

# **Aboriginal Heritage Management Plan**

for the

## **New Berrima Clay/Shale Quarry**

PA08\_0212

*Prepared by:*



**R.W. CORKERY & CO. PTY. LIMITED**

November 2018

**Approved by**  
the Secretary's nominee, Jessie Evans,  
on 9 November 2018

# Aboriginal Heritage Management Plan

for the

## New Berrima Clay/Shale Quarry

PA08\_0212

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## **COMMONLY USED ACRONYMS AND TERMS**

“Aboriginal Object”	Has the same meaning as that provided in Paragraph 5 of the NPW Act.
“Aboriginal Site”	Means areas exhibiting one or more attributes of Aboriginal Cultural Heritage.
AHIMS	Aboriginal Heritage Information Management System
AHMP	Aboriginal Heritage Management Plan
ASR	Archaeological Surveys & Reports
DPE	Department of Planning and Environment
EP&A Act	<i>Environmental Planning &amp; Assessment Act 1979</i>
“Find”	Means an Aboriginal Object as defined in Paragraph 5 of the NPW Act.
“Human Remains”	Do not include: <ul style="list-style-type: none"><li>a) human remains buried under the authority of a law of the Commonwealth or any State or Territory; or</li><li>b) human remains in or from a place recognized as a burial ground for internment of remains as referred to in paragraph (a).</li></ul>
LALC	Local Aboriginal Land Council
NPW Act	<i>National Parks &amp; Wildlife Act 1974</i>
OEHS	(NSW) Office of Environment and Heritage
PA	Project Approval
RAP	Registered Aboriginal Party

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## 1. INTRODUCTION

This *Aboriginal Heritage Management Plan* (the AHMP) has been prepared by R W Corkery & Co Pty Limited on behalf of The Austral Brick Company Pty Limited (Austral) for the New Berrima Clay/Shale Quarry (the Quarry). The Quarry is located within the “Mandurama” property approximately 1.5km east of New Berrima in the Southern Highlands of NSW (**Figure 1**). For the purposes of this document, the area of the approved Quarry is referred to as “the Quarry Site”.

This AHMP represents the second revision of the AHMP and has been prepared in accordance with Project Approval (PA) 08\_0212 *PA Conditions 3(32) and 5(3)*<sup>1</sup> 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 AHMP specifically applies to the 51ha Quarry Site displayed on **Figure 2**. Section 4 provides further details on the specific requirements of these conditions and guidelines and where they are addressed in this AHMP.

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

- *Environmental Management Strategy.*
- *Air Quality Management Plan.*
- *Landscape Management Plan.*
- *Water Management Plan.*
- *Transport Management Plan.*
- *Noise Management Plan.*

