

Aboriginal Heritage Management Plan

for the

New Berrima Clay/Shale Quarry

PA08_0212

Approved

Prepared by:



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March 2016

Approved by
the Secretary's nominee, Howard Reed,
on 13 May 2016

Aboriginal Heritage Management Plan

for the

New Berrima Clay/Shale Quarry

PA08_0212

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COMMONLY USED ACRONYMS

ACC	Aboriginal Consultative Committee
ASR	Archaeological Surveys & Reports
AHIMS	Aboriginal Heritage Information Management System
CCC	Community Consultative Committee
EP&A Act	<i>Environmental Planning & Assessment Act 1979</i>
LALC	Local Aboriginal Land Council
NPW Act	<i>National Parks & Wildlife Act 1974</i>
OEH	(NSW) Office of Environment and Heritage
PA	Project Approval
The Plan	The Aboriginal Heritage Management Plan
RAP	Registered Aboriginal Party

KEY FACTS AND FIGURES

Project Areas (approximate)	Quarry Site – 51 ha Extraction Area Stages 1-4 – 5.5 ha Extraction Area Stages 5-7 – 5.0 ha Surplus Overburden Stockpile Area – 1.5 ha Final Landform Area South – 1.4 ha Total Area of Disturbance - 14 ha
Annual Production	Maximum 150 000t per year
Approved Quarry Life	Until 30 June 2045
Capital Investment	Approximately \$1 million
Employment	Approximately four full time equivalent positions
Extraction Equipment	Scraper, bulldozer, haul truck, front-end loader
Extraction Floor	640m AHD
Extraction Stages and Resources	Stages 1 to 4 (southern section of extraction area) Approximately 1.6 million tonnes Stages 5 to 7 (northern section of extraction area) Approximately 2.3 million tonnes
Hours of Operation	Monday to Friday - 7:00am to 5:00pm Saturday - 8:00am to 1:00pm Sundays and Public Holidays – No Operations
Length of Sealing of Quarry Access Road	Approximately 400m (from Berrima Road)
Traffic Volumes (approximate)	Typical day - 0 to 34 truckloads (0 to 68 truck movements) Typical transport campaign day – 17 to 34 truckloads (34 to 68 truck movements) Maximum per day - 68 truckloads (132 truck movements)
Visibility Barrier Dimensions (approximate)	Central Visibility Barrier - approximately 8m to 12m high, 30m to 45m wide, and 420m long (Area =1.5 ha) Northern Visibility Barrier - approximately 8m to 9m high, 35m to 50m wide, and 160m long (Area = 0.7 ha) Southern Visibility Barrier – up to 4m high, up to 20m wide, and up to 350m long (Area = 0.7 ha)

1. INTRODUCTION

This *Aboriginal Heritage Management Plan* (the Plan) has been prepared by R W Corkery & Co Pty Limited on behalf of The Austral Brick Company Pty Ltd (Austral) for the New Berrima Quarry (the Quarry). The Quarry is located approximately 1.5km east of New Berrima in the Southern Highlands of NSW (**Figure 1**).

