures in earthworks for the construction of two farm dams. Less disturbed portions of the rise were assessed as having high subsurface archaeological potential. It is noted that the registered AHIMS coordinates for this site are incorrect and should be adjusted. The correct location of the site is shown on <b>Figure 5-1</b> .	224985; 6310419
	45-1-2710	CV-AS3-10	Artefact scatter	Artefact scatter consisting of 16 artefacts.	224490; 6309881
	45-1-2711	CV-AS4-10	Artefact scatter	CV-AS4-10 was recorded as a low-density artefact scatter of 31 artefacts on a ridgeline between two third order tributaries of Cullen Creek. The artefact scatters were exposed because of ploughing for environmental rehabilitation works and extended along a ridgeline for approximately 340 m.	224282; 6310327
Located outside ACHMP boundary but referenced in this document	45-1-2712	CV-RCK1-10	Rock Shelter	This site was recorded as rock shelter with large overhang approximately 36 x 25 x 20 m with a westerly aspect. Five artefacts were identified within the shelter. The deposit within the shelter was assessed as having moderate potential to contain further subsurface deposits. It was noted that ongoing natural erosion was	226045; 6309097

General Area	AHIMS ID	Site Name	Site Details	Description	GDA Zone 56
				<p>occurring within the shelter and impacting the condition of the deposit.</p> <p>The site is located approximately 130 m east of the ACHMP boundary and over 1 km from the approved Southern Extension Area.</p>	
Partially within ACHMP boundary.	N/A	Pagoda formations	Rock formations	<p>Conical rock formations formed by differential weathering and erosion of the local sandstones. The 'platy' pagodas that are mapped within the region surrounding the ACHMP boundary include erosion-resistant ironstone bands that can project from the pagoda for tens of centimetres creating stepped unique shapes.</p>	N/A



**Figure 5-1: AHIMS registered sites within or near the ACHMP Boundary.**

## 5.4 SOCIO-CULTURAL VALUES

Socio-cultural values relate to the importance of a site or features to the relevant cultural group: in this case the Aboriginal community. Aspects of social value include the assessment of sites, objects and landscapes that are traditionally significant or that have contemporary importance to the Aboriginal community. This importance involves both traditional links with specific areas, as well as an overall concern by Aboriginal people for their sites generally and the continued protection of these. This type of value may not be in accord with interpretations made by the archaeologist. For example, a site may have low archaeological value but high social value, or vice versa.

### 5.4.1 Cultural values

All AHIMS sites within the ACHMP boundary hold value to the local Aboriginal community. In addition to the AHIMS registered sites, Aboriginal cultural values have been noted for a potential birthing tree (approximate buffer only mapped due to cultural sensitivities) and the Pagoda formations, as shown on **Figure 5-1**.





#### 5.4.1.1 *Potential birthing tree*

A potential birthing tree was identified by an Aboriginal party representative during the survey of the Southern Extension Area (Umwelt 2016). During the inspection, no tangible archaeological features were identified to qualify the site for registration as an archaeological site. Instead, information was provided to the relevant RAP representative to allow him to register the site as a restricted cultural site on AHIMS (AHIMS #45-1-2797). The cultural feature consists of a fallen tree with a large burnt-out hollow at the base. Consultation suggests that birthing trees in the region are typically close to fresh water. However, the landscape surrounding the tree has been disturbed through a cut pit nearby and therefore determination of proximity to a watercourse could not be substantiated and it was noted that all watercourses in the general vicinity are ephemeral (Umwelt 2018).

At the request of OzArk for some updated photos of the site, the site was inspected by the site environmental manager on 10 August 2022. Unfortunately, it appears that the site has been destroyed by the 2019/2020 Black Summer bushfires (**Figure 5-2**).



**Figure 5-2: Inspection photos of site 45-1-2797.**

	
<p>1. Original photograph of the poor condition of site 45-1-2797 from the site card photo.</p>	<p>2. Remains of site 45-1-2797 from the August 2022 inspection.</p>
	
<p>3. Remains of site 45-1-2797 from the August 2022 inspection.</p>	<p>4. Remains of site 45-1-2797 from the August 2022 inspection.</p>

#### **5.4.1.2 *Pagoda formations***

The pagoda formations are conical rock formations formed by differential weathering and erosion of the local sandstones. The 'platy' pagodas that are mapped within the region surrounding the ACHMP boundary include erosion-resistant ironstone bands that can project from the pagoda for tens of centimetres creating stepped unique shapes. While various types of rock pinnacles and 'beehive' formations occur all over the world, it has been suggested that these 'platy' pagodas with their distinctive iron stone banding are rare and hence the entire group of platy pagodas (within the Blue Mountains National Park, Gardens of Stone National Park, and Ben Bullen State Forest) have been assessed as significant (Washington and Wray 2011).

A portion of the mapped area of pagoda formations extends into the ACHMP boundary, however, the westernmost extent of pagodas is located over 150 m east of the approved Southern Extension Area (**Figure 5-1**).

#### **5.4.1.3     *Blackfellows Aboriginal Place***

In addition, the Blackfellow Hand Aboriginal Place (Maiyingu Marragu) is situated approximately 7 km northeast of Invincible. The Blackfellows Hand Aboriginal Place is a registered Aboriginal Place gazetted by the Minister on 18 July 2008. The area is of high cultural significance to the Wiradjuri people and is also highly valued by the wider Aboriginal community including the Gundungurra, Dharug, and Darkinjung people. It consists of a complex made up of rock shelters with painted art, a teaching site, and an occupation site located on the eastern edge of Ben Bullen State Forest on the western edge of the Newnes Plateau. The area was also used as an occupation site and included men's and women's areas. The greater complex also includes a birthing area (OEH nd.).

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## **6 HERITAGE MANAGEMENT MEASURES**

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### **6.1 OBLIGATION TO PROTECT ALL CULTURAL HERITAGE**

#### **6.1.1 Obligation to avoid harm**

All employees, contractors, sub-contractors, and visitors to the Invincible have an obligation to avoid harming Aboriginal heritage.

The definition of harm used in this Plan stems from the definition in Part 6 of NPW Act. The examples used below are for illustrative purposes and are not exhaustive.

Harm to an Aboriginal object or Aboriginal site includes:

- Moving or collecting stone artefacts (although picking up artefacts and inspecting them is acceptable if they are immediately returned to their original location)
- Disturbing the earth where stone artefacts are located, e.g., by earthworks for drains, roads, etc.
- Breaking stone artefacts, e.g., by running over them in a vehicle
- Cutting down, disturbing or otherwise marking scarred trees.

Trivial or negligible impacts on Aboriginal objects are not regarded as harm. However, 'trivial' is defined, for example, as breaking an artefact during gardening. Any harm or impact to Aboriginal objects that occurs as a by-product of mining activities will unlikely be regarded as 'trivial'.

#### **6.1.2 Obligation to protect**

All personnel, contractors and subcontractors having responsibility for land management or construction inside the ACHMP boundary have an obligation to protect Aboriginal heritage within their area of work responsibility.

Protection means having accurate information on the location of known Aboriginal heritage objects on all applicable site plans and undertaking active measures to avoid harm to Aboriginal heritage. This may include fencing, mitigation of erosion effects, and/or modification of work plans to safeguard Aboriginal heritage such as changing design plans to avoid harm to known Aboriginal objects.

It should be noted information relating to the location and extent of Aboriginal heritage items must reflect the recorded extent of the site shown in the AHIMS site card map for that site, the single centralised location of a site is not acceptable unless that site is an isolated find. Moreover, a

detailed design of infrastructure must also observe a 10 m buffer around all likely and possible scarred trees to protect root systems.

The location of Aboriginal objects must be made clear to any future users or owners of an area. Moreover, implementation of an *Unanticipated Find Procedure* should be in place for all development activities (**Section 6.5**).

## 6.2 MITIGATION OF POTENTIAL IMPACTS FROM FUTURE SURFACE WORKS

Mining operations will entail future surface disturbance works which have the potential to impact Aboriginal archaeological sites within the ACHMP boundary.

Knowledge of the nature and location of Aboriginal cultural heritage sites at Invincible has been determined through detailed surface surveys that have included all of the Southern Extension Area (**Figure 6-1**). This acquisition of base line data indicates that there are 14 known Aboriginal cultural heritage sites within or near the ACHMP boundary, namely: 45-1-0069 (Invincible Colliery 1); 45-1-0070 (Invincible Colliery 2); 45-1-2708 (CV-AS1-10); 45-1-2714 (CV-IF1-10); 45-1-2791 (IC 1); 45-1-2792 (IC 2); 45-1-2789 (IC 5); 45-1-2790 (IC 4); 45-1-2793 (IC 3); 45-1-2794 (IC ST); 45-1-2668 (Invincible OS-1); 45-1-2710 (CV-AS3-10); 45-1-2711 (CV-AS4-10); and 45-1-2712 (CV-RCK1-10). One site previously recorded at Invincible, (45-1-2797 [Invincible Coal]), is known to have been destroyed by natural processes (bushfire) and is not included in the list of valid sites. **Figure 5-1** shows the location of all known sites within or near the ACHMP boundary.

Where such approved mining works are to be undertaken, during the completion of the land clearing/ground disturbance permit, the Aboriginal archaeological sites database is checked to confirm whether there are any recorded archaeological sites located within the area subject to the proposed works. Where known sites are present, the site will be managed in accordance with the requirements specified in **Section 6.3**.

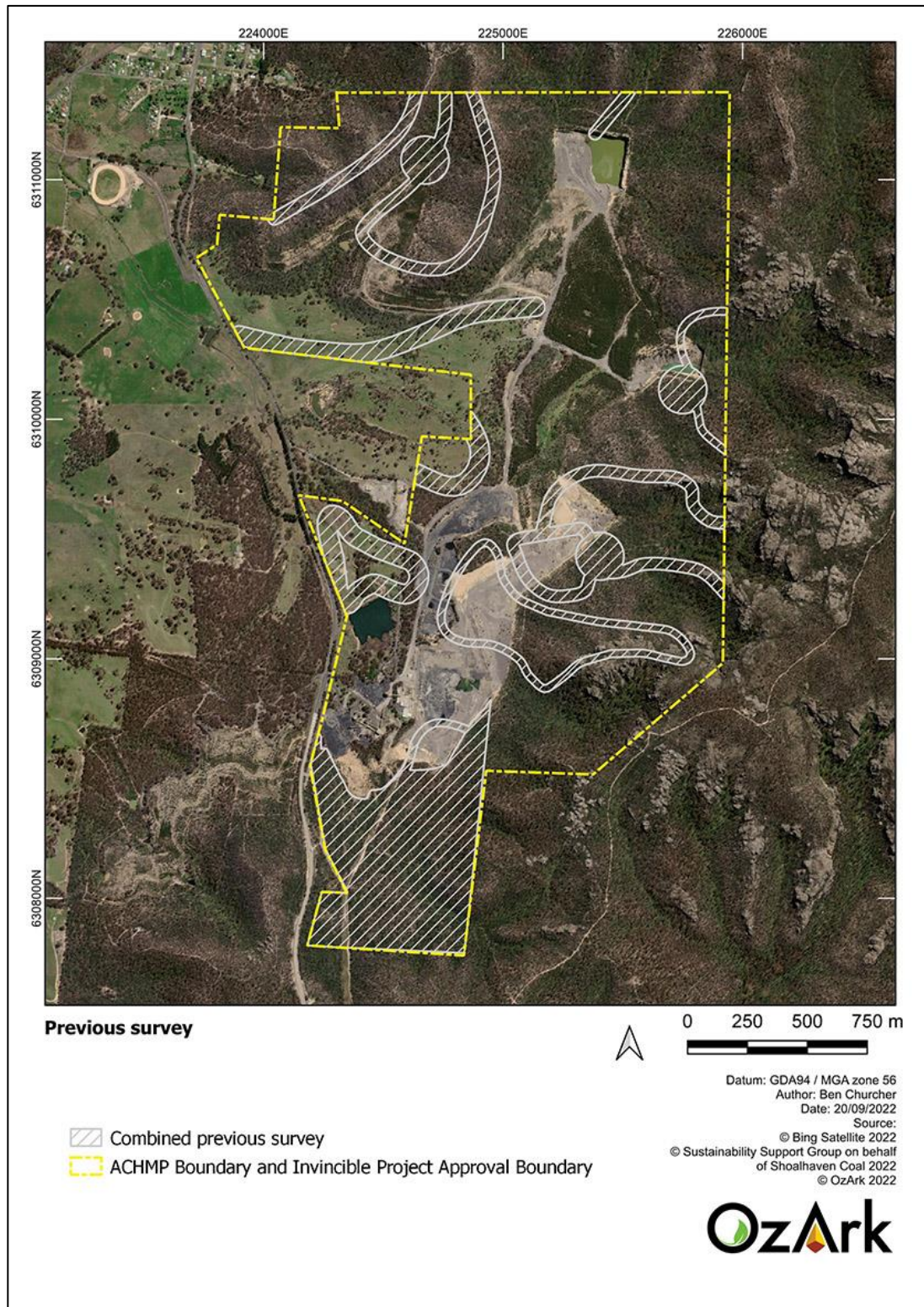
In addition, if the proposed works are located outside the approved mining disturbance boundary but within the ACHMP boundary, during the completion of the land clearing/ground disturbance permit, the person responsible for the permit must confirm whether the area of the proposed work has been subject to a previous archaeological surveys (based on the information included in **Figure 6-1** and the outcomes of any archaeological surveys or inspections completed subsequent to this ACHMP). If the area of the proposed work has been subject to an archaeological survey and that survey did not identify any Aboriginal archaeological sites or constraints, no further Aboriginal heritage assessment is required.