## 2. APPROVED ACTIVITIES

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

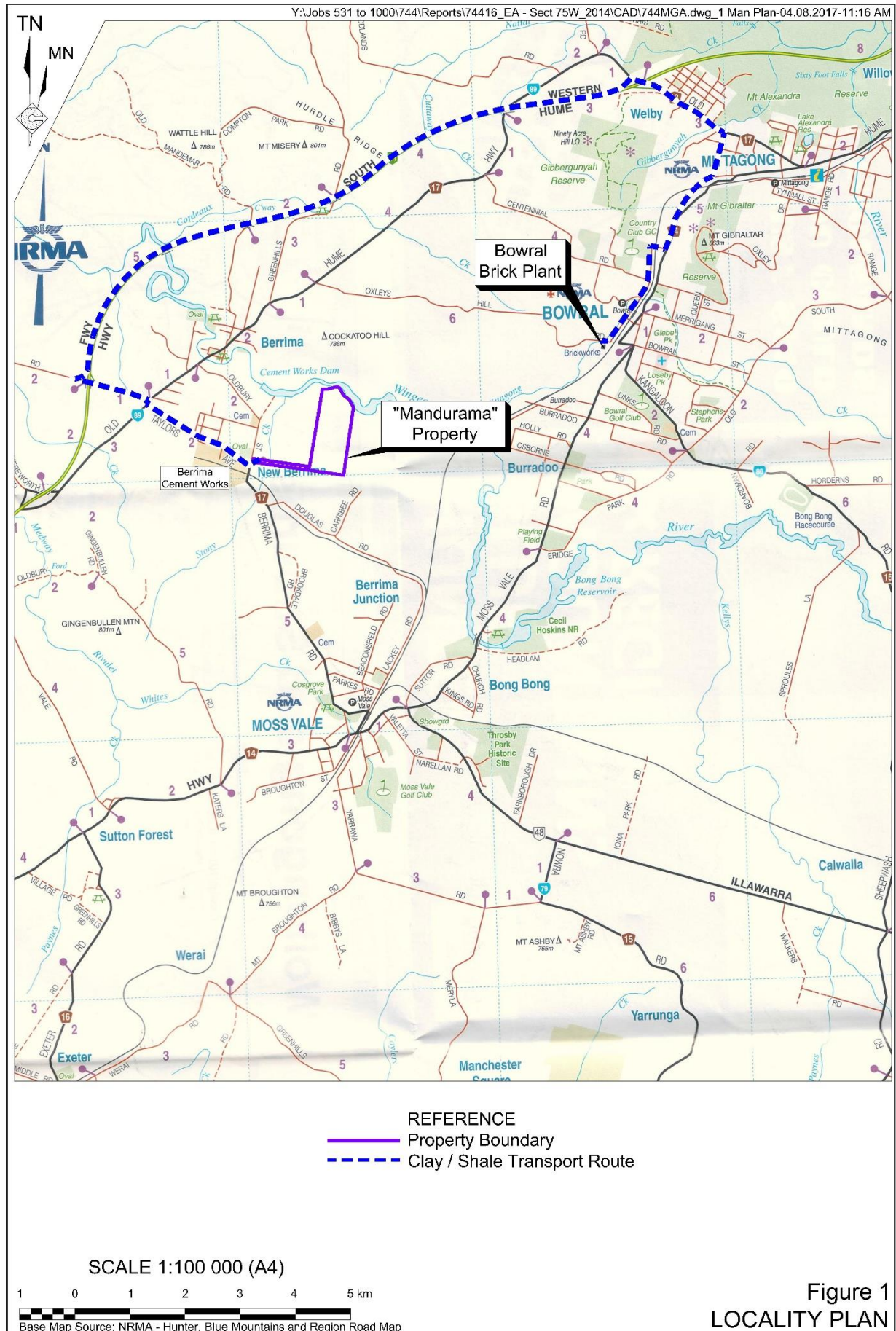
- Construction of visibility barriers to provide visual screening for the quarry operations.
- Extraction and stockpiling of clay/shale from the extraction area using standard ripping, pushing and loading techniques.
- Transportation of up to 150 000t per year of quarry products via Berrima Road using 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.

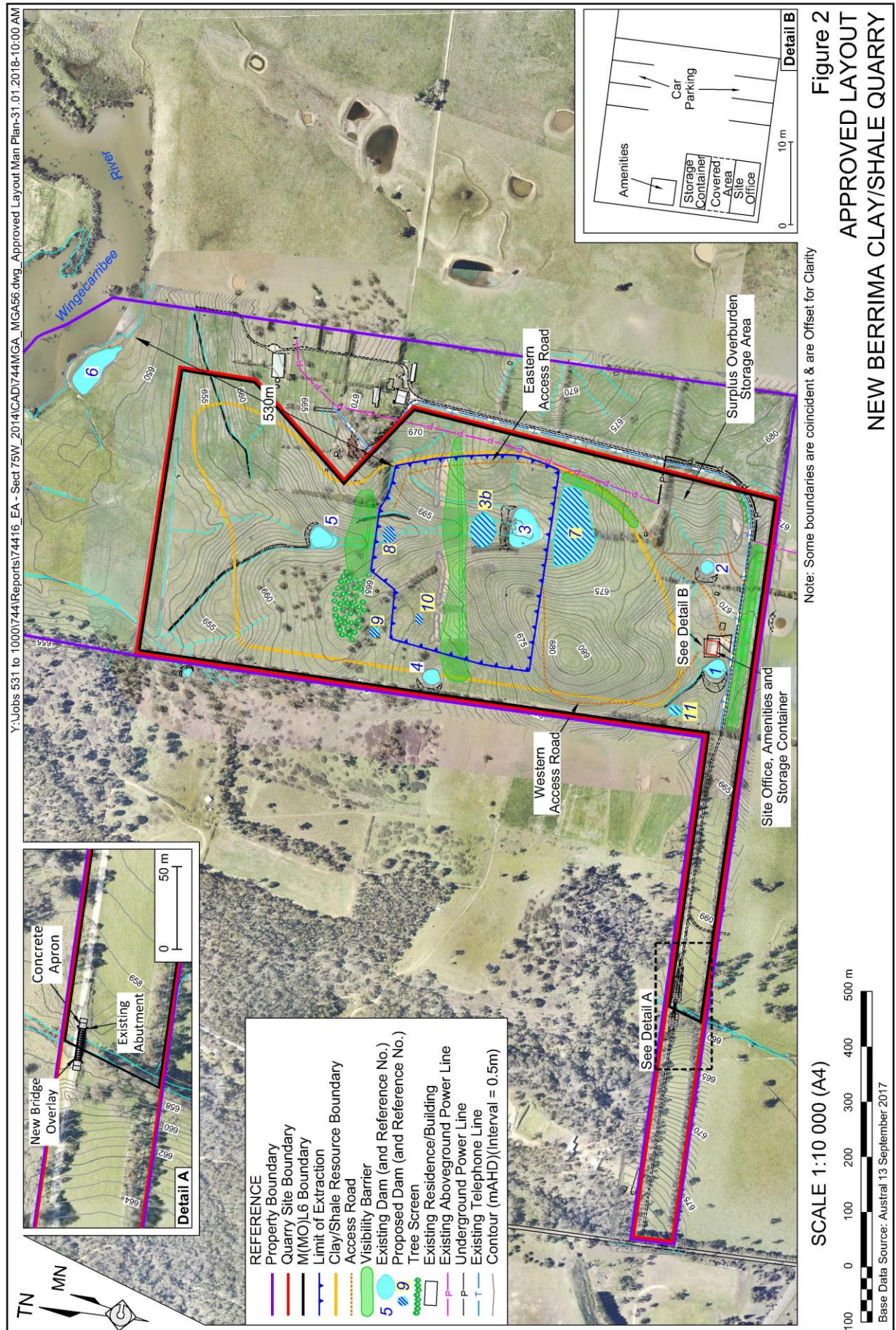
- “The Proponent must not carry out any development in the extraction area below a level of 640m AHD” *PA Condition 2(6)*.
- “The Proponent must not extract more than 150 000 tonnes of extractive materials from the site in any calendar year” *PA Condition 2(7)*.