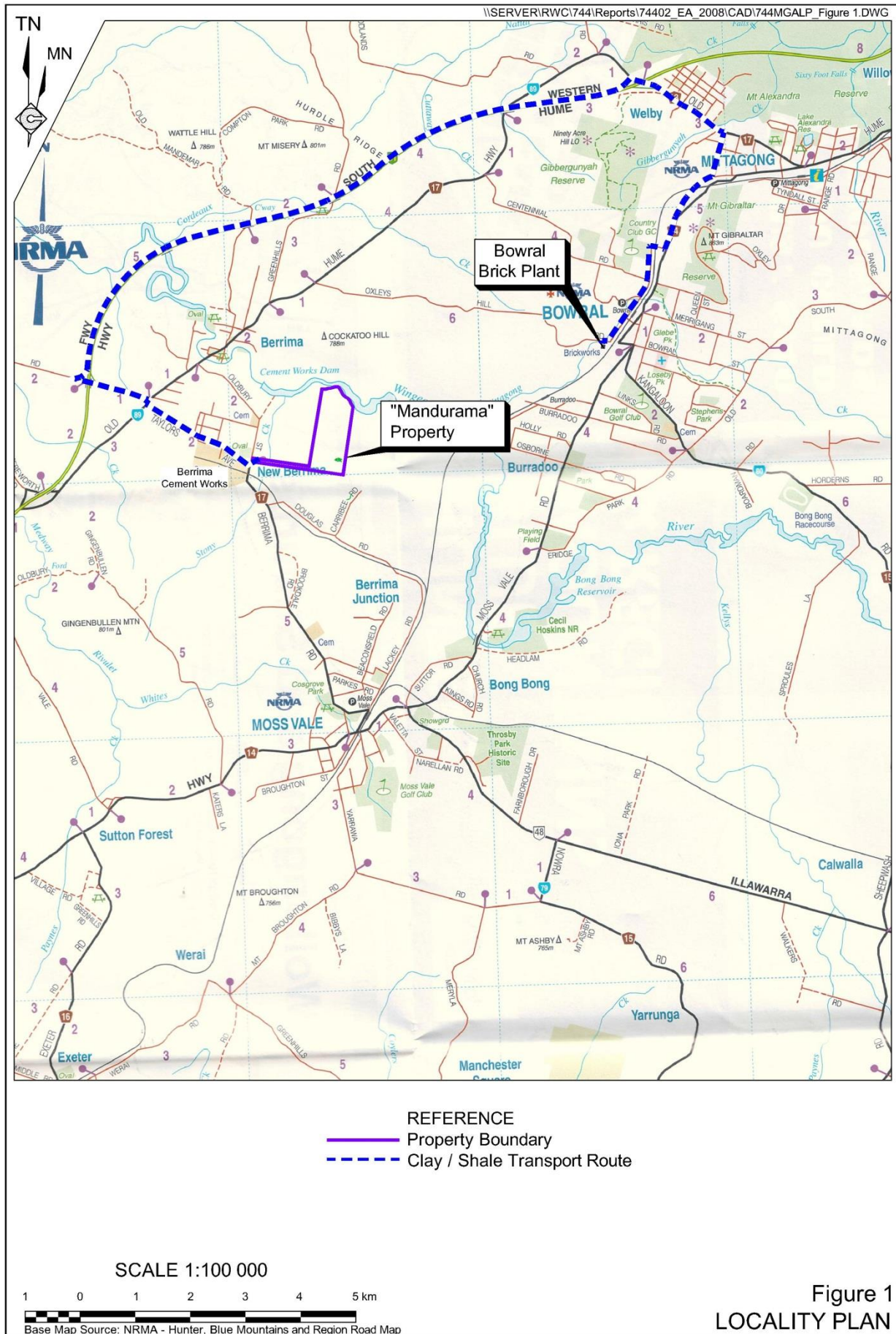
This Plan has been prepared in accordance with *PA Conditions 3(32) and 5(3)* of Project Approval (PA) 08_0212 and follows the NSW Office of Environment and Heritage (OEH) guideline document “*Preparation and Implementation of an Aboriginal Heritage Management Plan, Version 7*” (“ACHMP Guidelines v7”). This plan specifically applies to the 51ha Quarry Site displayed on **Figure 2**.

Specifically, the Plan provides the following.

- Description of the activities approved under PA08_0212.
- Identification of all statutory requirements and other commitments associated with Aboriginal heritage management within the Quarry.
- Identification of the objectives and key performance outcomes for this Plan and the Quarry in relation to Aboriginal heritage management.
- Identification of the key Aboriginal stakeholders relevant to Aboriginal heritage management within the Quarry.
- Description of Quarry personnel roles and responsibilities with respect to Aboriginal heritage management.
- Description of the procedures to be followed to avoid or manage impacts on Aboriginal heritage within the Quarry Site.
- Description of the competence training to be implemented.
- Description of performance management against the objectives and key performance outcomes for this Plan.
- Details of plan evaluation and review requirements.

This Plan forms part of the Quarry’s overall Environmental Management System which includes the preparation and implementation of the following management plans.

- | | |
|---|---------------------------------------|
| • <i>Environmental Management Strategy.</i> | • <i>Air Quality Management Plan.</i> |
| • <i>Landscape Management Plan.</i> | • <i>Water Management Plan.</i> |
| • <i>Transport Management Plan.</i> | • <i>Noise Management Plan.</i> |



2. APPROVED ACTIVITIES

The approved activities at the Quarry (**Figure 2**) comprise the following.

- Construction of visibility barriers to provide visual screening for the quarry operations.
- Establishment of an extraction area to extract clay/shale using standard ripping, pushing and loading techniques.
- Use of an existing Quarry access road and upgrading of two intersections.
- Transportation of up to 150 000t per year of quarry products via Berrima Road using articulated and rigid trucks not exceeding 19m in length.

