

Aboriginal Cultural Heritage Management Plan

Jandra Quarry

Holcim Australia Pty. Ltd.



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GLOSSARY / ABBREVIATIONS

Aboriginal object	Any item that provides evidence of the use of an area by Aboriginal people, as defined under the National Parks and Wildlife Act 1974.
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	NSW Office of Environment & Heritage Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
Compliance audit	Verification of how implementation is proceeding with respect to an environmental management system, its management plans, relevant legislative requirements and CoA.
CoA	Conditions of Approval for Modification Application No. DA-231-10-99 MOD 5.
Department, the	NSW Department of Planning and Environment.
DPI	NSW Department of Primary Industries (Fishing and Aquaculture)
DP&E	NSW Department of Planning and Environment
EA	Environmental Assessment
EIS	Environmental Impact Statement
ESD	Ecological sustainable development. Using, conserving and enhancing the community's resources so that the ecological processes on which life depends are maintained and the total quality of life now and in the future, can be increased (Council of Australian Governments, 1992).
ECP	Environmental Compliance Planner (Guideline 4.1 Permits, Licences and Approvals, Attachment 4.1E, Issue Date: February 2014).
EPA	NSW Environment Protection Authority
EMS	Jandra Quarry Environmental Management Strategy (August 2015)
Environmental aspect	Defined by AS/NZS ISO 14001:2004 as an element of an organisation's activities, products or services that can interact with the environment.
Environmental impact	Defined by AS/NZS ISO 14001:2004 as any change to the environment, whether adverse or beneficial, wholly or partially resulting from an organisation's environmental aspects.
Environmental incident	A set of circumstances that causes, or threatens to cause, material harm to the environment; and/or breaches or exceeds the limits or performance measures/criteria in the Conditions of Approval.
Environmental objective	Defined by AS/NZS ISO 14001:2004 as an overall environmental goal, consistent with the environmental policy, that an organisation sets itself to achieve.
Environmental policy	Statement by an organisation of its intention and principles for environmental performance.
Environmental target	Defined by AS/NZS ISO 14001:2004 as a detailed performance requirement, applicable to the organisation or parts thereof, that arises from the environmental objectives and that needs to be set and met in order to achieve those objectives.
EP&A Act	Environmental Planning and Assessment Act 1979
EPL	Environment Protection Licence

Feasible	Feasible relates to engineering considerations and what is practical to build or carry out.
FM Act	Fisheries Management Act 1994
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
Minister, the	Minister for Planning and Environment, or delegate.
MOD 5	Modification Application No. DA 231-10-99 MOD 5.
Non-compliance	Failure to comply with the requirements of the Project approval or any applicable license, permit or legal requirements.
Non-conformance	Failure to conform to the requirements of Project system documentation or supporting documentation.
NoW	NSW Office of Water
NPW Act	National Parks and Wildlife Act 1974
NPW Regulation	National Parks & Wildlife Amendment Regulation 2010
OEH	NSW Office of Environment and Heritage
PIN	Penalty Infringement Notice
POEO Act	Protection of the Environment Operations Act 1997
Quarrying operations	The extraction, processing and transportation of extractive materials on the site and the associated removal of vegetation, topsoil and overburden.
Quarry products	Includes all saleable quarry products, but excludes tailings and other wastes
Reasonable	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, ensuring it is safe, stable, non-polluting environment and appropriately vegetated.
RL	Reduced level
Secretary, the	Secretary of the NSW Department of Planning and Environment (or delegate).

DOCUMENT CONTROL

Revision	Date	Description	By	Review	Approved
A		Draft report	D. Green	16/07/15	14/08/15
B		Draft report with Holcim review	D. Lidbetter & I. Shenton	15/08/15	20/08/15
Final draft		Final draft report	D. Green	31/08/15	31/08/15

1 INTRODUCTION

1.1 Context

A Cultural Heritage Management Plan was developed for Jandra Quarry following the Environmental Impact Statement (EIS) and subsequent development consent issued on 30 March 2000 (DA-231-10-99).