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<sup>1</sup> All conditions in Project Approval 08\_0212 are referenced as the schedule number followed by the condition number in brackets, e.g. *PA Condition 3(32)*.







- “The Proponent must 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 31 December 2045 and the approved hours of operation are outlined in **Table 1**.

**Table 1**  
**Hours of Operation**

Day	Construction & 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 AHMP.

- An email was sent to OEH on 21 October 2015 to request any requirements for the AHMP. OEH responded on 5 November 2015, requesting that OEH be provided with a draft of the AHMP for comment.
- OEH was emailed a draft copy of the AHMP 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 AHMP.
- OEH was emailed a draft copy of the updated AHMP (Revision 2) on 26 September 2017 with a request to provide feedback with feedback received on 31 October 2017. Each of the issues raised by OEH has been appropriately addressed in the relevant subsections of the updated and approved AHMP (Revision 2.2).

#### 3.2 ABORIGINAL COMMUNITY CONSULTATION

Original field survey and community engagement was undertaken by Mr John Appleton of Archaeological Surveys & Reports in 2008. As a result of this community engagement, three Aboriginal parties were identified (see **Table 2**).



**Table 2**  
**Registered Aboriginal Parties**

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

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, Jerrungarugh was also undertaken, however, both groups either declined, or were unable to participate in the survey.

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

Further survey work was undertaken by Mr Alexander Beben of Biosis on 28 March 2017 as part of the modification application for PA 08\_0212 which included replacement of the bridge crossing over Stony Creek and installation of underground power. Further survey of the bridge crossing and areas of soil stripped as part of physical commencement activities was also undertaken on 6 June 2017 by Mr Alexander Beben and a representative from the Illawarra LALC.

As a result of that survey, an isolated stone artefact (New Berrima IS01) was identified as requiring salvage and reburial. Consultation was undertaken with the Illawarra LALC, Wodi Wodi Elders Corporation and Korewal Elouera, Jerrungarugh in relation to the artefact and suitable reburial location. On 13 July 2017, the isolated stone artefact was recovered by Mr Alexander Beben in conjunction with representatives from the Illawarra LALC (Nathan Kennedy) and Wodi Wodi Elders (James Davis). Reuben Brown of Jerrungarugh was contacted, but declined to attend. The artefact was reburied on site in the agreed reburial location. For security purposes, the reburial location is not included on figures in publicly available copies of this AHMP. Notification of New Berrima IS01 was made of OEH on 28 June 2017 by Austral Bricks. Biosis has lodged site cards with the Aboriginal Heritage Information Management System (AHIMS) for New Berrima IS01 and its reburial location New Berrima Reburial Site. The New Berrima Reburial Site will be used for any material that is discovered as part of the Quarry operations.

As a result of this further survey and consultation, it was suggested by the Illawarra LALC that it is not necessary for an Aboriginal heritage representative to be present during future soil stripping activities. The predictive statements for the Quarry Site indicate that low archaeological potential exists, with some potential for isolated objects to be present. The discovery of New Berrima IS01 is consistent with this predictive statement. As a result, monitoring is unlikely to be an efficient method of managing harm to Aboriginal objects. The most efficient means of managing any Aboriginal objects discovered as part of the Quarry operations is be through the chance finds procedure detailed in Section 8.3.