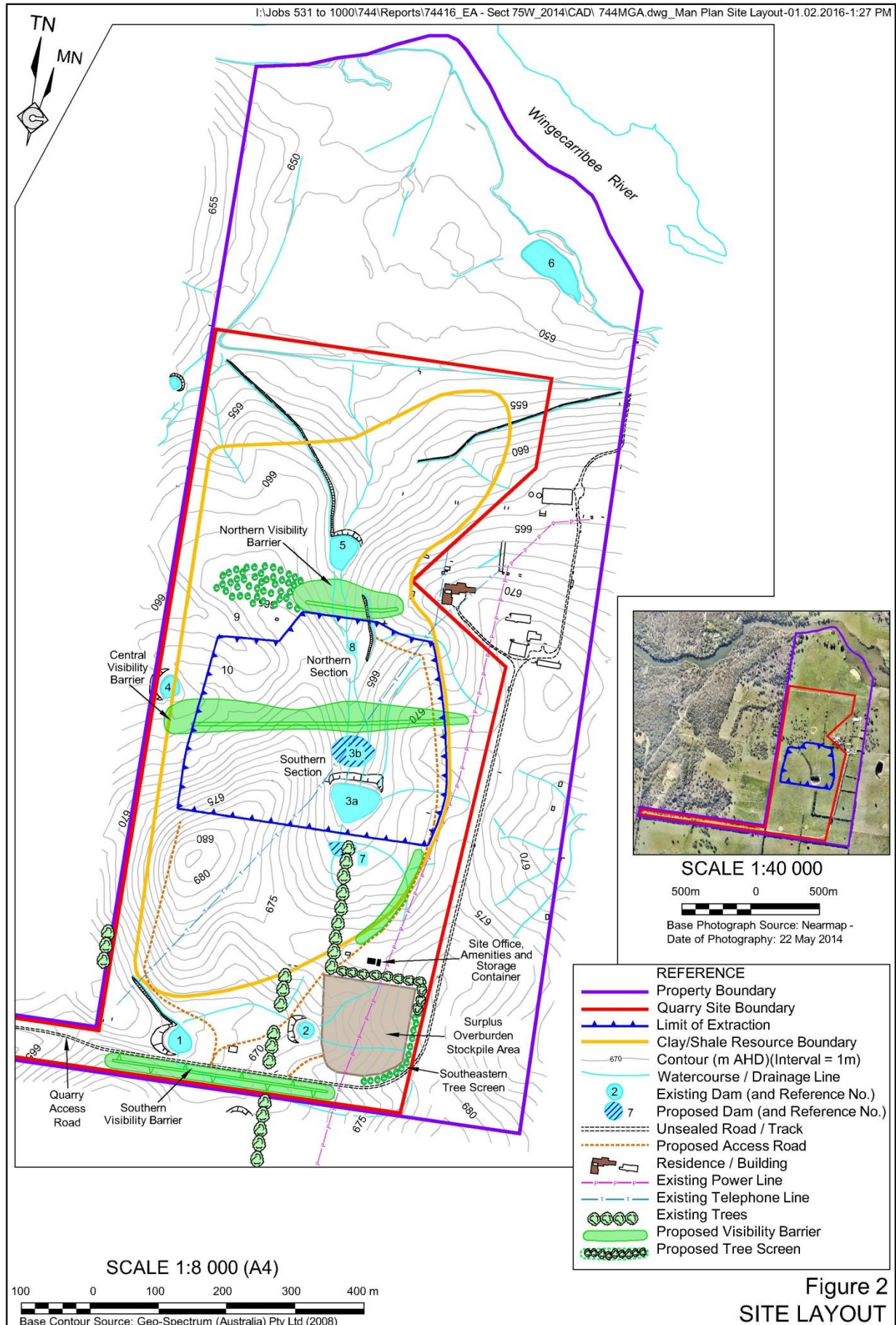
The relevant limitations upon the approved activities nominated in Conditions within PA 08_0212 are as follows.

- “The Proponent shall not carry out any development in the extraction area below a level of 640m AHD” *PA Condition 2(6)*.
- “The Proponent shall not extract more than 150 000 tonnes of extractive materials from the site in any calendar year” *PA Condition 2(7)*.
- “The Proponent shall not transport more than:
 - a) 150,000 tonnes of product from the site in any calendar year;
 - b) 68 laden trucks from the site in a day; and
 - c) 8 laden trucks from the site in an hour.

The approved quarry life is until 30 June 2045 and the approved hours of operation are outlined in **Table 1**.

Table 1
Hours of Operation

Day	Extraction Operations	Clay/Shale Transportation
Monday – Friday	7:00am to 5:00pm	7:00am to 4:00pm
Saturday	8:00am to 1:00pm	8:00am to 1:00pm
Sundays and Public Holidays	None	None



3. CONSULTATION

3.1 GOVERNMENT AGENCY CONSULTATION

The following government agency consultation was undertaken during the preparation of this Plan.

- An email was sent to OEH on 21 October 2015 to request any requirements for this Plan. OEH responded on 5 November 2015, requesting that OEH be provided with a draft of this Plan for comment.
- OEH was emailed a draft copy of this Plan on 8 February 2016 with a request to provide feedback by 22 February 2016. Feedback was received from OEH on 23 February 2016. Each of the issues raised by OEH has been appropriately addressed in the relevant subsection of the Plan.

3.2 ABORIGINAL COMMUNITY CONSULTATION

Original field survey and community engagement was undertaken by Mr John Appleton of Archaeological Surveys & Reports in 2008. At that time, Mr Appleton completed a survey of the areas to be disturbed with a representative of Illawarra Local Aboriginal Land Council (LALC).