If the area of the proposed work has not been subject to an archaeological survey, the opportunity will be provided to an archaeologist and RAPs to undertake an inspection of the area of the



proposed work to assess potential impacts to Aboriginal archaeological sites. Where sites are identified because of these inspections within an area approved for disturbance, they will be managed as specified in **Section 6.3**.

**Figure 6-1: Previous survey within the ACHMP boundary.**



### 6.3 MEASURES TO PROTECT KNOWN ABORIGINAL OBJECTS

Potential measures to protect and manage Aboriginal objects within the ACHMP boundary are described below.

In accordance with the Project Approval, activities approved within the ACHMP boundary will impact 10 recorded archaeological sites<sup>3</sup>, with a further three sites not subject to impact in accordance with the Project Approval. The recorded archaeological sites are listed in **Table 6-1** with reference to their approved management strategies.

**Table 6-1: Management of known Aboriginal archaeological sites.**

Approved impacts	Site	Approved management strategy
Located within the Southern Extension Area subject to harm by proposed works	45-1-0069 (Invincible Colliery 1)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-0070 (Invincible Colliery 2)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-2708 (CV-AS1-10)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-2714 (CV-IF1-10)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-2791 (IC 1)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-2792 (IC 2)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-2797 (Invincible Coal)	It is likely that the site has been destroyed by bushfire. Consult with RAPs and submit a site card update to record the site's destruction
Located within or immediately adjacent to the former mining area and subject to potential harm from approved mining activities (including rehabilitation)	45-1-2789 (IC 5)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-2790 (IC 4)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-2793 (IC 3)	Prior to impact, undertake surface collection (see <b>Section 6.3.1</b> )
	45-1-2794 (IC ST)	Prior to impact, the tree will be salvaged if consultation with the RAPs indicates that this is warranted (see <b>Appendix 3</b> )
Located within an existing conservation area within the ACHMP boundary	45-1-2668 (Invincible OS-1)	To remain in-situ in accordance with Condition 36 of Schedule of the Project Approval. Remains fenced and protected (refer below for additional information)
	45-1-2710 (CV-AS3-10)	To remain in-situ. No impacts were approved for this site.
	45-1-2711 (CV-AS4-10)	To remain in-situ. No impacts were approved for this site.
Outside any area of impact, including indirect impacts such as blasting	45-1-2712 (CV-RCK1-10)	To remain in-situ but provisions should be made for baseline recording and monitoring of site if blasting is required in the Southern Extension Area.

<sup>3</sup> This count does not include site #45-1-2797 that was destroyed in the 2019/2020 Black Summer bushfires.



### 6.3.1 Monitoring of sites

Sites within the approved disturbance footprint not approved for salvage under this Plan will be subject to monitoring every three years to ensure that they remain unharmed by approved mining activities. These sites include 45-1-2668 (Invincible OS-1), 45-1-2710 (CV-AS3-10), and 45-1-2711 (CV-AS4-10).

Specific monitoring for 45-1-2712 (CV-RCK1-10), should blasting be required at Invincible, is detailed in **Section 6.3.3**. One-time monitoring at site 45-1-2797 (Invincible Coal) to determine its status is detailed in **Section 6.3.6**. One-time monitoring at site 45-1-2794 (IC ST) to determine its status and potential salvage is detailed in **Section 6.3.7**.

Monitoring of sites 45-1-2668 (Invincible OS-1), 45-1-2710 (CV-AS3-10), and 45-1-2711 (CV-AS4-10) will occur at least every three years and will include a site visit by a qualified archaeologist and at least two RAPs. The monitoring visit will be photographically recorded and a report will be written to document the monitoring visit, as well as any recommendations arising from the visit.

The primary aim of the monitoring visit will be to determine whether additional protection needs to be installed at the sites (i.e. fencing/signage) or whether measures need to be taken to reduce the impact of natural processes such as erosion at the sites (see **Section 6.6.5**).

Invincible undertakes to implement any feasible and reasonable recommendations regarding the sites in a timely manner.

### 6.3.2 Salvage of sites within the approved disturbance footprint

Salvage activities will be undertaken in accordance with the relevant methodology in **Appendix 3** for the following 10 sites:

- 45-1-0069 (Invincible Colliery 1)
- 45-1-0070 (Invincible Colliery 2)
- 45-1-2708 (CV-AS1-10)
- 45-1-2714 (CV-IF1-10)
- 45-1-2791 (IC 1)
- 45-1-2792 (IC 2)
- 45-1-2789 (IC 5): outside of the Southern Extension Area, only salvage if the site is likely to be harmed by approved works
- 45-1-2790 (IC 4): outside of the Southern Extension Area, only salvage if the site is likely to be harmed by approved works

- 45-1-2793 (IC 3): outside of the Southern Extension Area, only salvage if the site is likely to be harmed by approved works
- 45-1-2794 (IC ST): outside of the Southern Extension Area, only salvage if the site is likely to be harmed by approved works.

Works for any salvage program will include at least two RAPs and one archaeologist (see also **Section 4.2.4**).

### **6.3.3 Management measures for 45-1-2712 (CV-RCK1-10)**

Rock shelter 45-1-2712 is located outside the Southern Extension Area, and outside any predicted areas of direct or indirect impacts. However, baseline recording, and ongoing periodic monitoring of the shelter should be undertaken if blasting is to be undertaken to ensure that there are no incidental impacts on the site. It is noted, however, that blasting will not be required at Invincible.

Should blasting be proposed, a baseline recording of site 45-1-2712 will be undertaken. To ensure that an adequate baseline record is retained, the following will be documented:

- Floor plan and typical section profile plans for the rock shelter (drawn to scale as far as practicable). Information on plans should include (where relevant): the location of surface artefacts; the location of any key disturbance factors (such as animal burrows); and the location of any key areas of cracking, fracturing or exfoliation of the rock shelter
- Detailed photography of the rock shelter including photos from fixed monitoring points that can be replicated for subsequent monitoring
- Details on the current condition of the site with reference to the nature of the deposit within the shelter, shelter walls, roof and surrounds and any other relevant information.

The baseline recording of the site should be undertaken by a suitably qualified archaeologist in consultation with the RAPs. It may also be advantageous to engage a geotechnical engineer to provide expert advice regarding key risks associated with cracking/stability of the rock shelter if blasting is to be undertaken. The outcomes of baseline recording will be documented in a report that will be provided to Shoalhaven Coal and the RAPs.

Following the completion of baseline recording, monitoring of site 45-1-2712 should be undertaken on an annual basis during each year in which blasting occurs within the Southern Extension Area.

Monitoring is to be undertaken by suitably qualified archaeologist in consultation with the RAPs. Monitoring will be undertaken using standardised recording forms (to be developed following the

completion of baseline recording) that will document the condition of the site to facilitate comparison with site condition prior to the commencement of blasting activities.

A report on the outcomes of monitoring will be prepared after each monitoring inspection and will include additional mitigation or management measures that may be identified during the monitoring works. The report will be provided to Shoalhaven Coal and the RAPs by the archaeologist.

#### **6.3.4 Pagoda formations**

The pagodas are located outside the area of impact approved under the Project Approval, including the area of indirect impacts associated with blasting, should this be required although it is noted also that the project will not involve any blasting. Therefore, no geotechnical monitoring is currently proposed. At the AFGM in 2022 (**Section 4.2.2**), RAPs agreed that cultural monitoring was less applicable without any proposed blasting. Consistent with the management of site 45-1-2712 (**Section 6.3.3**), provision will be made for monitoring of the pagoda formations located closest to the Southern Extension Area should blasting be required.

#### **6.3.5 Management measures for 45-1-2668 (Invincible OS-1)**

Condition 36 of Schedule 3 of the Project Approval specifies that site 45-1-2668 must be protected from further disturbance unless otherwise agreed by the Secretary and that any approved disturbance would require implementation of mitigation measures specified in the previous ACHMP (Coalpac 2009). The site is not proposed to be impacted because of works associated with the Southern Extension Project. Should it subsequently become necessary to impact site 45-1-2668 because of required activities, Shoalhaven Coal will undertake further consultation with the RAPs and HNSW regarding any such activities, including the development of a mitigation strategy, if required. Where further disturbance is necessary, Shoalhaven Coal must seek the Secretary's agreement to disturb site 45-1-2668 and conduct further stakeholder consultation and implement additional mitigation strategies.

#### **6.3.6 Management measures for 45-1-2797 (Invincible Coal)**

The potential birthing tree identified by a RAP and described in **Section 5.4.1.1** is within the Southern Extension Area and the area surrounding the tree will be subject to impact because of the proposed works.

However, as discussed in **Section 5.4.1.1**, the poor condition of the tree has further deteriorated because of bushfire and is likely 'destroyed'. Therefore, inspection of the site to update of the site

validity will be undertaken by an archaeologist and RAPs during the salvage collection works within the ACHMP boundary (**Section 6.3.1**).

Should it be concluded that the site has been destroyed, the AHIMS register will be contacted to list the site as 'destroyed'.

#### **6.3.7 Management of 45-1-2794 (IC ST)**

The participants at the AFGM (**Section 4.2.2**) recommended that site 45-1-2794 (IC ST) be inspected to assess its current condition. Shoalhaven Coal will ensure that the site is visited during the salvage program to assess the current condition of the site.

During the consultation for this Plan, one RAP stated that scarred trees are men's sites, and this site visit should only be conducted by men. However, the feelings of the RAPs on this issue should be canvassed on the day of the inspection to ensure that it is conducted in a culturally appropriate way.

Should it be concluded that the site has been altered from when it was recorded, a site card update will be submitted to the AHIMS register to document any changes.

#### **6.3.8 Management of sites outside the approved disturbance area**

If harm is likely to any site outside of the approved disturbance area, Shoalhaven Coal will need to submit an AHIP application to HNSW. The AHIP application would require to be informed by an Aboriginal Cultural Heritage Assessment Report (ACHAR) and by full community consultation following the ACHCRs.

### **6.4 LONG TERM MANAGEMENT OF SALVAGED OBJECTS**

During the analysis of any salvaged Aboriginal stone artefacts, the salvaged artefacts will be temporarily stored at the offices of the archaeological consultant undertaking the works or at Invincible. Following completion of the analysis and submission of a final report on salvage works to HNSW, all artefacts will be returned to a secure storage location, such as a shipping container, within the Invincible operation as recommended by the RAPs.

In relation to the salvage of the identified scarred tree (site 45-1-2794), in accordance with the wishes of the RAPs, if the tree is likely to be harmed, the scarred section of the trunk will be transported to a secure storage location within Invincible (being the same location to be used for the storage of salvaged stone artefacts). The scarred tree will be stored in a manner that suitably protects it from exposure to the elements and reduces the potential for infestation by termites.

As discussed in **Section 4.2.2**, a suggestion was made during the AFGM for salvaged objects to be taken under a Care Agreement to a community organisation (such as the Mingaan cultural centre), rather than being reburied.

However, it was clarified at the AFGM that one of the conditions (EA Section 6.5.7.1) of Project Approval is for the salvaged objects to be placed on Country potentially within a shipping container within the Southern Extension Area to allow access to the artefacts by all RAPs.

Access to the artefact storage facility (onsite storage container) will be via direct consultation between RAPs and Invincible. The artefact storage facility will be in a non-mining area to facilitate ease of access by RAPs and other community members.

Invincible is currently consulting with RAPs about assisting with the management of an off-site property to be used for storage and possible exhibition of artefacts both during the project and in the longer term. This is part of ongoing consultation, and if achieved, this Plan will be amended and sent to DPE for endorsement of the change as set out in **Section 8.2**.

## **6.5 UNANTICIPATED HERITAGE FINDS PROCEDURES**

The following sections outline the management strategies to be adhered to if any new sites are identified within the ACHMP boundary. Sites located outside the approved mining disturbance area but within the remaining portion of the ACHMP boundary should be protected. However, it is possible that instances may arise where impacts to sites outside the approved mining disturbance area but within the ACHMP boundary are specifically required to ensure compliance with project approval conditions and/or the requirements of other management plans and where these activities can be conducted in accordance with the Project Approval.