Each of the three registered Aboriginal parties was mailed and/or emailed a draft copy of the updated AHMP (Revision 2) on 26 September 2017 with a request to provide feedback. A number of discussions were held with the registered Aboriginal parties and feedback received from the Illawarra LALC on 18 October 2017. The Wodi Wodi Elders Corporation and

Korewal Elouera, Jerrungarugh confirmed that they had no comment on the updated AHMP and were otherwise pleased with the efforts to date. Further discussions were also held with the Illawarra LALC on 8 November 2017 in relation to their comments with an agreement reached in relation to the most appropriate approach to training and promotion of cultural awareness, as now outlined in Section 6 of this AHMP.

Ongoing consultation with the Aboriginal community will principally be achieved through the following.

- Training of selected Austral personnel to ensure appropriate delivery of cultural heritage information during inductions (see Section 6).
- Implementation of the Finds Procedure should any Aboriginal object(s) be identified (see Section 8.3).
- Consultation during any non-administrative updates to this AHMP (see Section 14).

### 3.3 COMMUNITY CONSULTATION

Austral will maintain contact with the broader community through the Community Consultative Committee (CCC). This committee was established in September 2016 prior to the commencement of physical commencement 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);
- commitments made during the environmental assessment and determination process (refer to Section 4.3); and
- relevant requirements in any other approvals or licences (refer to Section 4.4).

The following sub-sections identify those requirements and where each is addressed in this AHMP.

### 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. Section 86 of the NPW Act outlines the penalty with respect to harming or desecrating Aboriginal objects and Aboriginal places 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 2 years imprisonment can apply for offences under Part 6.

Section 75U (repealed) 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 Clay/Shale 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 AHMP, and the incorporated 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.

**Table 3**  
**ACHMP Guideline Requirements**

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Requirement	Section
<b>1. Project Outline: Defines and describes the Part 3A Project to which the ACHMP is to apply</b>	
1.1 Provide clear information about the nature, design and expected life of the Project as well as its location and extent.	<b>Figure 2, Section 2</b>
1.2 Provide suitably detailed maps of the area covered by the ACHMP with relevant information on Aboriginal heritage highlighted.	<b>Figures 2 and 3</b>
<b>2. Purpose and Scope: Briefly outlines the purpose and scope of the ACHMP</b>	
2.1 Outline the key factors that the ACHMP has been formulated to address such as: <ul style="list-style-type: none"> <li>• consent conditions, legislative requirements; protection of Aboriginal heritage resources within the Project Area;</li> <li>• avoidance, mitigation and management of likely development impacts including salvage;</li> <li>• the purpose and maintenance of consultation with relevant Aboriginal community stakeholders.</li> </ul>	Section 4
	Section 8
	Sections 3.2 and 8.3
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
<b>3. Summary of Aboriginal Heritage Resources and expected Project Impacts:</b>	
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 7
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 8

**Table 3 (Cont'd)**  
**ACHMP Guideline Requirements**

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Requirement	Section
<b>4. Aboriginal Community Consultation</b>	
<p>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:</p> <ul style="list-style-type: none"> <li>Establishment of an Aboriginal consultative committee including its form, function, operation and reporting requirements</li> <li>Roles and responsibility for all parties</li> <li>Aboriginal access to sites for community education purposes;</li> <li>Aboriginal involvement in site protection measures such as fencing</li> <li>Aboriginal monitoring of ground disturbing works in culturally sensitive areas;</li> <li>Aboriginal participation in salvage works</li> <li>Their role in care and control of salvaged objects</li> <li>A process to address any conflicts that cannot be resolved between the parties, e.g. Dispute resolution protocols</li> <li>Communication protocols</li> <li>Variation Cause e.g. A process on how and why the ACHMP can be changed</li> </ul>	Sections 3.2, 8, 9 and 14
<b>5. Operational and Training Protocols</b>	
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 5 & 6
5.2 Consider Aboriginal heritage awareness training for all employees, contractors, sub-contractor and visitors as part of work-place induction procedures.	Section 6
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 5
5.4 Outline the key criteria by which effective compliance and performance review of the ACHMP will be measured.	Section 12
<b>6. On-ground Aboriginal site protection measures</b>	
6.1 Where actions are required as part of an agreed avoidance or site impact mitigation strategy then the ACHP 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	Sections 5 & 8
<b>7. Salvage/test excavation</b>	
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.	Section 8.3
<b>8. Statutory Reporting Requirements</b>	
8.1 Outline the procedures for all statutory reporting of Aboriginal heritage within the project area. This should include:	Section 8.3
<ul style="list-style-type: none"> <li>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 NPW Act. This should include: <ul style="list-style-type: none"> <li>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.</li> </ul> </li> </ul>	Sections 8.3 and 14
<ul style="list-style-type: none"> <li>Information about and access to OEH Aboriginal site recording forms; and</li> </ul>	Section 7
<ul style="list-style-type: none"> <li>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.</li> </ul>	Sections 6, 8.3 and 14