Consultation with the Wodi Wodi Elders Corporation and Korewal Elouera, Jerrungurugh was also undertaken, however, both groups either declined, or were unable to participate in the survey.

Table 2
Registered Aboriginal Parties

Organisation	Contact Address
Illawarra Local Aboriginal Land Council	3 Ellen Street WOLLONGONG NSW 2500
Wodi Wodi Elders Corporation	9 O'Donnell Avenue FIGTREE NSW 2525
Korewal Elouera, Jerrungurugh	86 Hartford Street BERKELEY NSW 2506

A draft copy of this Plan was forwarded to each of the three registered Aboriginal parties on 8 February 2016 with a request to review the Plan and provide feedback by 22 February 2016. The document forwarded to the Illawarra Local Aboriginal Land Council was returned “Return to Sender” whilst there was no feedback from the other two groups.

In the event an Aboriginal object or site is located during the life of the Quarry Austral would notify the Aboriginal community in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010). This consultation would include contact with the above organisations (see Section 9.4 for details).

3.3 COMMUNITY CONSULTATION

Austral will maintain contact with the community through the required Community Consultative Committee (CCC). This committee will be established prior to the commencement of site activities. The CCC will meet at intervals considered appropriate by the committee.

4. LEGAL AND OTHER REQUIREMENTS

4.1 INTRODUCTION

Aboriginal heritage management must comply with the statutory requirements and other commitments of:

- the *National Parks & Wildlife Act 1974* (refer to Section 4.2);
- the approval under the *Environmental Planning & Assessment Act 1979* (refer to Section 4.3); and
- commitments made during the environmental assessment and determination process.

The following sub-sections identify those requirements and where each is addressed in the Plan.

4.2 NATIONAL PARKS AND WILDLIFE ACT 1974

The *National Parks and Wildlife Act 1974* (NPW Act), administered by the OEHL, is the primary legislation for the protection of Aboriginal heritage in NSW. One of the objectives of the NPW Act is:

“the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: (i) places, objects and features of significance to Aboriginal people ...” (s.2A(1)(b))

Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to harm them. Under Section 86 of the NPW Act, offences with respect to the harming or desecrating Aboriginal objects and Aboriginal places are identified without a relevant permit. Specifically:

- a person must not harm or desecrate an object that the person knows is an Aboriginal object;
- a person must not harm an Aboriginal object; or
- a person must not harm or desecrate an Aboriginal place.

Penalties of up to \$1 100 000 and/or two years imprisonment can apply for offences under Part 6.

Section 75U of the *Environment Planning and Assessment Act 1979*, however, identifies that a permit for such disturbance is not required for projects to which the now repealed Part 3A of the Act applies. This includes the New Berrima Quarry.

Section 87(2) of the NPW Act provides for further defence against prosecution if due diligence in determining whether activities would harm an Aboriginal object can be demonstrated (and it has been reasonably determined that no Aboriginal object would be harmed). In order to ensure

compliance with this requirement this document, and the resulting management measures, have been prepared in accordance with the requirements of the ACHMP Guidelines v7. **Table 3** presents the checklist included in those guidelines and where each requirement has been addressed in this document. It is noted that each requirement has been addressed to the extent necessary, particularly given the absence of recorded or identified Aboriginal sites, objects or places within the Quarry Site.

Table 3
ACHMP Guideline Requirements

Page 1 of 2

Requirement	Section
1. Project Outline: Defines and describes the Part 3A Project to which the ACHMP is to apply	
1.1 Provide clear information about the nature, design and expected life of the Project as well as its location and extent.	Key Facts and Figures table, Figure 2, Section 2
1.2 Provide suitably detailed maps of the area covered by the ACHMP with relevant information on Aboriginal heritage highlighted.	Figure 2
2. Purpose and Scope: Briefly outlines the purpose and scope of the ACHMP	
2.1 Outline the key factors that the ACHMP has been formulated to address such as:	
• consent conditions, legislative requirements; protection of Aboriginal heritage resources within the Project Area;	Section 4
• avoidance, mitigation and management of likely development impacts including salvage;	Section 9
• the purpose and maintenance of consultation with relevant Aboriginal community stakeholders.	Section 3.2
2.2 Indicate whether the Plan is to apply to all or only a portion of the Project Area and/or whether it is to apply to one or more stages of a multi-stage development.	Section 1
2.3 Indicate clear time frames for both the duration and periodic review of the ACHMP.	Section 14
3. Summary of Aboriginal Heritage Resources and expected Project Impacts:	
3.1 Provide summary details of the known and predicted Aboriginal heritage resource within the Project Area as identified in the Aboriginal heritage survey and assessment report. For Project Areas where numerous items of Aboriginal heritage are identified it is recommended that this description is supported by the inclusion of a tabulated record of all known sites.	Section 8
3.2. Provide a description/listing of any recommended strategy for the avoidance and/or mitigation of impacts for each known Aboriginal object/site within the Project area (Refer to Sections 6 & 7) including Aboriginal Heritage Information Management System site for all sites	Section 9.3
4. Aboriginal Community Consultation	
4.1 The plan should ensure ongoing consultation with and involvement of the Aboriginal community in all facets of Aboriginal heritage addressed within the ACHMP. This could potentially include (but is not limited to) protocols for:	Section 3.2
• Establishment of an Aboriginal consultative committee including its form, function, operation and reporting requirements	
• Roles and responsibility for all parties	
• Aboriginal access to sites for community education purposes;	
• Aboriginal involvement in site protection measures such as fencing	
• Aboriginal monitoring of ground disturbing works in culturally sensitive areas;	
• Aboriginal participation in salvage works	
• Their role in care and control of salvaged objects	
• A process to address any conflicts that cannot be resolved between the parties, e.g. Dispute resolution protocols	
• Communication protocols	
• Variation Cause e.g. A process on how and why the ACHMP can be changed	