It is noted that all new sites will be recorded in accordance with HNSW requirements, including submission of a site card to HNSW in accordance with Section 89A of the NPW Act. In addition, all new sites will be incorporated into the Aboriginal archaeological sites database in accordance with **Section 7.1**.

### **6.5.1 Artefact scatters and isolated finds**

Should a previously unknown artefact scatter or isolated artefact be identified, all works in the vicinity of the site should cease and Shoalhaven Coal will be informed of the presence of the site. The opportunity will then be provided to an archaeologist and representatives to inspect the newly identified artefact scatter/isolated find.

If the site has not been substantially subject to disturbance activities and is not required to be disturbed because of approved project activities, the location and extent of the site will be

documented, and any relevant land clearing/ground disturbance permit will note the location of the site and requirement to avoid impact (see also **Section 7.1**).

Where a risk is identified that approved activities may have the potential to indirectly interact with the site; it will be clearly demarcated prior to the commencement of works in the vicinity. Demarcation will be undertaken in accordance with the methodology provided below.

- The known site area and immediate surrounds will be inspected, and all surface artefacts flagged to allow clear identification of artefact distribution
- The distribution of surface artefacts will be considered to determine the minimum area around the site that should be fenced to ensure protection
- Demarcations will be installed around the identified site boundary.

If the site has been substantially disturbed by approved activities or will be subject to impact and is located within the ACHMP boundary, the nature and significance of the site will be considered, and one of the two approaches outlined below will be adopted:

- If the nature and significance of the new site is consistent with that of the sites approved for salvage in the EA (Umwelt 2016), a surface collection will be conducted in accordance with the methodology in **Appendix 3**
- If the nature and significance of the new site is not consistent with that of sites approved for salvage as defined in the EA (Umwelt 2016), Invincible will consult with the RAPs to develop an appropriate management strategy for the site. As an interim management measure, the site will be subject to protection measures as described above.

It is noted that the option to undertake salvage does not apply to sites 45-1-2688, 45-1-2710, and 45-1-2711, as specified in **Table 6-1** as these sites are not approved to be impacted.

### **6.5.2 Aboriginal scarred trees**

Should a previously unknown Aboriginal scarred tree be identified, all works in the vicinity of the site will cease and Shoalhaven Coal will be informed of the presence of the site. The opportunity will then be provided to a qualified archaeologist, Aboriginal party representatives and a qualified arborist (if required) to inspect the newly identified tree and evaluate whether the scarring is a result of Aboriginal cultural activities and, if this is the case, to assess the Aboriginal cultural and archaeological significance of the site.

If the site is confirmed as an Aboriginal scarred tree and is not required to be disturbed because of approved project activities, a fence should be erected around the site as a protection measure. The location and dimensions of the fence should be determined with reference to the size and condition of the tree.



If the site is confirmed as an Aboriginal scarred tree and is subject to impact because of approved project activities, it will be subject to temporary protection measures as described above until such time as an appropriate management strategy has been developed for the site. Shoalhaven Coal will consult with the RAPs and a suitably qualified archaeologist to develop an appropriate management strategy for the site. If suitable, the methodology for scarred tree salvage provided in **Appendix 3** may be used.

### **6.5.3 Rock shelters**

If a previously unknown rockshelter is identified, all works in the vicinity of the site should cease and Shoalhaven Coal will be informed of the presence of the site. The opportunity will then be provided to an archaeologist and RAPs to inspect the potential rock shelter.

If the site is confirmed as a rock shelter site, Shoalhaven Coal will obtain advice from a suitably qualified, independent geotechnical expert regarding the need for additional ground vibration impact assessment criteria or specific blast monitoring requirements that should be implemented at the new rock shelter if blasting is required to be undertaken.

Shoalhaven Coal will manage the site in-situ for protection from direct and indirect impacts associated with approved project activities.

### **6.5.4 Potential skeletal remains**

In the unlikely event that a potential burial site or potential human skeletal material is exposed within the ACHMP boundary, the following procedure should be followed.

- All work in the vicinity of the skeletal material will cease immediately and an area of 10 m radius around the find will be cordoned off with temporary construction fencing
- The find/s will be immediately reported to the work supervisor who will immediately advise Shoalhaven Coal or other nominated senior staff member
- Shoalhaven Coal will promptly notify the NSW Police Force (as required for all human remains discoveries) and HNSW
- If the remains are suspected to be human, the NSW Police Force will engage a suitably qualified person to inspect the remains and decide of whether the remains are human, and if so, the likely ancestry (Aboriginal or non-Aboriginal) and antiquity (precontact, historical or forensic):
  - If the remains are identified as forensic the area is deemed as a crime scene and police instructions will be followed

- If the remains are identified as Aboriginal, the site is to be secured and HNSW and all RAPs are to be notified in writing. An appropriate methodology for possible exhumation will be developed in consultation with HNSW and the RAPs
- If the remains are non-Aboriginal (historical) remains, the site is to be secured and the HNSW is to be contacted. An appropriate methodology for possible exhumation will be developed in consultation with HNSW.

The above process functions only to appropriately identify the remains and secure the site. From this time, the management of the remains is to be determined through liaison with the appropriate stakeholders (including the NSW Police Force, forensic anthropologist, Heritage NSW, and RAPs [if ancestral remains are being disturbed]).

#### **6.5.5 Other site types**

Should a previously unknown site of any other type (such as grinding grooves) be identified, all works in the vicinity of the site should cease and Shoalhaven Coal will be informed of the presence of the site.

The opportunity will then be provided to an archaeologist and RAPs representatives to inspect the newly identified site. Shoalhaven Coal will then consult with the RAPs and HNSW (if required) to develop an appropriate management strategy for the site with reference to its location within or outside the approved mining disturbance boundary.

As an interim management measure, if a risk is identified that approved activities may have the potential to interact with the site, it will be clearly demarcated prior to the commencement of works being undertaken in the vicinity.

### **6.6 OTHER MEASURES**

#### **6.6.1 Aboriginal Site Impact Recording Form (ASIRF)**

In accordance with HNSW requirements, an Aboriginal Site Impact Recording Form (ASIRF) form must be completed after authorised impact on an Aboriginal archaeological site. ASIRFs will be submitted to HNSW within a reasonable timeframe for any sites subject to impact because of activities undertaken in accordance with the Project Approval.

#### **6.6.2 Aboriginal cultural heritage awareness training**

Shoalhaven Coal recognises that training and awareness is an important aspect of the Environmental Management System. All Invincible personnel and contractors are required to complete an induction prior to commencing works on the site. The induction undertaken by all staff and contractors at Invincible includes a section that provides information on Aboriginal

cultural heritage management and awareness for all staff on site and any contractors who will be working at Invincible and may be undertaking surface disturbance works or tree felling activities. This is to ensure that mining personnel and contractors undertaking ground disturbing works understand Aboriginal cultural heritage management issues and acknowledge that a land clearing / ground disturbance permit is required for any ground disturbance works, and that the ACHMP is available for consultation. The induction training will include the following:

- Information related to the types of Aboriginal cultural heritage sites that are known at Invincible
- Information related to the Aboriginal cultural heritage value and archaeological significance of the Aboriginal cultural heritage sites and landscapes
- Information on legislative responsibilities in relation to the management of Aboriginal cultural heritage and potential consequences of any failure to meet these responsibilities
- Information on the procedures to be followed as part of the land clearing / ground disturbance permit process in relation to Aboriginal cultural heritage
- Information on the procedure to be followed should potential Aboriginal objects be identified over the course of works.

All staff and contractors will be provided with and must acknowledge the location of any heritage objects or places in proximity to their work areas. The staff and contractors involved in the proposed work will be made aware of the legislative protection requirements for all Aboriginal and historic places and objects, as well as relevant processes for unanticipated finds or skeletal remains.

Up to date site induction and training records are maintained as part of the site Safety Management System demonstrating completion of training and signoff of completion of Aboriginal cultural heritage awareness training.

### **6.6.3 Access to Aboriginal objects**

In accordance with the requirements of Project Approval Condition 37 (c), Invincible will provide access for Aboriginal parties to Aboriginal sites and stored Aboriginal objects within the ACHMP boundary, subject to reasonable safety and security measures. These measures may include the location of mining operations and the availability of site personnel to enable safe access to relevant areas.

Access to cultural heritage sites will be via direct consultation between RAPs and Invincible. The monitoring program set out in **Section 6.3.1** will also facilitate a regular inspection of sites by the RAPs.

Any request to visit the site is to be made to Shoalhaven Coal at least two weeks before the proposed visit to allow for adequate response time.

#### **6.6.4 Vehicle access to Invincible**

Vehicle access to Invincible must be restricted to existing access routes. If additional or alternative access is required, the proposed route should be inspected by a suitably qualified archaeologist and the RAPs to ensure Aboriginal objects will not be harmed.

#### **6.6.5 Erosion control**

Erosion and sediment control will be undertaken in a manner that avoids disturbance to known Aboriginal objects unless an assessment is undertaken and the Secretary grants permission for disturbance.

If works are required within or near a known Aboriginal cultural heritage site, a suitably qualified archaeologist should inspect the site to advise on whether the proposed works are likely to harm Aboriginal objects. If harm is possible, a further archaeological assessment to inform the Secretary's permission to complete the works will be required.

Should erosion control take place near a known Aboriginal site outside of the approved disturbance area, the following principles will be followed:

- Potential interactions between the remediation works and the cultural heritage sites will be managed. The potential for harm to Aboriginal cultural heritage objects should be assessed by a suitably qualified archaeologist
- Natural regeneration of vegetation in an area will be encouraged to return it to as near as possible its original form
- Soft engineering solutions such as the placing of hay bales or coir logs on the surface will be preferably implemented to minimise disturbance to the site.

#### **6.6.6 Bushfire hazard reduction**

If clearing of excess fuel load is required near known sites, it will be undertaken in a manner that minimises ground disturbance. Preferred methods of hazard reduction include manual brush cutting and grass slashing with the slasher set at a minimum of 150 mm to avoid impacting surface Aboriginal stone artefacts.

Maps showing all known Aboriginal objects should be made available to the Rural Fire Service (RFS) so that objects, particularly scarred trees, can be avoided as much as is reasonable if it is

necessary to create fire breaks. Until reinspection of 45-1-1-2797 (Invincible Coal) can occur and the current site status is determined, a 20 m buffered location must be shown on all maps provided to the RFS.

#### **6.6.7 Weed and feral animal control**

Noxious weed control may occur in accordance with statutory requirements. Within sites, weeds will be cut above ground level and not ripped from the ground to avoid ground disturbance. Where root balls have been inadvertently pulled from the surface, the soil shall be promptly returned to its original location and methods amended to avoid reoccurrence.

Feral animals, especially those that impact the ground surface, such as pigs and rabbits, will be controlled within known Aboriginal sites. Specialist advice will be sought to ensure that any feral animal control does not result in ground disturbance within sites.



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## 7 RECORD KEEPING AND REPORTING REQUIREMENTS

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### 7.1 ESTABLISHMENT OF AN ABORIGINAL ARCHAEOLOGICAL SITES DATABASE

To ensure that the location and management requirements for Aboriginal archaeological sites are understood and considered in the assessment and planning of ground disturbance, Shoalhaven Coal will establish and maintain a database of recorded Aboriginal archaeological sites located within the ACHMP boundary.

This database will be supplemented and reviewed as required to include new sites, update the status of salvaged sites, and reflect the outcomes of any additional archaeological investigations. As discussed in **Section 6.5**, the database must be checked prior to the issuing of any on-site approval for ground disturbance works.

The management and update of this database do not preclude obligations to search the AHIMS register and maintain AHIMS site card registration.

### 7.2 REPORTING OF ACHMP NON-COMPLIANCE/INCIDENT

Should any Aboriginal cultural heritage site or area be impacted by works not authorised as described in this Plan, Shoalhaven Coal will report the non-compliance or potential non-compliance to HNSW as soon as practicable after identifying the incident.

Schedule 5, Condition 9 of the Project Approval (Mod 5) specifies that, within seven days of the date of the non-compliance, Shoalhaven Coal must provide the HNSW and any other relevant agencies with a detailed report on the exceedance, and such further reports as may be requested.

The report must include:

- The time and date of the non-compliance
- Details of the non-compliance
- The correction measures undertaken
- Measures implemented to prevent re-occurrence.

### 7.3 EXTERNAL REPORTING

A summary of compliance with Project Approval will be provided in the Annual Review. The Annual Review will be prepared and submitted to the Secretary, in accordance with Schedule 5, Condition 4 of the Project Approval. The Annual Review and this ACHMP will be made available on the Castlereagh Coal website (<http://www.castlereaghcoal.com.au>).

Shoalhaven Coal must also provide regular reporting on the environmental performance of Invincible on its website, in accordance with the reporting arrangements of this Plan.

