



Jack Turner
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Our ref: DOC21/780241-2
Your ref: MP09_0161-Mod-2

Advice provided via the Major Projects Portal

Dear Mr Turner,

Advice on RTS – State Significant Development modifications – Wongawilli Coal Mine – North West Mains Development (MP09_0161-Mod-2)

Thank you for your referral uploaded to the Major Projects Portal on 3 September 2021 inviting comment from Heritage NSW on the Response to Submissions (RTS) for the above state significant development modification.

Heritage NSW has reviewed the following RTS document in our assessment:

- *Wongawilli Colliery Modification 2 - North West Mains Development: Submissions Report*. Prepared by EMM Sydney and dated August 2021;

Response to Submissions

The RTS responded to several issues raised by Heritage NSW by providing a revised Aboriginal Cultural Heritage Assessment Report (ACHAR). We note that no known Aboriginal objects will be impacted by the proposed modification, and that the project area is assessed to contain low archaeological potential. However, concerns regarding impacts to intangible values have been raised during the process of Aboriginal consultation.

Paul Knight of the Illawarra Local Aboriginal Land Council (LALC) provided feedback to Biosis on the additional consultation table on 20 July 2021. We support the request for a stronger emphasis on documenting the intangible heritage within and interrelated with the project area. Please see Attachment 1 below for our comments in relation to the consultation process to date. These comments need to be addressed in a revised ACHAR.

Given the concerns raised by the LALC, we recommend the Aboriginal Cultural Heritage Management Plan needs to address how these intangible values will be managed and protected during the life of the project.

If you have any further questions in relation to this matter, please contact Sarah Robertson Archaeologist, Aboriginal Cultural Heritage Regulation – South, at Heritage NSW on 6229 7088 or email at sarah.robertson@environment.nsw.gov.au.

Yours sincerely

Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
16 September 2021

Attachment 1: Matters remaining to be addressed

Item	Illawarra LALC concerns	Biosis response	Heritage NSW response
Additional assessment and mitigation requirements or opportunities	Paul Knight recommended that baseline recording of sites within the vicinity of the study area be undertaken to ensure that these sites are thoroughly recorded prior to mining. These sites should also be subjected to monitoring during and after mining has ceased to assess impacts. All upland swamps within the study area should also be registered on AHIMS.	<p>A specific buffer was not discussed; however, a buffer of 350 metres is recommended. This would include the following Aboriginal sites:</p> <ul style="list-style-type: none"> • AHIMS 52-2-1766 • AHIMS 52-2-1827 • AHIMS 52-2-1828 • AHIMS 52-2-1829 • AHIMS 52-2-1973 • AHIMS 52-2-1974 • AHIMS 52-2-1976 <p>The upland swamps are not currently listed as being Aboriginal heritage sites. The matter of whether the swamps should be recognised as Aboriginal heritage sites is beyond the scope of this assessment and would require further consultation and determination with all RAP's and NSW Heritage.</p>	<ul style="list-style-type: none"> • Please clarify whether and how these sites will be subject to baseline recording and monitoring. • We acknowledge the complexity of registering the upland swamps with AHIMS given their significance relates to intangible components. However, we support: <ol style="list-style-type: none"> 1. Mapping of the upland swamps within the project area to improve understanding of the intangible values that exist within the project area as well as the broader cultural landscape. 2. Advising whether the upland swamps will be directly or indirectly impacted by the development. Please explicitly address whether the water flow of the swamps will be impacted. 3. Advising whether any story or song lines will be

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			impacted by this modification (this relates to a point in the next row of the table).
Considering and documenting options to address the impact on intangible values	<p>Paul Knight directed Biosis to their response to the Dendrobium Mine Extension Project - Proposed extension to the Dendrobium Coal Mine in relation to the impact on intangible values within the study area. Specifically, “the intangible aspects of our culture which includes the connection between sites and potentially the water flows that determined the locations of sites of occupation and therefore rock shelters and art. Therefore, the potential impact extends beyond the project area and impacts will occur to significant stories or songlines that form part of the identity of Aboriginal people from this land”.</p> <p>The ILALC also reinforced the values of the Burra Charter in highlighting the importance of the following principles: 8. Aboriginal cultural heritage encompasses both tangible and intangible elements. Paul Knight directed Biosis to their response to the Dendrobium Mine Extension Project - Proposed extension to the Dendrobium Coal Mine in relation to the impact on</p>	<p>The discussion of impacts to intangible values centred on the consolidation of oral histories, ethnographic accounts and options for mapping and assessing Aboriginal cultural heritage sensitivity and values. This type of research has not been done for the entire catchment area and would be one option to adequately assess impacts on intangible values. This could build a basis for future research, improve consultation with the local Aboriginal communities, and incorporate Aboriginal values as a foundational consideration in mining projects within the catchment area.</p>	<p>What measures and commitment can be given to future research, improving consultation with the local Aboriginal communities, and incorporating Aboriginal values as a foundational consideration in mining projects within the catchment area?</p>

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	<p>intangible values within the study area. Specifically, “the intangible aspects of our culture which includes the connection between sites and potentially the water flows that determined the locations of sites of occupation and therefore rock shelters and art. Therefore, the potential impact extends beyond the project area and impacts will occur to significant stories or songlines that form part of the identity of Aboriginal people from this land”. The ILALC also reinforced the values of the Burra Charter in highlighting the importance of the following principles: 8. Aboriginal cultural heritage encompasses both tangible and intangible elements. 9. Aboriginal witnesses are the determinants of Aboriginal culture. 10. Cultural values are dynamic, not static and may not be captures at any one time. 11. For Aboriginal people, the significance of individual features is derived from their interrelatedness within the cultural landscape. This means that features cannot be assessed in isolation and that assessments need to consider the feature and its associations in a holistic manner.</p>		
Considering and documenting	Paul Knight stated that environmental values are linked to	Biosis did discuss options such as 3D scanning or photogrammetry of	We recommend this concern regarding whether there will be

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options to manage remediation	cultural values and that there should be long term restoration of values. Paul Knight also raised his concerns that there should be enhanced access to the water catchment area for Aboriginal people.	rock shelter and grinding groove sites as part of the baseline recording. However, no surface impacts are expected and baseline recording and monitoring of sites is recommended.	enhanced access to the water catchment area for Aboriginal people be addressed