Table 3 (Cont'd)
ACHMP Guideline Requirements

Page 2 of 2

Requirement	Section
5. Operational and Training Protocols	
5.1 Outline the obligations and/or requirements of all employees, contractors, sub-contractors and visitors with respect to the protection of Aboriginal heritage within the Project Area. Ensure responsibilities are assigned to communicate these obligations to individuals involved.	Sections 6 & 7
5.2 Consider Aboriginal heritage awareness training for all employees, contractors, sub-contractor and visitors as part of work-place induction procedures.	Section 7
5.3 Outline the protocols for operation of the ACHMP and clearly indicate the roles and responsibilities of particular staff in relation to the timing and implementation of all protocols.	Section 6
5.4 Outline the key criteria by which effective compliance and performance review of the ACHMP will be measured.	Section 10
6. On-ground Aboriginal site protection measures	
6.1 Where actions are required as part of an agreed avoidance or site impact mitigation strategy then the ACHMP should outline details such as the appropriate processes and protocols e.g. Clearance checklist for actioning each activity and the responsibilities and accountabilities of all staff in relation to the implementation and maintenance of each measure	Section 9.3
7. Salvage/test excavation	
7.1 Where salvage of objects or test excavation of probable sites is proposed as a mitigation strategy the ACHMP should specify and include plans appropriate for each site to be so managed.	N/A
8. Statutory Reporting Requirements	
8.1 Outline the procedures for all statutory reporting of Aboriginal heritage within the project area. This should include: <ul style="list-style-type: none"> The procedure for the notification to OEH of Aboriginal objects revealed through any ground disturbing or survey works associated with the on-going operation of the Project as per Section 91 of the NP&W Act. This should include: <ul style="list-style-type: none"> A description of the process that will be followed when a new site is located and how the ACHMP will be amended to include it. Information about and access to OEH Aboriginal site recording forms; and training of relevant staff. This should include provision of a copy of a NPWS site recording form, an explanation of the legal requirement under the NPW Act to record new sites, and a description of the process which will be followed when a new site is located and how the ACHMP will be amended to include it. Identification of the procedure to be adopted in the event that human skeletal remains are found within the project area; including 'stop work' protocols, notification procedures and guidance on site access restrictions. Identification of procedures to be adopted in the event of protection, salvage and/or site destruction to ensure OEH receives updated information relating to all sites within the Project Area. Identification of the roles and responsibilities of all staff with respect to notification and reporting of Aboriginal heritage matters. 	Section 9.5 Sections 9.5 & 1.4 Sections 6 & 7 Section 9.5 Section 9.5 Section 6
9. Performance Monitoring and Review	
9.1 Include a schedule for periodic reviews of the ACHMP and develop appropriate reporting mechanisms (e.g. pro forma) for these reviews. <i>The reviews may be incorporated into broader environmental reporting documents</i>	Section 14
9.2 Include provisions for monitoring and/or review of the key performance criteria outlined in the ACHMP.	Section 10
10. Definitions and/or glossary of terms:	
10.1 Include a list of definitions of key terms and, if used, include an explanatory list for all abbreviations	List of Abbreviations and Terms

4.3 PROJECT APPROVAL 08_0212

Austral was granted PA 08_0212 by the Director-General of Planning and Infrastructure on 7 July 2012 pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). PA 08_0212 includes conditional requirements that Austral needs to comply with respect to Aboriginal cultural heritage. **Table 4** presents the relevant Aboriginal heritage management-related conditions contained within PA 08_0212 and the section(s) within this Plan where each has been addressed.