## 7.4 ACCESS TO THIS PLAN

Shoalhaven Coal will make a copy of this Plan available on its website and will ensure that this is kept up to date.

## 7.5 ADAPTIVE MANAGEMENT

In accordance with Schedule 5, Condition 2 of the Project Approval (Mod 5), Shoalhaven Coal will manage site activities to facilitate that the requirements of this ACHMP are implemented on site. Where a non-compliance with this ACHMP or an incident has occurred, Shoalhaven Coal will, as soon as becoming aware of the non-compliance and to the satisfaction of the Secretary:

- Take all reasonable and feasible steps to ensure the non-compliance / incident ceases and does not reoccur
- Consider all reasonable and feasible options for remediation (where relevant) and submit a report to the Secretary describing these remediation options and any preferred remediation measures or other course of action
- Implement remediation measures as directed by the Secretary.

### 7.5.1 Performance measures and indicators

The protection of Aboriginal cultural heritage will be informed by the measures shown in **Table 7-1**.

Should it become clear that these performance criteria are not being achieved, Shoalhaven Coal will immediately consult with the RAPs to ensure that the performance measures are achieved.

**Table 7-1: Performance criteria and measures.**

Performance criteria	Performance measures	Where addressed in this Plan
Identify and communicate with key stakeholders	<p>Appropriate persons within communities who hold cultural knowledge relevant to determining the cultural significance of Aboriginal places and heritage have been identified as RAPs.</p> <p>Working relationships with RAPs that assist in the management of culturally significant places are developed</p> <p>Communication approaches that place Aboriginal cultural protocols and values at the forefront and accommodate RAP concerns and interests are developed</p> <p>Views on the way in which the cultural significance and resource can be conserved and used are regularly sought and obtained</p> <p>Views obtained are included in organisational planning processes at Invincible Research on the Burra Charter process and on other existing industry guidelines such as the Code of Practice for the Protection of Aboriginal Objects is undertaken to ensure proper processes are planned for and applied to protection processes.</p>	<b>Section 4.2</b>

Performance criteria	Performance measures	Where addressed in this Plan
Define cultural significance	<p>Cultural knowledge holders inform the decision-making process to determine the cultural significance of places</p> <p>Traditional Aboriginal knowledge and practices in managing Country and environment are acknowledged and respected</p> <p>Aboriginal beliefs embedded in a place of cultural significance are determined</p> <p>The embodiment of cultural significance in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects is recognised</p> <p>An assessment of cultural significance is conducted</p> <p>A statement of cultural significance is documented</p>	<b>Section 5.4</b>
Identify threats to Aboriginal cultural places	<p>Threats to culturally significant places, both external and near to the ACHMP boundary, are identified</p> <p>Details of evidence of land degradation are observed, described and recorded during inspections</p> <p>A risk assessment of all threats to determine potential impact on sites and associated cultural landscape is undertaken</p> <p>Protection/conservation measures to control potential and actual threats are determined, implemented, monitored and reviewed where performance indicators identify issues.</p>	<b>Section 6.3.1</b>
Conserve significance	<p>Conservation policies and plans are used along with RAP views to plan ongoing conservation actions</p> <p>Conservation activities are implemented in culturally sensitive ways</p> <p>Current mainstream protection practices are compared with those of pre-European settlement to consider culturally appropriate alternative practices</p> <p>Resources are obtained for conservation and restoration activities, along with any associated ceremonial/cultural activity</p>	<b>Section 6.2</b> <b>Section 6.3.1</b> <b>Section 6.4</b>

### 7.5.2 Review of environmental performance and indicators

Regular proactive environmental inspections and dedicated monitoring programs are used to manage general site conditions and environmental performance including Aboriginal Cultural Heritage in accordance with the requirements outlined within each approved environmental management plan. Environmental inspections will be undertaken by site Environmental staff on a monthly basis. In addition, mine personnel undertake a range of inspections which review features relating to environmental performance on a regular basis including pre-disturbance, active mining and post disturbance site surveys and inspections. A site inspection checklist is to be completed during each environmental inspection completed by Environmental staff. Records of all inspections will be maintained within the sites electronic and environmental compliance database. Any non-conformance or corrective actions noted during inspections are reported to Snr Management at daily meetings, with corrective actions and / or additional actions directed as required. A review of environmental performance from monitoring and inspections to measure effectiveness of performance against consent conditions, approved management plan actions and other site specific requirements is completed monthly. Full performance measures are reported in the Annual Review

Combined, the monitoring, inspection and reporting records, communications and subsequent actions implemented to address poor performance and / or non-compliance are effective performance indicators.

### **7.5.3 Contingency plan to manage unintended impacts**

A contingency plan to reactively manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible will be implemented in response to identified triggers determined via the environmental monitoring and inspection and review program. Contingency plans including actions, outcomes, compliance reporting requirements and / or management plan reviews will be documented and maintained within Invincible's electronic and environmental compliance database.

### **7.5.4 Improvement of the environmental performance at Invincible**

To improve the environmental performance at Invincible over time, ongoing monitoring and review of the performance and implementation of this Plan will be undertaken in accordance with the proactive and reactive measures outlined above plus Condition 5 Schedule 5 of the Project Approval (Mod 5) (see **Section 8.2**).

Shoalhaven Coal will notify DPE in writing of any review of this ACHMP. Should a review lead to any revisions to this ACHMP, the revised document will be submitted to DPE within four weeks of the review. Updated versions will be made publicly available on the Castlereagh Coal website in accordance with Condition 13 Schedule 5 of the Project Approval (Mod 5).

## 8 REVIEW AND IMPROVEMENT

### 8.1 DISPUTE RESOLUTION PROCESS

Shoalhaven Coal will maintain a centralised location to record communications from relevant external stakeholders and procedures for stakeholder contact including a Complaints Procedure. Complaints will be recorded and any investigation by Shoalhaven Coal, or their delegate, will also be recorded. Initial response to the complainant will be made as soon as practicable by RGDC or their delegate. Follow up correspondence with the complainant will be made explaining the outcome of complaint investigations upon request.

As required, the investigation will involve:

- Contemporaneous recording of the complaint and the contact details of the complainant
- Investigation of the substance of the complaint and the determination of what, if any, activity undertaken is responsible for or possibly contributing to the grievances identified in the complaint
- Immediate or future corrective actions to be undertaken by Shoalhaven Coal to prevent similar incidents in the future or to minimise the environmental impacts of Invincible as appropriate
- Responding to the complainant (and regulators if appropriate) with the findings of the investigation and a proposed timeline for the implementation of corrective actions.

If the complainant is not satisfied with the actions of Shoalhaven Coal or Shoalhaven Coal is not satisfied with those proposed by the complainant, the matter may be referred to the DPE for independent review.

### 8.2 REVISION OF STRATEGIES, PLANS AND PROGRAMS

Ongoing monitoring and review of the performance and implementation of this Plan will be undertaken in accordance with Schedule 5, Condition 5 of the Project Approval, which states that a review of the Plan will occur within three months of:

- Annual review under Condition 4 Schedule 5
- Incident reporting under Condition 9 Schedule 5
- Independent Environmental Audit report under Condition 11 Schedule 5
- Any modifications to the conditions of this approval.

Shoalhaven Coal must review, and if necessary, revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary. Where this review leads to



revisions in any such document, then within four weeks of the review, unless the Secretary agrees otherwise, the revised document must be submitted to the Secretary for approval.

It is noted that the review of this ACHMP as detailed in the conditions of Project Approval will be undertaken by Shoalhaven Coal to determine if the ACHMP remains consistent with the approved operations. If a review of this ACHMP is determined to be required, the review of the ACHMP will be undertaken by a suitably qualified person whose appointment has been approved by the Secretary in accordance with the Project Approval.

Any revision of this Plan must be approved by the Secretary.

This ACHMP will be reviewed on a minimum three-yearly basis with RAPs.

### **8.3 ANNUAL REVIEW**

By the end of March each year, or other timing as may be agreed by the Secretary, Shoalhaven Coal must review the environmental performance of Invincible to the satisfaction of the Secretary, including measures to conserve Aboriginal cultural heritage. This would include identifying any non-compliance over the past financial year, and describing what actions were (or are being) taken to ensure compliance, identification of any discrepancies between the predicted and actual impacts at Invincible, an analysis of the potential cause of any significant discrepancies, and a description of what measures will be implemented over the current financial year to improve the environmental performance at Invincible.

### **8.4 INDEPENDENT ENVIRONMENTAL AUDIT**

As per Schedule 5, Condition 11 of the Project Approval, within one year of recommencing mining operations, and every three years thereafter, unless the Secretary directs otherwise, the management and mitigation measures outlined in the ACHMP will be subject to an Independent Environmental Audit.

Within three months of commissioning this audit, or as otherwise agreed by the Secretary, Shoalhaven Coal must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report, and a timetable for the implementation of these recommendations as required. Shoalhaven Coal must implement these recommendations, to the satisfaction of the Secretary.

### **8.5 STATUTORY REPORTING REQUIREMENTS**

There are several statutory reporting requirements associated with Aboriginal objects as detailed below.

### **8.5.1 Discovery of Aboriginal objects**

Under Section 89A of the NPW Act, it is a requirement that the AHIMS Registrar is notified of the existence of Aboriginal objects as soon as practicable after they are first identified. This is done through the completion of an Aboriginal site card which is submitted to AHIMS for inclusion on the Aboriginal objects database. See **Section 6.5** for the procedures related to newly discovered heritage objects.

## **8.6 SALVAGE RECORDS**

In event that a site is impacted (following approval of from the Secretary, HNSW and the RAPs) then a record of the salvage process must be made. This will include a salvage report and updating the AHIMS site card using an ASIRF. Details of the temporary or permanent keeping place for those materials salvaged must be included in the salvage report and AHIMS site card update. Further conditions relating to the salvage of a site may be part of the approval and will be followed accordingly.

## **8.7 INVINCIBLE HERITAGE RECORDS**

Copies of all Invincible heritage records will be kept by Shoalhaven Coal. Invincible heritage records include:

- This Plan
- A copy of the PA 07\_0127(MOD 3) Project Approval
- Maps showing heritage site locations
- Archaeological reports that have been produced for Invincible
- All applicable Aboriginal site AHIMS and ASIRF cards.

## 9 ACCOUNTABILITIES

Environmental management at Invincible will be the responsibility of all employees and contractors. Roles and responsibilities for personnel are outlined in **Table 9-1** below.

**Table 9-1: Accountabilities.**

Role	Accountabilities for this document
Shoalhaven Coal	<ul style="list-style-type: none"> <li>• Implement the ACHMP</li> <li>• Provide adequate resources for the implementation of this ACHMP</li> </ul>
Invincible Mine Manager	<ul style="list-style-type: none"> <li>• Implement the ACHMP</li> <li>• Coordinate relevant specialist personnel to conduct activities as specified in the ACHMP</li> <li>• Determine whether any incidents have occurred, and reporting of incidents as required by statutory approvals</li> <li>• Confirm the inclusion of Aboriginal cultural heritage awareness training through delivery or input to induction documents.</li> </ul>
Environmental Officer	<ul style="list-style-type: none"> <li>• Assist the Mine Manager as required in the implementation of this ACHMP</li> <li>• Distribute copies of this ACHMP as required</li> <li>• Maintain records of Aboriginal consultation and past ACHMPs</li> <li>• Arrange for review of the ACHMP</li> </ul>
All employees and contractors	<ul style="list-style-type: none"> <li>• Comply with all requirements in this ACHMP</li> </ul>

## 10 DOCUMENT INFORMATION

### 10.1 RELEVANT LEGISLATION

The following legislation is relevant to this Plan:

- *Environmental Planning and Assessment Act 1979*
- *National Parks and Wildlife Act 1974*

### 10.2 REFERENCE INFORMATION

Reference information, listed in below, is information that is related to the development of this document or referenced from within this document.

AECOM 2011	AECOM 2011. <i>Coalpac Consolidation Project: Aboriginal Archaeological and Cultural Heritage Impact Assessment</i> . A report prepared for Hansen Bailey November 2011.
Coalpac 2009	Coalpac. 2009. <i>Aboriginal Cultural Heritage Management Plan for the Invincible Open Cut Coal Mine Extension</i>
Haglund 1985	Haglund, L. 1985. <i>Archaeological survey of area proposed for rail spur and loop, Invincible Colliery, NSW</i> . Report to Sinclair, Knight and Partners.
NSW DPE 2017	NSW Department Planning and Environment. 2017. <i>Environmental Management Plan Post Approval Requirements Series</i>
OEH nd	Office of Environment and Heritage (OEH) no date. Black Fellows Hand Aboriginal Place. <a href="http://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5062850">www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5062850</a> . Accessed 19 September 2022.
OzArk 2008	OzArk EHM. 2008. <i>Ecological/Aboriginal heritage assessment of the proposed extension to ML 68: the Invincible Open Cut Coal Mine, Cullen Bullen, NSW</i> . Report to Coalpac Pty Ltd.
Umwelt 2016	Umwelt (Australia) Pty Ltd. 2016. <i>Environmental Assessment Invincible Southern Extension Project – Section 75W Modification</i> .
Washington and Wray 2011	Washington, H.G and Wray, R.A. 2011. The geoheritage and geomorphology of the sandstone pagodas of the north-western Blue Mountains region (NSW). <i>Proceedings of the Linnean Society of New South Wales</i> 132, pages 131–143.