This Aboriginal Cultural Heritage Management Plan (ACHMP or Plan) forms part of the Environmental Management Strategy (EMS) for the Jandra Quarry following the Minister's Conditions of Approval (CoA) for the Jandra Quarry Intensification in Production Modification (DA-231-10-99 MOD 5) and supersedes the Cultural Heritage Management Plan.

This ACHMP has been prepared to address the requirements of the CoA, the mitigation measures listed in the Jandra Quarry Intensification in Production Environmental Assessment (EA) and all applicable legislation.

1.2 Background

The intensification in production will result in the removal of vegetation and disturbance of ground within areas identified for the new heavy vehicle access road and expansion of the existing finished product stockpile area. An Aboriginal Due Diligence Assessment was undertaken in accordance with the *Due Diligence Code of Practice* (the 'Code', DECCW, 2010) to determine whether the works would, or could, cause harm to Aboriginal objects and sites.

The due diligence assessment included a review of the *Greater Taree Local Environmental Plan 2010* (LEP) on 5 February 2014. No Aboriginal or non-Aboriginal heritage items listed in the LEP are located within or in close proximity to the development.

The due diligence assessment also included an extensive search of the Aboriginal Heritage Information Management System (AHIMS) on 5 February 2014 (AHIMS search ID #123969). The search encompassed an area within 10 square kilometres of Jandra Quarry. Sixteen previously recorded Aboriginal archaeological sites are located within the search area. Seven of these previously recorded Aboriginal archaeological sites were identified in the EIS for the original development application in 1999. The EIS concluded that all seven sites are of low or medium significance. Four of the Aboriginal archaeological sites will be impacted by the already approved operations and are the subject of an existing Aboriginal Heritage Impact Permit (permit No. N57/CDS/2000). It was recommended that the other three Aboriginal archaeological sites be conserved for educational purposes, two indefinitely and the other until the quarry void is extended into the site, at which time a consent to destroy would be required. None of these previously recorded Aboriginal archaeological sites fall within the proposed new disturbance areas.

Consultation with the local Aboriginal community at the due diligence assessment stage is not mandatory to satisfy the Code, however, it is considered best practice to include Aboriginal community consultation in the early stages of assessment. Holcim invited site officers from the Forster Local Aboriginal Land Council (LALC) and Purfleet-Taree LALC to attend the site inspection. Forster LALC did not respond to phone or email invitations prior to the site inspection and therefore did not have a representative attend. Vienna Maslin from Purfleet-Taree LALC was present during the site inspection. Onsite correspondence with Vienna Maslin concluded that the proposed new disturbance areas did not contain any sites or objects of cultural significance. A draft report was sent to Forster LALC and Purfleet-Taree LALC on 2 June 2014 for review and comment. Follow-up correspondence was made

to Forster LALC and Purfleet-Taree LALC but no comments relating to the report were received.

The EA subsequently concluded that there is a low potential for Aboriginal sites or objects to occur within the proposed new disturbance footprint and therefore there is no requirement for any additional archaeological investigation prior to the commencement of works.

Although the Aboriginal heritage due diligence assessment concluded that no Aboriginal objects or sites are located or are likely to be located within the proposed new disturbance area, Aboriginal heritage sites within the development consent boundary will continue to be managed in accordance with the existing Aboriginal Heritage Impact Permit, this ACHMP and the relevant CoA for Modification Application No. DA-231-10-99 MOD 5.

1.3 Environmental Management Document System

The environmental management document system is described in Section 5.1 of the EMS and this ACHMP forms part of that system.

In accordance with the requirements of CoA 29 of Schedule 3, this ACHMP has been developed in consultation with Forster LALC and Purfleet-Taree LALC. Further details of the consultation are provided in **Section 4.1** of this ACHMP.

Management measures identified in this ACHMP will be addressed in relevant Work Method Statements, environmental procedures and environmental constraint maps.