Table 4
Aboriginal Heritage-related Project Approval Requirements

Page 1 of 2

Condition No.	Condition	Section where addressed
ABORIGINAL HERITAGE		
3(32)	The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:	
	a) be prepared in consultation with OEH and the relevant Local Aboriginal Land Council;	Section 3.2
	b) be submitted to the Secretary for approval prior to any ground disturbance; and	
	c) include a:	
	- protocol for the engagement of an Aboriginal Site Officer for any necessary ground disturbance monitoring;	Section 9.3
	- program for the recording, notifying, salvage and surface collection of any Aboriginal objects/sites that may be encountered within the project area;	Section 9.4
5(3)	- description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project; and	Section 9.4
	- protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites.	Section 3.2
	The Proponent shall ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include:	
	a) detailed baseline data;	Section 8
	b) a description of:	
	- the relevant statutory requirements (including any relevant approval, licence or lease conditions);	Section 4
	- any relevant limits or performance measures/criteria; and	Section 4
	- 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;	Section 10
	c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;	Section 9

Table 4 (Cont'd)
Aboriginal Heritage-related Project Approval Requirements

Page 2 of 2

Condition No.	Condition	Section where addressed
5(3) (Cont'd)	d) a program to monitor and report on the: - impacts and environmental performance of the project; and - effectiveness of any management measures (see (c) above);	Sections 10 & 13
	e) a contingency plan to manage any unpredicted impacts and their consequences;	Sections 9.4 & 12
	f) a program to investigate and implement ways to improve the environmental performance of the project over time;	Section 10
	g) a protocol for managing and reporting any: - incidents; - complaints; - non-compliances with statutory requirements; and - exceedances of the impact assessment criteria and/or performance criteria; and	Sections 10-13
	h) a protocol for periodic review of the plan. <i>Note: The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i>	Section 14

4.3.1 Project Approval Commitments

Table 5 presents the relevant Aboriginal heritage management-related commitments made by Austral in PA 08_0212 and where each is addressed in this document.

Table 5
Aboriginal Heritage Management-related Commitments

Commitment	Section where addressed
10.1 Instruct employees, earthmoving contractors, subcontractors, machine operators and their representatives, whether working in the survey area or elsewhere, that in the event of any bone or stone artefacts, or discrete distributions of shell, or any objects of cultural association, being unearthed during earthmoving, work would cease immediately in the area of the find.	Section 7
10.2 Immediately report the find to the Office of Environment and Heritage (OEH) and the relevant Local Aboriginal Land Council.	Sections 9.4 & 12
10.3 In the event that any bone cannot be clearly identified by a qualified archaeologist as being of animal remains, inform the police of its discovery, inform OEH, and officials and/or their representatives of the Illawarra Local Aboriginal Land Council, Wodi Wodi Elders Corporation, and Korewal Elouera, Jerrungurugh.	Section 9.4
10.4 Do not recommence work in the area of the find, until both the police (if unidentified bone has been found) and those officials or representatives have given their permission to do so.	Section 9.4

5. OBJECTIVES AND PERFORMANCE OUTCOMES

Table 6 presents the objectives and key performance outcomes for this Plan and the Quarry.

Table 6
Objectives and Key Performance Outcomes

Objectives	Key Performance Outcomes
(a) To ensure compliance with Part 6 of the NPW Act, namely to avoid harm to Aboriginal objects or sites.	(i) Demonstrate due diligence in efforts to identify Aboriginal sites or objects.
(b) To ensure compliance with all relevant project approval conditions, commitments and reasonable community expectations.	(ii) Compliance with all relevant criteria and reasonable community expectations, as determined in consultation with the relevant government agencies.
(c) To engage relevant local Aboriginal stakeholders in Aboriginal heritage management of the Quarry when Aboriginal objects and sites are located.	(iii) Identify Registered Aboriginal Parties in accordance with the OEH guideline document “ <i>Aboriginal Heritage Consultation Requirements for Proponents</i> ” (see Section 9.4).
(d) To implement appropriate management measures during all stages of the Quarry.	(iv) All nominated management measures, including limits on disturbance, monitoring and stop work procedures, are implemented.
(e) To implement competence training and awareness in relation to cultural heritage management.	(v) Record of competence training undertaken for all personnel.
(f) To implement an appropriate complaints handling and response protocol	(vi) Complaints (if any) handled and responded to in an appropriate manner.
(g) To implement appropriate corrective and preventative actions, if required.	(vii) Corrective and preventative actions implemented, if required
(h) To implement an appropriate incident reporting program, if required.	(viii) Incidents (if any) reported in an appropriate manner.

6. ROLES AND RESPONSIBILITIES

Table 7 presents the roles and responsibilities for the implementation of the Plan.