## APPENDIX 1: CONSULTATION RECORDS

**Appendix 1 Table 1: Consultation log for the 2023 updated draft Plan.**

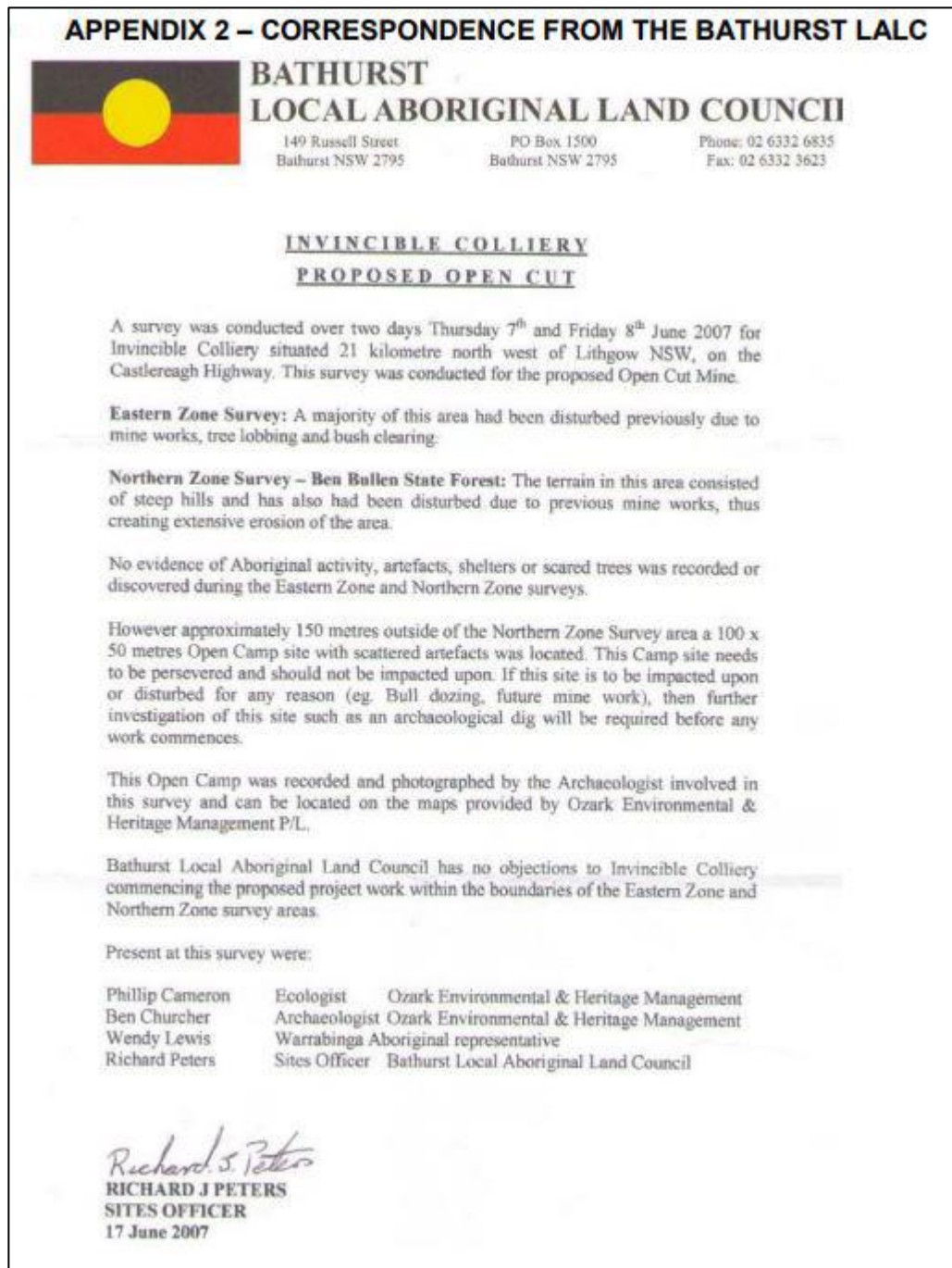
Invincible Colliery			
Date	Organisation	Comment	Method
4.8.22	Ann Glassenbury	Catherine Burrowes (CB) sent email project update letter - closing date for response 15.8.22	email
4.8.22	Wellington Valley Wiradjuri Aboriginal Corporation	CB sent email project update letter - closing date for response 15.8.22	email
4.8.22	Mingaan Aboriginal Corporation	CB sent email project update letter - closing date for response 15.8.22	email
4.8.22	Wiray-duraa Maing-gu	CB sent email project update letter - closing date for response 15.8.22	email
4.8.22	Bathurst Local Aboriginal Land Council	CB sent email project update letter - closing date for response 15.8.22	email
4.8.22	Warrabinga Native Title Claimants Aboriginal Corporation	CB sent email project update letter - closing date for response 15.8.22	email
4.8.22	Wellington Valley Wiradjuri Aboriginal Corporation	WVWAC wishes to continue as a RAP and Booral Maliyan should be included also	email
9.8.22	Ann Glassenbury	CB sent AFGM meeting notification closing date 24.8.22	email
9.8.22	Wellington Valley Wiradjuri Aboriginal Corporation	CB sent AFGM meeting notification closing date 24.8.22	email
9.8.22	Mingaan Aboriginal Corporation	CB sent AFGM meeting notification closing date 24.8.22	email
9.8.22	Wiray-duraa Maing-gu	CB sent AFGM meeting notification closing date 24.8.22	email
9.8.22	Bathurst Local Aboriginal Land Council	CB sent AFGM meeting notification closing date 24.8.22	email
9.8.22	Warrabinga Native Title Claimants Aboriginal Corporation	CB sent AFGM meeting notification closing date 24.8.22	email
22.8.22	Ann Glassenbury	CB sent AFGM change of date meeting notification closing date 29.8.22	email
22.8.22	Mingaan Aboriginal Corporation	CB sent AFGM change of date meeting notification closing date 29.8.22	email
22.8.22	Wiray-duraa Maing-gu	CB sent AFGM change of date meeting notification closing date 29.8.22	email
22.8.22	Bathurst Local Aboriginal Land Council	CB sent AFGM change of date meeting notification closing date 29.8.22	email
22.8.22	Warrabinga Native Title Claimants Aboriginal Corporation	CB sent AFGM change of date meeting notification closing date 29.8.22	email
22.8.22	Wellington Valley Wiradjuri Aboriginal Corporation	CB sent AFGM change of date meeting notification closing date 29.8.22	email
22.8.22	Booral Maliyan	CB sent AFGM change of date meeting notification closing date 29.8.22	email
22.8.22	Wellington Valley Wiradjuri Aboriginal Corporation	CB received email <i>Hi Catherine, Thank you, I will be there.</i> Bradley Bliss (Booral Maliyan) CB replied with thanks	email




Invincible Colliery			
Date	Organisation	Comment	Method
31.8.22		AFGM held 11 am at Cullen Bullen. In attendance: Brad Bliss (WVWAC), Helen Riley and Sharon Riley (Mingaan). Harrison Rochfors (OzArk), (SSG) and Almy Bryce (Invincible?) also in attendance.	In person
15.9.22	Ann Glassenbury	CB emailed AFGM Meeting Summary	email
15.9.22	Wellington Valley Wiradjuri Aboriginal Corporation	CB emailed AFGM Meeting Summary	email
15.9.22	Mingaan Aboriginal Corporation	CB emailed AFGM Meeting Summary	email
15.9.22	Wiray-duraa Maing-gu	CB emailed AFGM Meeting Summary	email
15.9.22	Bathurst Local Aboriginal Land Council	CB emailed AFGM Meeting Summary	email
15.9.22	Warrabinga Native Title Claimants Aboriginal Corporation	CB emailed AFGM Meeting Summary	email
15.9.22	Booral Maliyan	CB emailed AFGM Meeting Summary	email
17.9.22	Wellington Valley Wiradjuri Aboriginal Corporation	CB, HR received email from Brad Bliss Feedback on meeting summary - email in folder	email
20.9.22	Wellington Valley Wiradjuri Aboriginal Corporation	BC provided email to Brad Bliss, response from client - email in folder	email
20.9.22	Wellington Valley Wiradjuri Aboriginal Corporation	Brad Bliss responded to email - email in folder	email
21.9.22	Wellington Valley Wiradjuri Aboriginal Corporation	BC email replied to Brad Bliss - email in folder	Email
23.9.22	Ann Glassenbury	CB emailed Draft ACHMP & letter - closing date 7.10.22	email
23.9.22	Wellington Valley Wiradjuri Aboriginal Corporation	CB emailed Draft ACHMP & letter - closing date 7.10.22	email
23.9.22	Mingaan Aboriginal Corporation	CB emailed Draft ACHMP & letter - closing date 7.10.22	email
23.9.22	Wiray-duraa Maing-gu	CB emailed Draft ACHMP & letter - closing date 7.10.22	email
23.9.22	Bathurst Local Aboriginal Land Council	CB emailed Draft ACHMP & letter - closing date 7.10.22	email
23.9.22	Warrabinga Native Title Claimants Aboriginal Corporation	CB emailed Draft ACHMP & letter - closing date 7.10.22	email
23.9.22	Booral Maliyan	CB emailed Draft ACHMP & letter - closing date 7.10.22	email
4.10.22	Ann Glassenbury	Sheridan Baker (SB) emailed reminder for feedback on the ACHMP - closing date 7.10.22	email
4.10.22	Wellington Valley Wiradjuri Aboriginal Corporation	SB emailed reminder for feedback on the ACHMP - closing date 7.10.22	email
4.10.22	Mingaan Aboriginal Corporation	SB emailed reminder for feedback on the ACHMP - closing date 7.10.22	email
4.10.22	Wiray-duraa Maing-gu	SB emailed reminder for feedback on the ACHMP - closing date 7.10.22	email

Invincible Colliery			
Date	Organisation	Comment	Method
4.10.22	Bathurst Local Aboriginal Land Council	SB emailed reminder for feedback on the ACHMP - closing date 7.10.22	email
4.10.22	Warrabinga Native Title Claimants Aboriginal Corporation	SB emailed reminder for feedback on the ACHMP - closing date 7.10.22	email
4.10.22	Booral Maliyan	SB emailed reminder for feedback on the ACHMP - closing date 7.10.22	email
6.10.22	Wellington Valley Wiradjuri Aboriginal Corporation	SB received email from Brad Bliss - 'I have no additional comments or recommendations in reference to the Draft Invincible Colliery Aboriginal Cultural Heritage Management Plan'.	email
6.10.22	Booral Maliyan	SB received email from Brad Bliss - 'I have no additional comments or recommendations in reference to the Draft Invincible Colliery Aboriginal Cultural Heritage Management Plan'.	email
6.10.22	Wellington Valley Wiradjuri Aboriginal Corporation	SB thanked Brad for his email	email
6.10.22	Booral Maliyan	SB thanked Brad for his email	email

**Appendix 1 Figure 1: Letter from the Bathurst LALC referenced in Schedule 3, Condition 36 of the Project Approval.**



## Appendix 1 Figure 2: Correspondence with DPE on the 2018 draft of this Plan.



Our Ref: 3968\_OEH\_Shoolhaven\_20181112\_ltr.doc

16 November 2018

Stephen Shoesmith  
Post Approvals | Resource and Energy Assessments | Planning Services  
Department of Planning and Environment  
GPO Box 39 | Sydney NSW 2001  
SYDNEY, NSW 2001  
E| stephen.shoesmith@planning.nsw.gov.au

Dear Stephen

**RE: Invincible Colliery Project Approval 07\_0127  
Environmental Management Plan OEH Consultation**

As requested, please find enclosed the following draft management plans for your distribution to the Office of Environment and Heritage (OEH):

- Biodiversity Management Plan (Schedule 3, Condition 33)
- Aboriginal Cultural Heritage Management Plan (Schedule 3, Condition 37) and
- Rehabilitation Management Plan (Schedule 3, Condition 52).

We would appreciate if you could liaise with OEH to coordinate their review and provide any comments on the plan by Friday, 14 December 2018.

If you require any further information, please contact myself on the number below, Bruce Wright on Mob 0407 481 188 or Luke Bettridge from Umwelt (Australia) Pty Limited (Umwelt) on Ph 02 4950 5322.