**Table 3 (Cont'd)**  
**ACHMP Guideline Requirements**

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Requirement	Section
<b>8. Statutory Reporting Requirements (Cont'd)</b>	
<ul style="list-style-type: none"> <li>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.</li> </ul>	Section 8.3
<ul style="list-style-type: none"> <li>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.</li> </ul>	Section 8.3
<ul style="list-style-type: none"> <li>Identification of the roles and responsibilities of all staff with respect to notification and reporting of Aboriginal heritage matters.</li> </ul>	Section 5
<b>9. Performance Monitoring and Review</b>	
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 12
<b>10. Definitions and/or glossary of terms:</b>	
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 (then) 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). Modification 1 of PA 08\_0212 was issued on 15 December 2015 to incorporate modifications to the Quarry associated with an alternate extraction area boundary. Modification 2 of PA 08\_0212 was approved on 6 July 2017 to incorporate modifications to the Quarry associated with the construction of a new bridge over Stony Creek, the realignment of the western access road, the repositioning of the site office, amenities and storage container, and the installation of underground power and removal of a section of overhead power line. PA 08\_0212 includes conditional requirements that Austral needs to comply with in respect to Aboriginal cultural heritage together with a range of commitments made by Austral. **Tables 4 and 5** present the relevant Aboriginal heritage management-related conditions and commitments contained within PA 08\_0212 and the section(s) within this AHMP where each has been addressed.

**Table 4**  
**Aboriginal Heritage-related Project Approval Requirements**

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Cond No.	Condition	Section where addressed
<b>ABORIGINAL HERITAGE</b>		
3(32)	The Proponent must 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
	b) be submitted to the Secretary for approval prior to any ground disturbance; and	Document Control

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

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Cond No.	Condition	Section where addressed
<b>ABORIGINAL HERITAGE (Cont'd)</b>		
	c) include a:	
	- protocol for the engagement of an Aboriginal Site Officer for any necessary ground disturbance monitoring;	Section 3.2
	- program for the recording, notifying, salvage and surface collection of any Aboriginal objects/sites that may be encountered within the project area;	Section 8.3
	- description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project; and	Section 8.3
	- 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
3(32A)	If any item or object of potential Aboriginal heritage significance is identified during works associated with the project, the Proponent must ensure that: (a) all work in the immediate vicinity of the potential Aboriginal item or object ceases immediately; (b) a 10m buffer area around the potential item or object is cordoned off; and (c) the OEH is contacted immediately. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the <i>National Parks and Wildlife Act 1974</i> .	Sections 8.3 and 11
5(3)	The Proponent must ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include:	
	a) detailed baseline data;	Section 7
	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 12
	c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria;	Section 8
	d) a program to monitor and report on the:	
	- impacts and environmental performance of the project; and	Sections 12 & 13
	- effectiveness of any management measures (see (c) above);	
	e) a contingency plan to manage any unpredicted impacts and their consequences;	Sections 8.3 & 11
	f) a program to investigate and implement ways to improve the environmental performance of the project over time;	Section 12
	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.	Section 14

**Table 5**  
**Aboriginal Heritage Management-related Commitments**

Commitment		Section where addressed
Comply with the provisions of the <i>National Parks and Wildlife Act 1974</i> (as amended).	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.	Sections 6 and 8.3
	10.2 Immediately report the find to the OEH and the relevant Local Aboriginal Land Council.	Sections 8.3 & 11
	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, Jerrungarugh.	Section 8.3
	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 8.3

#### 4.4 OTHER APPROVALS AND LICENCES

Other approvals and licences relevant to the site include Mining (Mineral Owners) Mining Lease 6 which was granted by the Department of Planning and Environment on 27 June 2017 for the area displayed on **Figure 2** and Environment Protection Licence 20377 issued by the Environment Protection Authority on 1 August 2016.

Neither approval contains any conditions relevant to Aboriginal heritage matters.