Table 7
Roles and Responsibilities

Role	Responsibilities
NSW Manufacturing Manager	<ul style="list-style-type: none"> Must ensure adequate resources are available to enable implementation of the Plan.
Quarry Manager/Supervisor	<ul style="list-style-type: none"> Ensure all areas of disturbance are marked on-ground and that appropriate monitoring is undertaken prior to and during initial soil stripping operations. Ensure the management measures nominated to protect and conserve any identified Aboriginal heritage are implemented (see Section 8). Evaluate compliance against the relevant conditions of PA 08_0212, on an annual basis. Ensure limits on areas of disturbance are understood and operations are undertaken in accordance with instructions. Notify the NSW Manufacturing Manager in the event that an Aboriginal object is uncovered (or an object which could be of Aboriginal origin is uncovered).
Environmental Officer	<p>Accountable for the overall performance of the Quarry, including the following outcomes of this Plan.</p> <ul style="list-style-type: none"> Design and provide competence training to the workforce and promote awareness of statutory responsibilities and penalties relevant under the NPW Act and EP&A Act (see Section 7). Report any incidents relevant to Aboriginal heritage in accordance with Section 12 of this Plan. Respond to complaints in accordance with Austral Complaints Handling Procedure.
All Personnel	<p>Follow direction provided by the Quarry Manager/Supervisor.</p> <p>Complete competence training provided by Austral.</p>

7. COMPETENCE TRAINING AND AWARENESS

All Austral personnel and contractors and their employees will undergo Company and site-specific inductions, incorporating basic information in relation to the operation of this Plan as a component of the site induction program. The following areas will be covered in the induction.

- Obligations and penalties relevant to Section 86 of the NPW Act.
- Procedures and protocols to be enforced with reference to Aboriginal heritage management, e.g. enforcement of limits on disturbance in the event an Aboriginal object or site is found within the Quarry Site.

In addition to the site induction, this information will be reviewed periodically in the form of a tool box meeting module.

The Quarry Manager will be responsible for ensuring the appropriate training is included in the induction.

8. EXISTING ABORIGINAL HERITAGE

The field survey and community engagement for the New Berrima Clay/Shale Quarry was undertaken by Mr John Appleton of Archaeological Surveys & Reports (ASR) in 2008. At that time, Mr Appleton completed a survey of the areas to be disturbed with a representative of Illawarra LALC.

The Aboriginal heritage survey and assessment prepared to support the application for PA 08_0212, completed by ASR (2010), did not identify any Aboriginal objects or sites within the Quarry Site. Hence, there are currently no restrictions or constraints applicable to the Quarry in relation to Aboriginal heritage management.

An Aboriginal Heritage Information Management System (AHIMS) search conducted on 15 October 2015 confirmed no further Aboriginal sites or places have been recorded within or in close proximity to the Quarry Site.

Two registered Aboriginal sites were noted by ASR (2010) as being recorded in the immediate vicinity of the Quarry Site, namely axe grinding grooves in Stony Creek to the north of the Quarry access road. The exact locations of these sites are uncertain due to inconsistencies in the map referencing of the sites, but were provenanced to locations at the confluence of Stony Creek with a tributary north of the Quarry access road from the descriptions given on the Site Recording Forms and were determined as not being located within any areas of disturbance resulting from Quarry operations.

9. MANAGEMENT MEASURES

9.1 LIMITS ON DISTURBANCE

All Quarry activities will be undertaken in accordance with the approved quarry plans (as per PA 08_0212 Mod. 1).

Prior to the commencement of any ground disturbing activities, the areas to be disturbed will be identified by the Quarry Supervisor. The limits of disturbance during each campaign will be clearly identified on quarry plans and by on-ground marking (e.g. survey pegs, flagging tape or painted markers, etc.).

The Quarry Manager will keep up to date records of disturbed areas and regularly review to confirm limits are adhered to.

9.2 EROSION AND SEDIMENT CONTROL

Any unidentified Aboriginal sites potentially located adjacent the Quarry may be affected by erosion or sedimentation caused by the discharge of water from the Quarry. An Erosion and Sediment Control Plan has been developed for the Quarry and will be enforced to control the flow of water on and from the Quarry to minimise the possibility of erosion and sedimentation related damage to Aboriginal heritage outside the Quarry boundary.

9.3 SITE DISTURBANCE MONITORING

For each ground disturbance campaign, a site monitor from the Illawarra Local Aboriginal Land Council will be commissioned to inspect the areas to be disturbed and during initial stripping operations.

The protocol for the site monitoring will involve the following.

- The site monitor will be provided with at least seven days' notice of the intention to commence ground disturbance to allow sufficient time for a site monitor to be arranged.
- If attendance by a site monitor is confirmed, no work will commence until the site monitor has arrived and inspected the area to be disturbed.
- If prior to or during the course of ground disturbance works an Aboriginal site or object is identified, stop work procedures in the location of the find will be implemented (see Section 9.4).

9.4 STOP WORK PROCEDURES

Austral is aware of its obligations under the NPW Act and should any Aboriginal object or human remains be uncovered during extraction-related activities, the following procedures would be implemented, i.e. in accordance with the requirements of the Aboriginal Heritage Consultation Requirements for Proponents (DECCW 2010).