Kind regards,

Graham Goodwin  
Mining Engineering Manager  
Castlereagh Coal  
Ph.: 0418 830 598

Enc

*Invincible Colliery Southern Extension Project Biodiversity Management Plan. (Umwelt. October 2018) Draft*

*Invincible Colliery Aboriginal Cultural Heritage Management Plan (Umwelt. Nov 2018) Draft*

*Invincible Colliery Rehabilitation Management Plan October 2018 to December 2024 (Umwelt. November 2018) Draft*

Inspired People.  
Dedicated Team.  
Quality Outcomes.

---

**Newcastle**  
75 York Street  
Teralba NSW 2284  
Ph. 02 4950 5322

**Perth**  
PO Box 783  
West Perth WA 6872  
7 Havelock Street  
West Perth WA 6005  
Ph. 1300 793 267

**Canberra**  
PO Box 6135  
56 Bluebell Street  
O'Connor ACT 2602  
Ph. 02 6262 9484

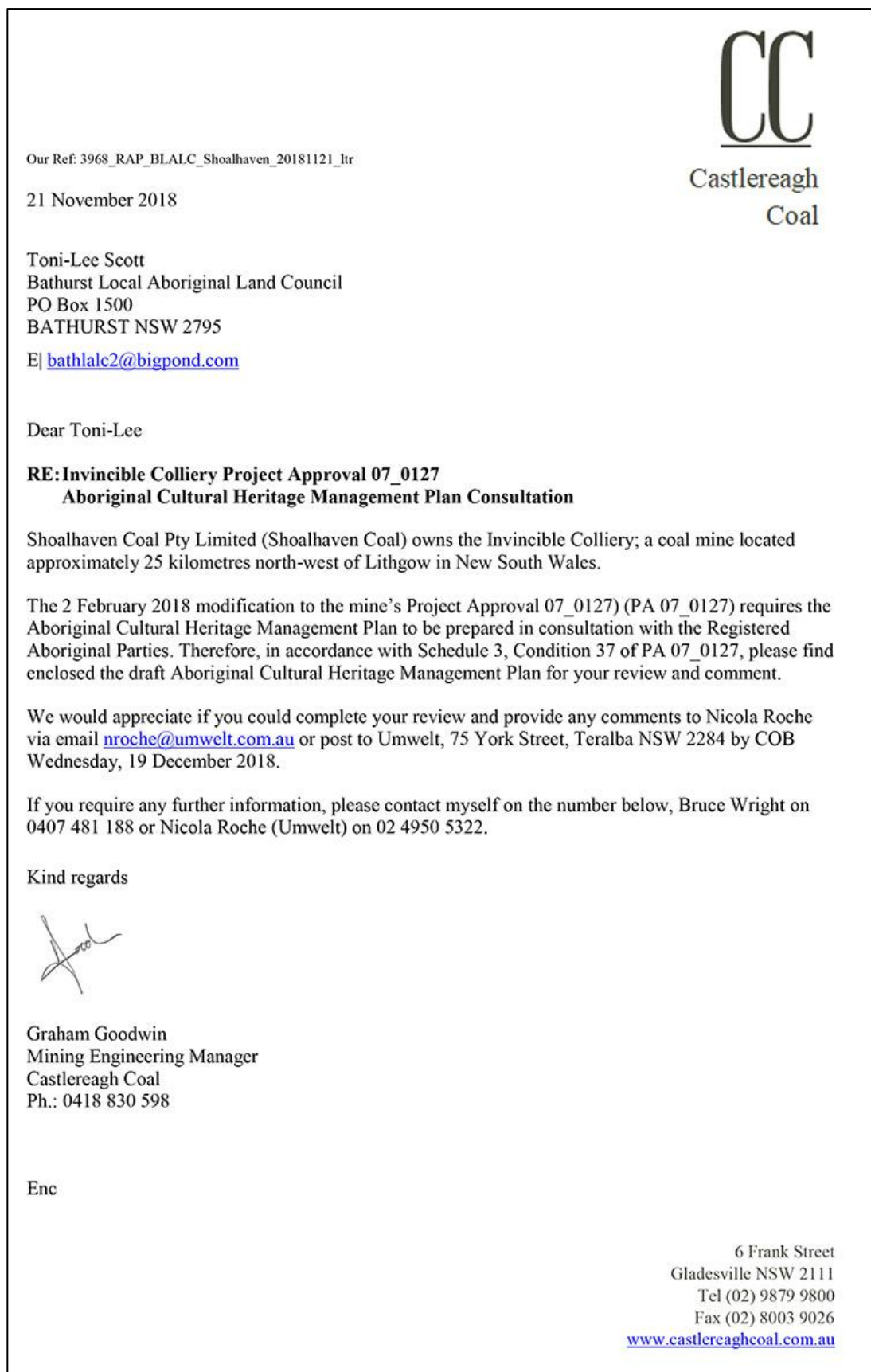
**Sydney**  
Level 3  
50 York Street  
Sydney NSW 2000  
Ph. 1300 793 267

**Brisbane**  
Level 13  
500 Queen Street  
Brisbane QLD 4000  
Ph. 1300 793 267  
[www.umwelt.com.au](http://www.umwelt.com.au)

3968\_OEH\_Shoolhaven\_20181112\_ltr.doc

Umwelt (Australia) Pty Limited  
ABN: 18 059 519 041

**Appendix 1 Figure 3: Sample letter to RAPs seeking review of the 2018 version of this Plan.**





## Appendix 1 Figure 4: WVVAC response to the 2018 draft of this Plan.



WELLINGTON VALLEY WIRADJURI  
ABORIGINAL CORPORATION

C/- 1 Golden Place

Orange NSW 2800

ABN: 77 548 143 187

ICN: 7398

[WVVAC@hotmail.com](mailto:WVVAC@hotmail.com)

17 December 2018

Umwelt  
75 York Street  
Teralba NSW 2284

**RE: Invincible Colliery Aboriginal Cultural Heritage Management Plan - Draft dated November 2018**

Dear Project Manager,

Wellington Valley Wiradjuri Aboriginal Corporation (WVVAC) would like to thank you for your invitation to provide a response for This Aboriginal Cultural Heritage issue relevant to obligations to protect our Heritage within our Traditional Lands. Wellington Valley Wiradjuri represent the fourteen traditional families with identified apical ancestry pre European occupation with our known Traditional Lands. We know our culture, country and continue with our association with our traditional lands.

WVVAC object to any other non-traditional aboriginal organizations or people taking part in site surveys, consultation and assessments within our defined Traditional Lands. These non-traditional people and groups are outsiders under Traditional Lore and have no right to advise on or to be present during consultation or site visits as they do not possess the specific traditional knowledge in relation to these lands or sites. These participants may be indigenous and may live locally within the region however, this still does not give them the right to disregard Traditional Lore and values.

Wellington Valley Wiradjuri Aboriginal Corporation (WVVAC) make the following comments and or recommendations in relation to the Invincible Colliery Aboriginal Cultural Heritage Management Plan - Draft dated November 2018:

#### **Section 3.5 Protocol for Ongoing Consultation**

- Where cultural heritage works (including inspections, monitoring, site management and salvage activities as detailed in **Section 5.0**) are required in accordance with this ACHMP, Shoalhaven Coal will provide the opportunity to participate in the works to at least two Aboriginal party representatives.

WVVAC does not agree that at least two Aboriginal Party Representatives be given opportunity to participate as described above, this should be open to all Registered Aboriginal Parties to attend and actively participate.

## Section 4.2 Archaeological Context

"The potential birthing tree was identified by an Aboriginal party representative during the survey of the Southern Extension Area (Umwelt 2016). However, as there were no tangible archaeological features, the tree was not registered as an archaeological site, with information required for registration provided to the relevant Aboriginal party to allow him to register the location on AHIMS with suitable restrictions based on sensitivity. The location is not currently registered on AHIMS. The cultural feature consists of a fallen tree with a very large burnt out hollow at the base. While birthing trees in the region were described by a RAP as typically being in close proximity to fresh water, the landscape surrounding the tree has been modified as a result of its location approximately 30 metres south of the current open cut pit (within the Southern Extension area) and as a result its proximity to a watercourse cannot be determined. However it is noted that all watercourses in the general vicinity are ephemeral".

WVWAC disagree with comments above as information was taken and used out of full context. This important site has registered AHIMS in accordance with the wishes of Female Elders of the Wellington Wiradjuri People. Please refer to the Restricted AHIMS Site Card: 45-1-2797 Invincible Coal Birthing Tree. Please contact WVWAC for this information to be released with restrictions.

### Section 5.3.3 Potential Birthing Tree

The potential birthing tree is located within the Southern Extension Area and will be subject to impact as a result of the proposed works. As the site is not associated with archaeological evidence, there is no proposed archaeological salvage activity to be undertaken at this site.

The Aboriginal party representative who identified the potential birthing tree recommended that the tree be photographed and recorded in detail. In accordance with this request, prior to impact at the location of the potential birthing tree, the tree should be further recorded using high resolution photography and 3D scanning based on consultation with.

As before this site is recorded and is Restricted AHIMS Site Card: 45-1-2797 Invincible Coal Birthing Tree. The archaeologists were offered the opportunity to speak with Traditional Wiradjuri Women on this topic and to potentially visit similar sites within the region at Wellington and Wollar. The archaeologists have not done so and have stayed with their limited scientific view without being shown and told first hand by Traditional women in their 90's who have firsthand knowledge of these places given by their mothers and grandmothers.

WVWAC do not object to our details being given to OEH, however WVWAC do not wish you to advise any other organization of our interest and knowledge relating to this project. WVWAC look forward to further participating in the above project, sharing our knowledge of country and to ensure our Heritage is protected.

In regards to this Invincible Colliery Aboriginal Cultural Heritage Management Plan - Draft dated November 2018, there is no mention of sub surface testing at artefact scatter sites within 150 meters of any natural drainage or waterways i.e. creeks, WVWAC believe that several sites fit this criteria and as they are to be impacted test pit excavations to fully understand the site deposit is required in in doing so this document needs to be updated to reflect this along with the inclusion of very specific information on the process of how this is to be conducted.

WVWAC recommends that all RAP's, Umwelt Archaeologists and Castlereagh Coal Environmental Manager and Mine Manager meet in person to fully discuss this document in detail as overall it contains errors and there are issues that need to be discussed before the document can be finalized and should not be done individually with RAP's.



WELLINGTON VALLEY WIRADJURI  
ABORIGINAL CORPORATION

C/- 1 Golden Place  
Orange NSW 2800  
ABN: 77 548 143 187  
ICN: 7398

[WVWAC@hotmail.com](mailto:WVWAC@hotmail.com)

We trust our response meets your requirements. Please contact WVWAC Directors should you require our assistance to address any Aboriginal issues to support your future plans.

Regards,

Bradley R. Bliss J.P.  
WVWAC CEO and Contact Officer  
Gallangabang Aboriginal Corporation Director  
Senior Aboriginal Cultural Heritage Field Officer  
Senior Aboriginal Cultural Mentor and Educator  
Traditional Owner Clan Descendant  
Mobile: 0427321016



**Appendix 1 Figure 5: Response received from Warrabinga Native Title Claimants Aboriginal Corporation (5 March 2019).**

**From:** Lance Syme <[lance.syme@warrabinga.com.au](mailto:lance.syme@warrabinga.com.au)>  
**Sent:** Tuesday, 5 March 2019 7:11 PM  
**To:** Nicola Roche <[nroche@umwelt.com.au](mailto:nroche@umwelt.com.au)>  
**Cc:** David Masters <[david.masters@warrabinga.com.au](mailto:david.masters@warrabinga.com.au)>  
**Subject:** Fwd: Fw: 3968 - Draft Invincible Colliery Aboriginal Cultural Heritage Management Plan

Nicola,

I have taken the time to read through the ACHMP.

There are certain aspects of the ACHMP that are inconsistent with the Terms of the Ancillary Deed or may be interpreted so as to limit the ability of Warrabinga to effectively undertake the obligations it has under traditional lore and custom.

I feel that the most expeditious way to move the process forward would be for myself and David Masters to meet in person with you and a representative from Shoalhaven Coal Pty Ltd. We also feel this would be an excellent opportunity for the "Liaison Committee" that is required by the Ancillary Deed reconvene as we note it has not held a session ever.

I look forward to hearing from you.