## 5. ROLES AND RESPONSIBILITIES

**Table 6** presents the roles and responsibilities for the implementation of this AHMP.

**Table 6**  
**Roles and Responsibilities**

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Role*	Responsibilities
NSW Manufacturing Manager	<ul style="list-style-type: none"> <li>Must ensure adequate resources are available to enable implementation of this AHMP.</li> </ul>
Raw Materials & Mining Manager	<ul style="list-style-type: none"> <li>Ensure all areas of disturbance are marked on-ground.</li> <li>Ensure the management measures nominated to protect and conserve any identified Aboriginal heritage are implemented (see Section 8).</li> <li>Ensure limits on areas of disturbance are understood by employees and operations are undertaken in accordance with instructions.</li> <li>Implement the chance find procedure (see Section 8.3) in the event that an Aboriginal object, or an object which could be of Aboriginal origin, is uncovered.</li> </ul>

**Table 6 (Cont'd)**  
**Roles and Responsibilities**

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Role*	Responsibilities
Compliance & Environmental Coordinator	<ul style="list-style-type: none"> <li>Design and provide competence training to the workforce and promote awareness of statutory responsibilities and penalties relevant under the NPW Act and EP&amp;A Act (see Section 7).</li> <li>Report any incidents relevant to Aboriginal heritage in accordance with Section 12 of this Plan.</li> <li>Respond to complaints in accordance with Austral Complaints Handling Procedure (refer to the Environmental Management Strategy).</li> <li>Evaluate compliance against the relevant conditions of PA 08_0212, on an annual basis.</li> </ul>
All Personnel	<ul style="list-style-type: none"> <li>Follow direction provided by the Raw Materials &amp; Mining Manager and / or Environmental Compliance Officer.</li> <li>Complete competence training provided by Austral.</li> </ul>
*Or equivalent position delegated these responsibilities.	

## 6. COMPETENCE TRAINING AND AWARENESS

All Austral personnel, contractors and their employees will undergo Company and site-specific inductions, incorporating information in relation to the operation of this AHMP as a component of the site induction program. As part of the induction, an information sheet, to be prepared in consultation with the Illawarra LALC<sup>2</sup>, will also be provided. The information sheet will outline the types of Aboriginal heritage items that could potentially be encountered and display photographs of such items. A copy of this information sheet will also be made available within the site office, lunchroom and/or amenities to promote ongoing cultural awareness / consideration.

To ensure appropriate delivery of cultural heritage information during inductions, and to assist with implementation of this AHMP, approximately two or three nominated Austral personnel will undertake training with the Illawarra LALC<sup>2</sup>. These nominated and trained personnel will be responsible for ensuring that all relevant employees and contractors are appropriately inducted prior to undertaking any ground-disturbing works and that re-inductions are completed on at least a 2-yearly basis.

Whilst not forming a requirement for employment, it is noted that previous cultural heritage training will be considered as favourable and any employees of Aboriginal descent will be encouraged to share their cultural knowledge, as appropriate, to further increase cultural awareness in the workplace.

## 7. EXISTING ABORIGINAL HERITAGE

As discussed in Section 3.2, the Quarry Site has previously been surveyed on several occasions, including by Mr John Appleton of ASR on 17 September 2008 and Mr Alexander Beben of

<sup>2</sup> If the Illawarra LALC is unavailable the other Registered Aboriginal Parties (see Section 3.2) will be requested to provide input / training. If no Registered Aboriginal Party is available, information and training will be sought from a qualified archaeologist.

Biosis on 28 March 2017 and 6 June 2017. A representative from the Illawarra LALC also participated in the site surveys on 17 September 2008 and 6 June 2017.

As a result of these surveys, an isolated stone artefact was identified within the area of the Central Visibility Bund (see **Figure 3**) and was subsequently salvaged and reburied on 13 July 2017 at a designated on-site location in consultation and in conjunction with the Illawarra LALC, Wodi Wodi Elders Corporation and Korewal Elouera, Jerrungarugh.

Review of the Aboriginal Heritage Information Management System (AHIMS) confirms no further Aboriginal sites or places have been recorded within the Quarry Site. However, three sites have previously been recorded within 200m, two north of the bridge access across Stony Creek and one south. The two sites located north of the bridge access are axe grinding grooves, whilst the site to the south includes an extensive series of grinding grooves at seven locations and a potential archaeological deposit (PAD). A buffer zone of ‘High Archaeological Constraint’ around this site has been defined and extends into the Quarry Site. Given that this buffer zone extends around the existing Quarry access road and bridge crossing, as part of the June 2017 survey, Biosis and the Illawarra LALC defined an area of previous disturbance surrounding the crossing which does not hold archaeological potential (see **Figure 3**).

The location of the buffer zone, previous disturbance related to the bridge crossing and the general location of the previously recorded sites is shown in **Figure 3**. If necessary, copies of the detailed site recording forms are available for inspection by employees upon request to the Raw Materials & Mining Manager.

The remaining areas of the Quarry Site (i.e. those not located in proximity to Stony Creek) are assessed by ASR and Biosis as having low archaeological potential. Given the absence of natural barriers, the Quarry Site may have been used as a transit corridor to the south, or for the occasional hunting and/or gathering forays. Such activities would not have resulted in the deposition of more than an occasional isolated artefact, resulting from tool maintenance, dropped accidentally in transit, or discarded as no longer useful. This is consistent with the isolated stone artefact identified within the area of the Central Visibility Barrier.