1. Stop work in the vicinity of the find.
2. Secure the location so that there is no further impact.
3. Notify OEH by calling Enviroline on 131 555.
4. Notify the Aboriginal community in accordance with the consultation protocol.
5. A qualified archaeologist would be engaged to assess the find. Management strategies would be developed that aim to conserve sites in the first instance and mitigate impact if conservation outcomes cannot be achieved. If considered appropriate, this would involve additional community consultation and/or archaeological investigation.
6. The Aboriginal objects would be recorded on the Aboriginal Heritage Information Management System (AHIMS) database in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Any new site cards, site impact cards and archaeological reports would be submitted to AHIMS.
7. Management of the Aboriginal object(s) would be discussed with the Aboriginal community and OEH. This would include determining long-term management strategies for the identified Aboriginal objects, including, but not be limited to, reburial under Requirement 26 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010) or application to OEH for the Transfer of Aboriginal Objects under section 85A of the *National Parks and Wildlife Act 1974*.

If human skeletal remains are located the following steps would be followed:

1. Immediately stop work in the vicinity of the human remains.
2. No further disturbance would occur in the visibility of the remains and the remains would not be disturbed.
3. Notify NSW Police
4. Notify OEHL if the human remains are suspected to be Aboriginal ancestral remains by calling Enviroline on 131 555.
5. Notify the Aboriginal community in accordance with the consultation protocol.
6. Activities would not recommence in the vicinity of the remains until you have received written advice from OEHL that work may proceed.

It is noted that the implementation of stop work procedures will be discrete to the affected area of the Quarry. The affected area would be defined by a qualified archaeologist who in turn would assist to establish how the identified objects or remains should be managed. That is, the implementation of stop work procedures in one area of the Quarry will not preclude continued development and operation in other areas of the Quarry.

In the event an unanticipated find is identified OEHL has requested that Austral in turn justify to DPE why the object/site should be impacted. This justification would be assembled by a qualified archaeological following consultation with the Aboriginal community.

10. EVALUATION OF COMPLIANCE

Austral will undertake an evaluation of compliance of the conditional requirements in Project Approval PA 08_0212 on an annual basis and record the results of the evaluation within each *Annual Review*. The evaluation will record:

- i) the extent of any site monitoring undertaken and details of any identified Aboriginal objects uncovered and implementation of stop work procedures; and
- ii) the effectiveness in managing Aboriginal cultural heritage values on the Quarry Site.

11. COMPLAINTS HANDLING AND RESPONSE

The Environmental Management Strategy for the Quarry (prepared in accordance with *PA Condition 5(1)*) includes a detailed complaints management procedure. The implementation of this procedure following receipt of a complaint related to Aboriginal heritage management is summarised as follows.

Complaints may be received either via one of the following methods.

- Directly via the 24-hour, 7 day per week Community Information Line (1800 635 620) or via the Bowral Brick Plant phone line 4861 3031). This number will be displayed on a sign at the Quarry entrance and on Austral's web site.
- Directly via a dedicated email address nswenvironmental@australbricks.com.au which will be advertised in a similar manner to the Community Information Line.
- Indirectly via a local or state government agency.

Following receipt of any complaint, Austral will implement the following procedure.

1. The complaint will be reviewed by the Quarry Manager or their delegate to determine the nature of the complaint and whether it has been substantiated.
2. The Quarry Manager will contact the complainant to further discuss the matter and consider options for addressing the issue.
3. Based on the nature of the complaint, the Quarry Manager and/or Quarry Supervisor will develop a response.
4. The response will be implemented and the complainant informed.

All complaints would be recorded using a proforma complaints record sheet and summarised in the relevant *Annual Review*.

12. INCIDENT REPORTING

An incident with respect to Aboriginal heritage management refers to the uncovering and/or disturbance of a currently unidentified Aboriginal object or site. Any incident will be reported to OEHL within 24 hours of identifying the incident. The procedures to be followed in the event of an unanticipated find are set out in Section 9.4, i.e. through the adoption of Stop Work Procedures.

13. PUBLICATION OF MONITORING INFORMATION

Any information relating to Aboriginal cultural heritage that arises will be included in the relevant *Annual Review* which will be made available on the Austral website once approved by the Department of Planning and Environment.

14. PLAN REVIEW

In accordance with *PA Condition 5(4)*, this Plan will be reviewed and, if required, revised within 3 months of:

- the submission of an annual review under *PA Condition 5(4)*;
- the submission of an incident report under *PA Condition 5(7)*;
- the submission of an audit report under *PA Condition 5(9)*; and
- any modification to the conditions of PA 08_0212.

Austral's review of the plan would assess whether the Plan is effectively managing Aboriginal cultural heritage values.

This plan will also be reviewed and updated should any item of Aboriginal significance be discovered at the Quarry.

The Quarry Manager will be responsible for the review of this Plan.