Regards,

Lance Syme  
Manager - Native Title and Cultural Heritage  
Warrabinga Native Title Claimants Aboriginal Corporation

**Appendix 1 Figure 6: WVVAC information on site 45-1-2797 (received 21 March 2019).**

WELLINGTON VALLEY WIRADJURI  
ABORIGINAL CORPORATION

C/- 1 Golden Place

Orange NSW 2800

ABN: 77 548 143 187

ICN: 7398

[WVVAC@hotmail.com](mailto:WVVAC@hotmail.com)

21 March 2019

Nicola Roche  
Manager Cultural Heritage  
Umwelt (Australia) Pty Limited  
75 York Street  
Teralba, NSW 2284

**RE: Draft Invincible Colliery Aboriginal Cultural Heritage Management Plan – Specifics around AHIMS site 45-1-2797**

Dear Nicola,

Wellington Valley Wiradjuri Aboriginal Corporation (WVVAC) and Gallangabang Aboriginal Corporation (GAC) would like to thank you for your invitation to provide a response for This Aboriginal Cultural Heritage issue relevant to obligations to protect our Heritage within our Traditional Lands. Wellington Valley Wiradjuri and Gallanngabang represent the fourteen traditional families with identified apical ancestry pre European occupation with our known Traditional Lands. We know our culture, country and continue with our association with our traditional lands.

WVVAC and GAC object to any other non-traditional aboriginal organizations or people taking part in site surveys, consultation and assessments within our defined Traditional Lands. These non-traditional people and groups are outsiders under Traditional Lore and have no right to advise on or to be present during consultation or site visits as they do not possess the specific traditional knowledge in relation to these lands or sites. These participants may be indigenous and may live locally within the region however, this still does not give them the right to disregard Traditional Lore and values.

Wellington Valley Wiradjuri Aboriginal Corporation (WVVAC) CEO met with Senior Female Elders of Mingaan Wiradadjuri Aboriginal Corporation and discussed your email of 26<sup>th</sup> February 2019. I have also presented your email and the outcome of the meeting with Mingaan at a combined Wellington Valley Wiradjuri and Gallangabang Meeting where this issue was discussed. The combined recommendations are as follows:

1. A 50m buffer placed on the site from the GPS Reference and represented as such within the ACHMP,
2. 3D scanning and high resolution images are to be taken of this significant women's site and supplied to Mingaan Wiradadjuri Aboriginal Corporation, Wellington Valley Wiradjuri Aboriginal Corporation and Gallangabang Aboriginal Corporation ONLY as all other RAP's who were present did not hold cultural knowledge of this site type nor have they been involved in discussions.

3. It is acknowledged that the Birthing Tree may not be able to be salvaged, however attempts to do so are requested if this site is to be impacted in any form,
4. You may list the site in the Aboriginal Cultural Heritage Management Plan as a Women's site and Birthing Tree, however no specifics on how it was used.
5. A copy of the Site Card 45-1-2797 is provided for use, noting it has a Location Restriction and Female Site Restriction. This is given freely by Wellington Valley Wiradjuri Aboriginal Corporation however Mingaan Wiradadjuri Aboriginal Corporation, Wellington Valley Wiradjuri Aboriginal Corporation and Gallanggabang Aboriginal Corporation ONLY are to see this document if ever requested.
  - Please also note that some female Elders were insistent that Umwelt pay WVVAC/GAC/Mingaan for this document and their approval and recommendations stating that they remembered that Umwelt Archaeologists refused to register this site and obviously had not searched for a site card when producing the poorly written Draft Invincible Colliery Aboriginal Cultural Heritage Management Plan.
6. That the information around this Women's site contained within the restricted version of the Invincible Southern Extension Project Aboriginal Cultural Heritage Archaeological Assessment – Final dated September 2016, not be accessed by other RAP's and only accessed by Mingaan Wiradadjuri Aboriginal Corporation, Wellington Valley Wiradjuri Aboriginal Corporation and Gallanggabang Aboriginal Corporation upon request.

WVVAC and GAC do not object to our details being given to OEH, however WVVAC do not wish you to advise any other organization of our interest and knowledge relating to this project and specific issue. WVVAC look forward to further participating in the above project, sharing our knowledge of county and to ensure our Heritage is protected.

We trust our response meets your requirements. Please contact WVVAC Directors should you require our assistance to address any Aboriginal issues to support your future plans.


Regards,



Bradley R. Bliss J.P.  
 WVVAC CEO and Contact Officer  
 Gallanggabang Aboriginal Corporation Director  
 Wiradjuri Council of Elders Member  
 Senior Aboriginal Cultural Heritage Field Officer  
 Senior Aboriginal Cultural Mentor and Educator  
 Traditional Owner Clan Descendant  
 Mobile: 0427321016



## Appendix 1 Figure 7: Project update letter (4 August 2022).



**OzArk Environment & Heritage**

Head office: Dubbo  
 Satellite offices: Queanbeyan | Wollongong  
 Newcastle | Brisbane

T: 02 6882 0118  
 enquiry@ozarkehm.com.au  
 www.ozarkehm.com.au

ABN 59 104 582 354  
 145 Wingewarra St  
 PO Box 2069  
 DUBBO NSW 2830

4 August 2022

Bathurst Local Aboriginal Land Council  
 bathlalc2@bigpond.com

*Notification for the intended update of Invincible Colliery ACHMP*

OzArk Environment & Heritage (OzArk) has been engaged by Sustainability Support Group on behalf of Shoalhaven Coal to undertake a gap analysis and update of the draft Aboriginal Cultural Heritage Management Plan (ACHMP) for the Southern Extension Area at the Invincible Colliery. As part of this review, recommencement of consultation with the Registered Aboriginal Parties (RAPs) for the project is required. Therefore, this notification serves as communication to continue the Aboriginal community consultation, as per the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010), for continued consultation during the update of the ACHMP that will build on the previous consultation for this project.

**Project description and project history**

The Invincible Southern Extension Project was granted approval PA 07\_0127 Mod5 on 2 February 2018. At the time of approval, both the Invincible Colliery and the nearby Cullen Valley Mine were owned and operated under care and maintenance by Shoalhaven Coal Pty Ltd, a part of the Manildra Group. Shortly following approval, Shoalhaven Coal began the preparation of management plans required under the PA 07\_0127 Mod5 approval which included the ACHMP. This plan, together with various other management plans were drafted with stakeholder consultation conducted from 2018 through to mid-2019. Shortly thereafter, a decision to sell both the Invincible Colliery and the Cullen Valley Mine was made by the Manildra Group, effectively delaying finalisation of the management plans and the commencement of mining at the Invincible Southern Extension until the sales process was completed.

In November 2021, Shoalhaven Coal was purchased via a 100% share transaction by an all-Australian locally based ownership team that is primarily focussing on the supply of coal to the power stations and domestic markets in NSW. The Cullen Valley Mine was restarted to mine remnant coal in May 2022, and the finalisation of management plans toward the commencement of mining at the Invincible Southern Extension was restarted. Shoalhaven Coal plans to commence mining at the Southern Extension Area by November 2022.

Other than the delay due to the sale of Shoalhaven Coal, the project remains identical to that which has already been consulted upon and includes:

- Extending the period in which mining can continue at Invincible until 31 December 2025.
- Extending the open cut mining area to mine down to, and including, the Lithgow Seam to the south of the existing mine in the Southern Extension Area. No highwall mining or open cut mining in any other areas of Invincible is proposed as part of the Southern Extension Project.

## OzArk Environment &amp; Heritage

- Use of existing open cut voids and former underground workings for temporary water storage.
- Continued use of existing Invincible infrastructure.
- Rehabilitation of the proposed Southern Extension Area and all existing disturbance areas at Invincible by reshaping mining areas to remove voids and revegetating the reshaped landform with locally endemic woodland and forest communities.
- No change to the maximum mining and production rates of up to 1.2 Mtpa.
- No change to operating hours.
- Blasting is not required.
- continuation of product coal transport arrangements (with coal to be transported from the site by road truck to Mt Piper Power Station or other domestic locations).

**Steps moving forward**

OzArk is currently preparing a gap analysis to inform the update of the ACHMP. Over the next few weeks, we are planning to hold an Aboriginal focus group meeting to discuss the ACHMP update, capturing any cultural inputs into the plan, and management of Aboriginal cultural heritage moving forward. Following the meeting, we will use the outcomes from this meeting to inform our update of the ACHMP and distribute an updated copy of the plan to you for review.

As there has been a delay in the project and your circumstances may have changed, please let us know if you no longer wish to be consulted for this project. If you are happy to remain a RAP for the project, there is no need to do anything, and we will assume you wish to be consulted.

We will be in touch over the coming weeks to provide the details of the consultation meeting.

Please do not hesitate to give us a call or send an email if you have any queries.

Looking forward to working with you.

Kind regards,



Catherine Burrowes  
**Customer Liaison**

**Appendix 1 Figure 8: Response from Mr Bradley Bliss to the update letter (4 August 2022).**

**From:** WVVAC Contact Officer <WVVAC@hotmail.com>  
**Sent:** Thursday, 4 August 2022 3:12 PM  
**To:** Catherine Burrowes <catherine@ozarkehm.com.au>; Jodie Benton <jodie@ozarkehm.com.au>  
**Cc:** Jackpennell@hotmail.com  
**Subject:** Re: Invincible Colliery Management Plan Project Letter Update

Hi Catherine,

Thank you, yes WVVAC wish to continue as a RAP for this project.

I was originally a RAP under my Traditional name Booral Maliyan and email was [brad4975@hotmail.com](mailto:brad4975@hotmail.com)


Umwelt for some reason only contacted via WVVAC and not both.

As a courtesy I have copied Jack Pennell the Warrabinga Chairman into this email as Warrabinga were involved in this project as I think was Newco.

Regards,

Bradley R. Bliss J.P.  
WVVAC CEO and Contact Officer  
P.O. Box 1583  
Orange NSW 2800  
Email: [WVVAC@hotmail.com](mailto:WVVAC@hotmail.com)  
Mobile: 0427321016

## Appendix 1 Figure 9: Sample meeting invitation (22 August 2022).



**OzArk Environment & Heritage** ABN 59 104 582 354

Head office: Dubbo  
 Satellite offices: Queanbeyan | Wollongong  
 Newcastle | Brisbane

T: 02 6882 0118  
 enquiry@ozarkehm.com.au  
 www.ozarkehm.com.au

145 Wingewarra St  
 PO Box 2069  
 DUBBO NSW 2830

22 August 2022

Bathurst Local Aboriginal Land Council  
[bathlalc2@bigpond.com](mailto:bathlalc2@bigpond.com)

*INVINCIBLE COLLIERY*  
**UPDATE OF THE ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN**

---

Dear Members,

Thank you for your continued participation as a Registered Aboriginal Party (RAP) and involvement in the update of the Aboriginal Cultural Heritage Management Plan (ACHMP) for the Invincible Colliery.

On behalf of Sustainability Support Group (client) and Shoalhaven Coal (proponent), OzArk would like to invite you to a meeting that aims to further outline the project as well as discuss the previous draft ACHMP (Umwelt) and required revisions of the document to inform future management of the Aboriginal cultural heritage at the Invincible Colliery.

This meeting offers the opportunity to further develop open communication between all parties. We recognise and acknowledge the cultural knowledge held by the RAPs, however, please note that there is no remuneration associated with attendance at this meeting. It is an opportunity to provide feedback, but it is not compulsory to attend. Should you not be able to attend, you are still welcome to provide feedback via phone, email or letter.

This meeting is scheduled to be held:

**Date:** Wednesday 31 August 2022  
**Time:** 11 am (It is anticipated the meeting will run for approximately 2 hrs)  
**Place:** On Site  
 Stone Cottage on the entry road into Cullen Valley Mine, Cullen Bullen, NSW, 2790 (**Figure 1**)

Should you wish to nominate any additional items for the agenda, please do not hesitate to contact our office prior to the meeting.

If you would like to attend the meeting, we ask that you RSVP by contacting our office by telephone 02 6882 0118 or email [Catherine@ozarkehm.com.au](mailto:Catherine@ozarkehm.com.au); by no later than **Monday 29<sup>th</sup> August 2022**. Please note RSVPs for this meeting are essential, follow-up emails and phone calls will not be conducted and if no RSVPs are received the meeting will not be held.