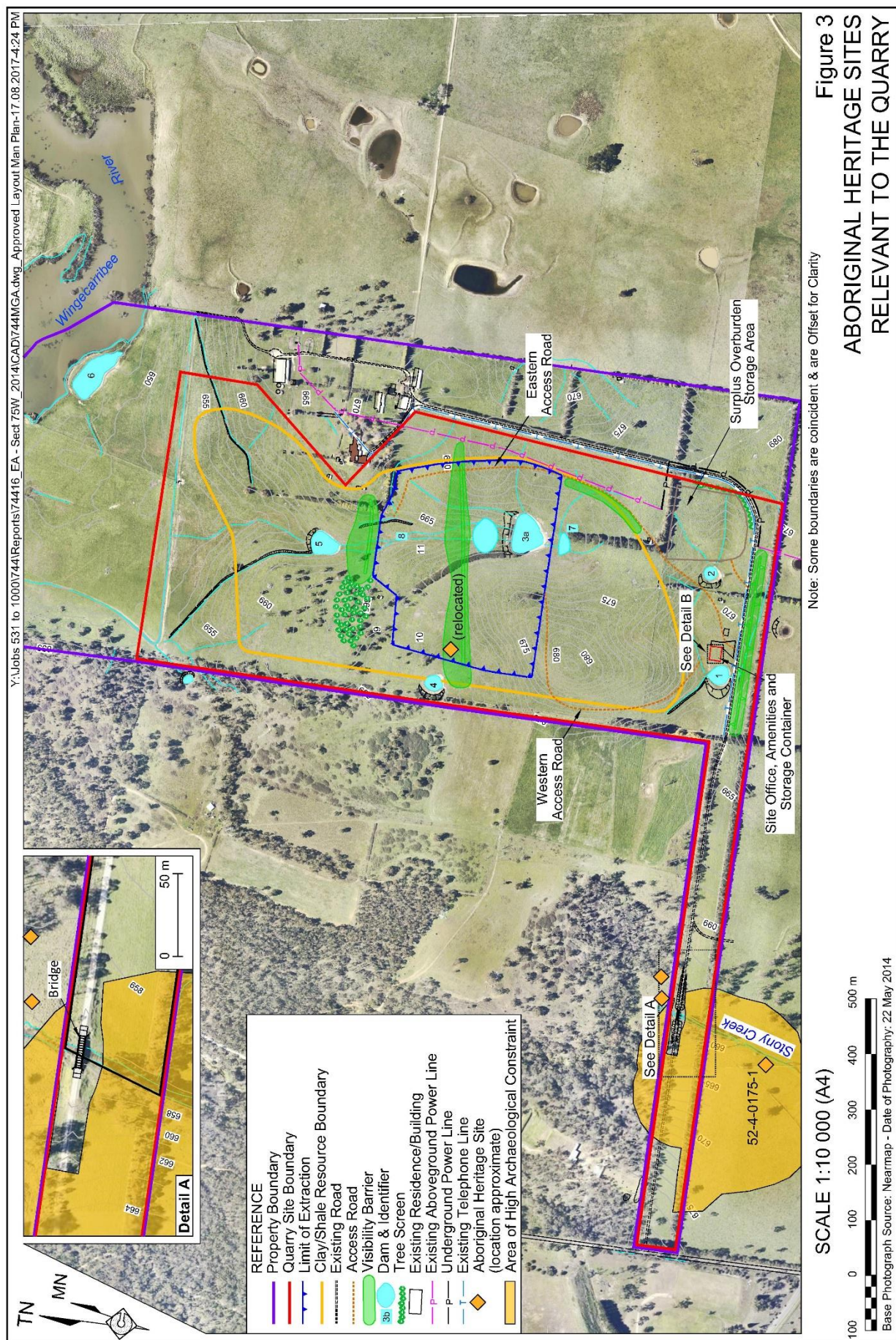
## **8. MANAGEMENT MEASURES**

### **8.1 LIMITS ON DISTURBANCE**

All Quarry activities will be undertaken within the approved quarry footprint (see **Figure 2**). Prior to the commencement of any ground disturbing activities, the areas to be disturbed will be identified by the Raw Materials & Mining Manager or their delegate with the limits of disturbance clearly identified on quarry plans and, if necessary, by on-ground marking (e.g. survey pegs, flagging tape or painted markers, etc.). It is noted that the Quarry Site and extraction area boundaries have been surveyed and marked with high visibility marker posts consisting of steel pickets with polypipe covers.

No quarry activities will be undertaken within the area of “High Archaeological Constraint” (see **Figure 3**) or within the fenced boundary of the Artefact Reburial Area. Furthermore, in addition to the fencing of the reburial location to prevent inadvertent access, the precise location of this area is available on operational mapping which will be communicated to relevant personnel.