Work Method Statements (WMS) are approved by the Quarry Manager. Operational personnel are required to undertake works in accordance with the safeguards identified in WMS.

Sensitive Area Plans provide detailed site-specific environmental constraints. Prior to works commencing, Sensitive Area plans will be consulted to ensure all environmentally sensitive areas are known and identified.

The review, auditing and document control processes for this ACHMP are described in **Sections 8** and **9**.

1.4 ACHMP approval

This ACHMP must be endorsed by the Jandra Quarry Manager and NSW Planning & Environmental Manager prior to submission to the Secretary of the Department of Planning & Environment (DP&E).

The ACHMP is required to be submitted to the Secretary of the DP&E for approval no later than 31 August 2015, or as otherwise agreed by the Secretary. New ground disturbance activities approved by DA-231-10-99 MOD 5 will not commence until written approval of the EMS and this Plan has been received from the Secretary.

2 PURPOSE AND OBJECTIVES

2.1 Purpose

The purpose of this ACHMP is to describe how Holcim proposes to manage and protect known Aboriginal objects and sites, monitor surface disturbance for unidentified Aboriginal objects during construction of the new heavy vehicle access road and expansion of the existing finished product stockpile area and for the operational lifetime of Jandra Quarry.

2.2 Objectives

The key objective of the ACHMP is to ensure that impacts to Aboriginal cultural heritage are minimised and within the scope permitted by the development consent.

To achieve this objective, Holcim will undertake the following:

- ensure appropriate controls and procedures are implemented during ground disturbance activities to avoid or minimise potential adverse impacts to Aboriginal cultural heritage within the development site;
- where appropriate, facilitate engagement with the local Aboriginal community to suitably manage the Aboriginal cultural heritage values associated with the development;
- ensure appropriate measures are implemented to address the relevant CoA outlined in **Table 1** and the EA mitigation measures detailed in **Table 3**; and
- ensure appropriate measures are implemented to comply with all relevant legislation and other requirements as described in **Section 3.1** of this ACHMP.

2.3 Targets

The following targets have been established for the management of Aboriginal cultural heritage during the operational lifetime of Jandra Quarry:

- ensure full compliance with the relevant legislative requirements and CoA;
- minimise or avoid impacts on known Aboriginal heritage objects and sites;
- follow correct procedure and ensure notification of any Aboriginal heritage objects or sites discovered during ground disturbance activities; and
- ensure training on Aboriginal cultural heritage management is provided to relevant personnel through site inductions.

3 ENVIRONMENTAL REQUIREMENTS

3.1 Relevant legislation and guidelines

3.1.1 Legislation

Legislation relevant to heritage management includes:

- Environmental Planning and Assessment Act 1979 (EP&A Act);
- National Parks and Wildlife Act 1974 (NPW Act); and
- National Parks & Wildlife Amendment Regulation 2010 (NPW Regulation).

Relevant provisions of the above legislation are explained in the register of legal and other requirements included in Appendix A1 of the EMS.

3.1.2 Guidelines and standards

The main guidelines, specifications and policy documents relevant to this ACHMP include:

- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010);
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010); and
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011). Minister's Conditions of Approval

The CoA relevant to this ACHMP are listed in **Table 1**. A cross reference is also included to indicate where the condition is addressed in this ACHMP or other environmental management documents.

Table 1 Conditions of Approval relevant to the ACHMP

CoA No.	Requirement	Reference
Schedule 3, Condition 29	The Applicant shall prepare and implement an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:	
	(a) be prepared in consultation with Aboriginal stakeholders;	Section 4.1
	(b) be submitted to the Secretary for approval by 31 August 2015;	Section 1.4
	(c) describe the measures that would be implemented to: <ul style="list-style-type: none">• manage known Aboriginal objects and sites;• monitor all new surface disturbance on site for unidentified Aboriginal objects;• manage the discovery of any human remains or previously unidentified Aboriginal objects on site; and	Section 7
	(d) ensure ongoing consultation with Aboriginal stakeholders in the management of any Aboriginal cultural heritage values on site.	Section 4.2

4 CONSULTATION

4.1 Consultation for Preparation of this Management Plan

As outlined in Condition 29 of Schedule 3 of the CoA (refer **Table 1**), this Plan must be prepared in consultation with Aboriginal stakeholders.