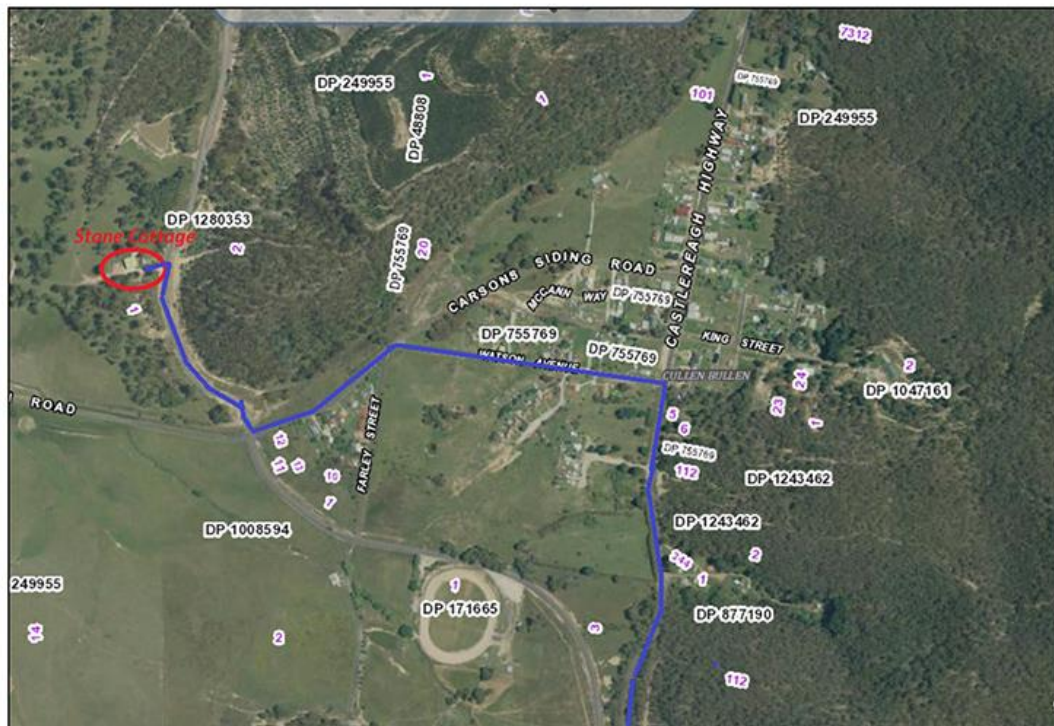


If you have any queries, please feel free to contact our office.


Kind regards,

Catherine Burrowes  
Community Liaison

Figure 1: Meeting location (11 am 31 August 2022).



## Appendix 1 Figure 10: Meeting minutes from the 31 August consultation meeting.



**OzArk Environment & Heritage**

Head office: Dubbo  
 Satellite offices: Queanbeyan | Wollongong  
 Newcastle | Brisbane

T: 02 6882 0118  
 enquiry@ozarkehm.com.au  
 www.ozarkehm.com.au

ABN 59 104 582 354  
 145 Wingewarra St  
 PO Box 2069  
 DUBBO NSW 2830

Cullen Bullen  
 11 AM  
 31 August 2022

**MEETING SUMMARY: INVINCIBLE ACHMP UPDATE ABORIGINAL FOCUS GROUP MEETING**

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- Note: \* refers to amendments following the AFGM with consideration to the ACHMP review update
- Welcome to country (Helen Riley)
- Introduction and agenda (Harrison Rochford)
- Project background (Kenny Barry)
- Birthing tree
  - Sharon Reilly questioned the validity of the recorded as no female elders were present on the survey.
  - Brad Bliss noted that he put forward the recording of the site after consultation with Joyce Williams. Brad left the meeting at approximately 1130
  - Harrison provided background and update that the site has been impacted by fire in 2019/2020. The proposed management is to revisit the site to check the condition and decide on management measures
  - Sharon put forward that the tree is unlikely to be a site but agreed to the proposed inspection. Helen concurred.
- *\* The agreed interim management of the tree is to revisit the site and record its current condition to decide if further mitigation measures are required. A site inspection to verify the condition of the scarred tree (45-1-2794, IC ST).*
- Pagodas
  - Harrison explained the draft measure for the Aboriginal community to inspect the pagodas during geotechnical monitoring.
  - Sharon expressed concern for potential dust impacts to rock art sites in the vicinity of the pagoda areas (e.g. 45-1-2712) and proposed monitoring of art sites
  - Kenny Barry (Sustainability Support Group) and Almy Bryce (Coalpac?) explained that the project will not involve any blasting, which was an assumption for the draft 2019 ACHMP. Therefore, no geotechnical monitoring was currently proposed. All agreed that cultural monitoring was less applicable without any blasting – although the dust issue was still open if there are any art sites within the ACHMP area (to be checked – OzArk)
- Scar tree
  - Request for site inspection regarding condition after fire and potential salvage of scarred portion of the tree. This was raised by Brad (meeting preamble) and Sharon (during the meeting).



- Salvage measures

- Harrison outlined the proposed salvage of artefact sites within the ACHMP area and avoidance of the rock shelter site.
- Sharon expressed a preference for salvaged objects to be taken under the care and control of a community organisation rather than reburied. Mingaan cultural centre suggested as an appropriate location where the objects could be used in cultural workshops and interpreted with the archaeological data in the salvage report (e.g. usewear and potential material source location).

*\*One of the conditions (EA Section 6.5.7.1) of project approval is for the salvage materials to be placed on country potentially within a shipping container within the southern extension area to allow access to the materials by all RAPs. This will allow access of materials by all RAPs.*

- Unanticipated finds

- Harrison explained the standard procedure for ACHMPs that would be proposed, and all agreed with the procedure.

- Cultural inductions for workers

- All agreed Aboriginal cultural heritage awareness would be included in worker inductions. No specific site information was identified as sensitive, pending the results of site inspection at the potential birthing tree.
- Sharon offered Mingaan as a provider for inductions (on-site workshops). Almy and Kenny expressed interest in the service and that details could be organised with the proponent. Harrison noted that ACHMP would include provisions and leave specifics for the proponent.

*\*Amy and Kenny expressed interest in the service however made no firm commitments, preferring details of future assistance with inductions would be organised at a later date with the proponent. Harrison noted that ACHMP would include provisions and leave specifics for the proponent. This must accord with the provisions set out in Section 4.2.3 of the CHMP where content is developed in consultation with the RAPs.*

- Fire management and miscellaneous

- Sharon noted that there were cultural considerations for ecology and fire management. Kenny responded that these were separate plans and cultural considerations would be taken on notice.
- Due to the expected 'not a site' condition of the potential birthing tree, no information location restrictions were proposed (i.e in any RFS bushfire management documents).

*\*Until reinspection of 45-1-1-2797 (Invincible Coal) may occur, the 20 m buffered location must be shown on all maps provided to RFS.*

- Almy noted that site 45-1-2710 was already fenced. No other retained sites were proposed for fencing due to their location in existing revegetation or non-impact zones.

- Meeting conclusion and further actions

- Harrison summarised meeting results and expressed a preference for a 14-day review window. Sharon would prefer a 28-day review window but could accept 14 days considering that the AFGM had been held and on the condition that OzArk provided a meeting summary and expected delivery of draft so that groups could be prepared for the fortnight turnaround.

*\*This summary of meeting document forms the meeting summary to be sent to the RAPS for review to accommodate a 14 day review period of the ACHMP*

**Draft ETA to RAPs Monday 26 September. Response due 10 October 2022.**

## APPENDIX 2: CULTURAL HERITAGE MANAGEMENT PLAN APPROVAL

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Department of Planning and Environment



Our ref: MP 07\_0127-PA-18

Mr Kevin Reed  
Director  
PO Box 3011  
BOWENFELS NSW 2790

31/01/2023

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Subject: Invincible Colliery Aboriginal Cultural Heritage Management Plan

Dear Mr Reed

I refer to your submission dated 31 October 2022, requesting approval of the Aboriginal Cultural Heritage Management Plan (R1, October 2022) for the Invincible Colliery (MP 07\_0127). I also acknowledge your response to the Department's review comments and request for additional information.

The Department has carefully reviewed the document and is satisfied that it meets the requirements of the relevant conditions in approval MP 07\_0127. Accordingly, as nominee of the Planning Secretary, I approve the Aboriginal Cultural Heritage Management Plan (R1, January 2023).

You are reminded that if there are any inconsistencies between the Aboriginal Cultural Heritage Management Plan and the conditions of approval, the conditions prevail.

Please ensure you make the document publicly available on the project website at the earliest convenience.

If you wish to discuss the matter further, please contact Melanie Hollis on 8217 2043.

Yours sincerely

A handwritten signature in black ink that reads "Jessie Evans".

Jessie Evans  
Director, Resource Assessments  
Resource Assessments

As nominee of the Planning Secretary

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## APPENDIX 3: SALVAGE METHODOLOGY

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### **Scarred Tree Salvage**

Prior to impact, the scarred section of the tree will be removed by a qualified arborist using the following methodology:

- The scarred sections of the tree will be heavily padded prior to works commencing to prevent accidental damage
- The limbs of the tree above the scar and the section of the trunk above the scar will be removed
- The scarred section of the tree will be supported while the trunk is cut off below the scarred section leaving sufficient trunk above and below the scars to assist with scar preservation
- The scarred section of the trunk will then be transported to a secure storage location at Invincible as recommended by the RAPs.

### **Surface Collection**

Surface collection will be undertaken within the Southern Extension area at the sites listed in **Table 6-1**, and at any other locations within the Southern Extension area where additional surface materials may be identified over the course of salvage works (see **Section 6.5**). The proposed surface collection methodology is:

- The distribution of surface archaeological material will be assessed and where appropriate, archaeological material will be grouped into loci for the purposes of recording and analysis
- All surface archaeological material and/or loci of surface archaeological material will be flagged and photographed
- The location of each loci or isolated area of surface archaeological material will be recorded and mapped using a hand-held GPS
- Artefacts will be collected and placed in labelled bags with reference to site and locus (where appropriate).

### **Post-Salvage Analysis and Recording**

Should the recovered archaeological assemblage contain enough archaeological material to allow for a statistically viable analysis, the salvaged artefact assemblage will be subject to detailed analysis. This will involve the recording of artefact class and raw material for all artefacts. Additional attributes to be recorded are listed in **Table 0-1** with reference to different artefact classes.

**Table 0-1: Artefact analysis attributes.**

Artefact class	Attributes to be recorded
Complete flakes	<ul style="list-style-type: none"> <li>• Length</li> <li>• Width</li> <li>• Thickness</li> <li>• % Cortex</li> <li>• Cortex Type</li> <li>• Heat Treated (yes/no)</li> <li>• Visible Use-Wear (yes/no)</li> <li>• Visible Residue (yes/no)</li> <li>• Comments – description, does it conjoin with another artefact, if used which margin was used, if it has residues on the flake etc.</li> </ul>
Retouched Flakes	<ul style="list-style-type: none"> <li>• Retouched/broken retouched flake class</li> <li>• Retouch type</li> <li>• Visible Use-Wear (yes/no)</li> <li>• Visible Residue (yes/no)</li> <li>• Comments</li> </ul>
Cores	<ul style="list-style-type: none"> <li>• Length</li> <li>• Width</li> <li>• Thickness</li> <li>• % Cortex</li> <li>• Cortex Type</li> <li>• Heat Treated (yes/no)</li> <li>• Rotation (count)</li> <li>• Level of exhaustion</li> <li>• Visible Use-Wear (yes/no)</li> <li>• Visible Residue (yes/no)</li> <li>• Comments</li> </ul>
Other tool types (e.g. grindstones, axes, hammerstones etc.)	<ul style="list-style-type: none"> <li>• Length</li> <li>• Width</li> <li>• Thickness</li> <li>• % Cortex</li> <li>• Cortex Type</li> <li>• Heat Treated (yes/no)</li> <li>• Visible Use-Wear (yes/no)</li> <li>• Visible Residue (yes/no)</li> <li>• Comments</li> </ul>

Following the completion of salvage activities and subsequent artefact analysis, a report will be compiled that presents the findings of the activities. Reports will be completed in accordance with HNSW guidelines and requirements and will include:

- A description of the results of the activities including general environmental information, landscape information, soil descriptions and excavation profiles (where applicable)
- The results of detailed recording and analysis of salvaged archaeological material

- The use of recovered data to undertake a comparative analysis with the outcomes of other salvage activities within the local area to identify whether the current assemblage exhibits any significant differences from other salvaged assemblages and whether it can provide any further information on how Aboriginal people used/occupied the area.



## DOCUMENT CONTROLS

Proponent	Shoalhaven Coal Pty Limited	
Client		
Document Description	Aboriginal Cultural Heritage Management Plan: Invincible Colliery, Cullen Bullen, NSW.	
File Location	OzArk Job No.	
P:\OzArk EHM Data\Clients\Sustainability Support Group\Invincible Colliery Management Plan\Report	3554	
Document Status: V3.2 FINAL	Date: 17 January 2023	
OzArk internal edits	V1.0: CJ author 8/09/2022	
OzArk and client edits	V2.0 BC edit 19/9/22 V2.1 BC amends with client edits 21/9/22 V2.2 BC amends with client edits 22/9/22 V2.3 BC amends following RAP review 7/10/22 V2.4: BC amends with client's comments 10/10/22	
Final document	V3.0: BC amends on DPE comments 15/1/23 V3.1 BC amends 16/1/23 V3.2 BC finalises 17/1/23 V3.3 SR amends and finalises 19/1/23	
Prepared for	Revised by (original document prepared by Umwelt 2018)	
Castlereagh Coal Pty Ltd Invincible Colliery Castlereagh Highway Cullen Bullen NSW, 2790 info@ccoal.com.au	Ben Churcher Principal Archaeologist OzArk Environment & Heritage 145 Wingewarra Street (PO Box 2069) Dubbo NSW 2830 P: 02 6882 0118 ben@ozarkeh.com.au	