## 8.2 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 as part of the Water Management Plan and will minimise the possibility of erosion and sedimentation related damage to Aboriginal heritage adjacent to Stony Creek or outside the Quarry boundary.

## 8.3 FIND PROCEDURE

Austral is aware of its obligations under the NPW Act and should any Aboriginal object(s) be identified within the Quarry Site, the following procedures would be implemented, i.e. in accordance with the relevant requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010) and *PA Condition 3(32A)*.

1. Cease work immediately in the vicinity of the find.
2. Secure the location by cordoning off a minimum 10m buffer zone around the object(s)<sup>3</sup>.
3. Immediately notify OEH of the potential find by calling Enviroline on 131 555. If the object(s) are thought to be human remains, also notify the NSW Police on 131 444.
4. Engage a qualified archaeologist to assess the find (in accordance with current requirements and relevant requirements of the Code of Practice).
5. If the find is determined not to be an Aboriginal site and does not consist of human remains, the exclusion zone may be removed and works resume. A letter report prepared by the Archaeologist confirming the outcomes of their assessment is to be provided to OEH via email ([rog.illawarra@environment.nsw.gov.au](mailto:rog.illawarra@environment.nsw.gov.au)).
6. In the event that the find is identified as human remains that are not of Aboriginal heritage origin, follow all directions given by the NSW Police.
7. If the find is determined to be an Aboriginal site and is within an area of approved disturbance that cannot practically be avoided, the archaeologist is to:
  - a. consult with the registered Aboriginal parties (see **Table 2**);
  - b. complete and submit an AHIMS site recording form;
  - c. in consultation with the registered Aboriginal parties, salvage the Aboriginal object(s) and rebury within the designated Aboriginal Artefact Reburial Site;
  - d. complete and submit an AHIMS site impact form;
  - e. submit an update to the existing AHIMS site recording form for the Aboriginal Artefact Reburial Site to include the additional object(s); and
  - f. prepare a letter report summarising the consultation, details of the recorded site and the salvage and reburial process.

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<sup>3</sup> Quarry activities beyond of the 10m buffer zone may continue subject to not causing impacts to the buffer zone.

8. If the find is determined to be an Aboriginal site that is within an area not required to be disturbed, the site and 10m buffer area is to be fenced in a permanent manner and the location included on **Figure 3** of the AHMP.

If any disputes occur in relation to the management of any Aboriginal sites or objects, the disputes resolution process would be followed (see Section 9).

## **9. DISPUTES RESOLUTION**

During the implementation of the find procedure or any aspect of the AHMP, if disputes occur in relation to the management of any Aboriginal sites or objects, the following procedure will be implemented.

1. Wherever possible, issues will be negotiated directly between Austral Bricks (with input from the archaeologist as appropriate) and the registered Aboriginal parties, with minimum disruption to the Quarry operations.
2. Failing resolution, an on-site meeting at a time convenient to the registered Aboriginal parties will be convened between Austral staff, the registered Aboriginal parties and the archaeologist.
3. If resolution is not achieved, the dispute will be referred to DPE for resolution.

## **10. COMPLAINTS HANDLING AND RESPONSE**

In the event that a complaint related to Aboriginal heritage management is received, this would be managed in accordance with the complaints management procedure as outlined within the Environmental Management Strategy for the Quarry (prepared in accordance with *PA Condition 5(1)*).

## **11. INCIDENT REPORTING**

An incident with respect to Aboriginal heritage management refers to the uncovering and/or disturbance of a currently identified Aboriginal object(s) or site(s). In addition to the Incident Reporting Procedure outlined within the Environmental Management Strategy for the Quarry (prepared in accordance with *PA Condition 5(1)*), the incident will be reported to OEH within 24 hours of identifying the incident. An archaeologist would be engaged to assess the extent of impact, if any, in consultation with the registered Aboriginal parties.

In the event that a previously unidentified Aboriginal object(s) or site(s) is discovered, the find procedure as set out in Section 8.3 will be followed.



## 12. EVALUATION OF COMPLIANCE

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

## 13. PUBLICATION OF MONITORING INFORMATION

Any information relating to Aboriginal cultural heritage that arises will be included in the relevant *Annual Review* for the period ending 31 December each year and address the relevant requirements of *PA Condition 5(4)*, which will be made available on the Austral website once approved by DPE.

## 14. PLAN REVIEW

In accordance with *PA Condition 5(4)*, this AHMP 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 independent environmental audit report under *PA Condition 5(9)*; and
- any modification to the conditions of PA 08\_0212.

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

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

Any non-administrative updates to the AHMP will be undertaken in consultation with the registered Aboriginal parties and submitted to DPE for endorsement. Any administrative updates will be submitted directly to the DPE for endorsement.

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