Accordingly, a version of this Plan was provided to both Forster LALC and Purfleet-Taree LALC on 20th August 2015 for their review and comments.

Their responses are summarised below with copies of correspondence provided in Appendix 2 of the EMS.

4.1.1 Forster LALC

[This section will be updated on receipt of responses to consultation letters]

4.1.2 Purfleet-Taree LALC

[This section will be updated on receipt of responses to consultation letters]

4.2 Ongoing consultation

Ongoing consultation between Holcim and Aboriginal stakeholders regarding the management of Aboriginal cultural heritage at Jandra Quarry, will continue where appropriate. Appropriate instances for consultation include (but are not limited to):

- If unexpected Aboriginal objects or sites are discovered during ground disturbance works;
- Aboriginal stakeholders will be notified and offered an opportunity to undertake monitoring during ground disturbance works which could impact known archaeological sites which are not approved for disturbance; and
- If amendments to this ACHMP do not constitute a “minor amendment” as defined in Section 11.2 of the EMS.

5 EXISTING ENVIRONMENT

The following sections summarise the factors influencing Aboriginal cultural heritage within the development site, based upon the information provided in the EA and Submissions Report (October 2014).

The site is located at the head of two minor tributaries of Talawahl Creek. These minor tributaries (1st order streams) flow northward, converging just before crossing the Pacific Highway, after which they join another tributary that flows southwest to Talawahl Creek. Talawahl Creek is a tributary of Bungwahl Creek, which flows to the Wallamba River approximately 5.5 kilometres south of the site.

The disturbance area that has been subject to an Aboriginal heritage due diligence assessment for construction of the new heavy vehicle access road and expansion of the existing finished product stockpile area, is located primarily on steep mid-slopes immediately east and bordering on the approved site facilities area. The geology of the study area is made up of shale and greywacke hornfels. This geology is not conducive to the creation of rock shelters or overhangs, which could have been occupied by Aboriginal people. However greywacke is a raw material type, which was commonly used in the local area to construct stone tools. Soils within the disturbance area are shallow with only the top 10 centimetres of the soil profile comprising a dark brown humic loam, which sits on a yellow clay (EA, 2014).

5.1 Confirmed Aboriginal Site Records

As detailed in **Section 1.2**, an extensive AHIMS search was conducted on 5 February 2014 for the purposes of an Aboriginal Heritage Due Diligence Assessment for the EA. The search covered an area of approximately 10 square kilometres, which encompassed the disturbance area of the new heavy vehicle access road and expansion of the existing finished product stockpile area. Seven recorded sites are within the Jandra Quarry development consent boundary. All seven of these sites were determined to be of low or medium significance. Details of these seven sites are outlined in **Table 2** and their locations identified in **Figure 1**. No Aboriginal archaeological sites registered on AHIMS are located within the disturbance area of the new heavy vehicle access road and expansion of the existing finished product stockpile area.

Table 2 AHIMS search results (ID#123969) for sites located at Jandra Quarry

Site ID	Site Name	Site Type	Landform	AHIP Granted
38-2-0107	Jandra quarry J1	Isolated find	Mid-slope	Yes
38-2-0108	Jandra Quarry J2	Artefact Scatter	Lower-slope	Yes
38-2-0109	Jandra Quarry J3	Artefact Scatter	Lower-slope	Yes
38-2-0110	Jandra Quarry J4	Modified Tree	Unknown	Yes
38-2-0111	Jandra Quarry J5	Artefact Scatter	Lower-slope	No
38-2-0112	Jandra Quarry J6	Artefact Scatter	Lower-slope	No
38-2-0113	Jandra Quarry J7	Potential Archaeological Deposit	Lower-slope	No

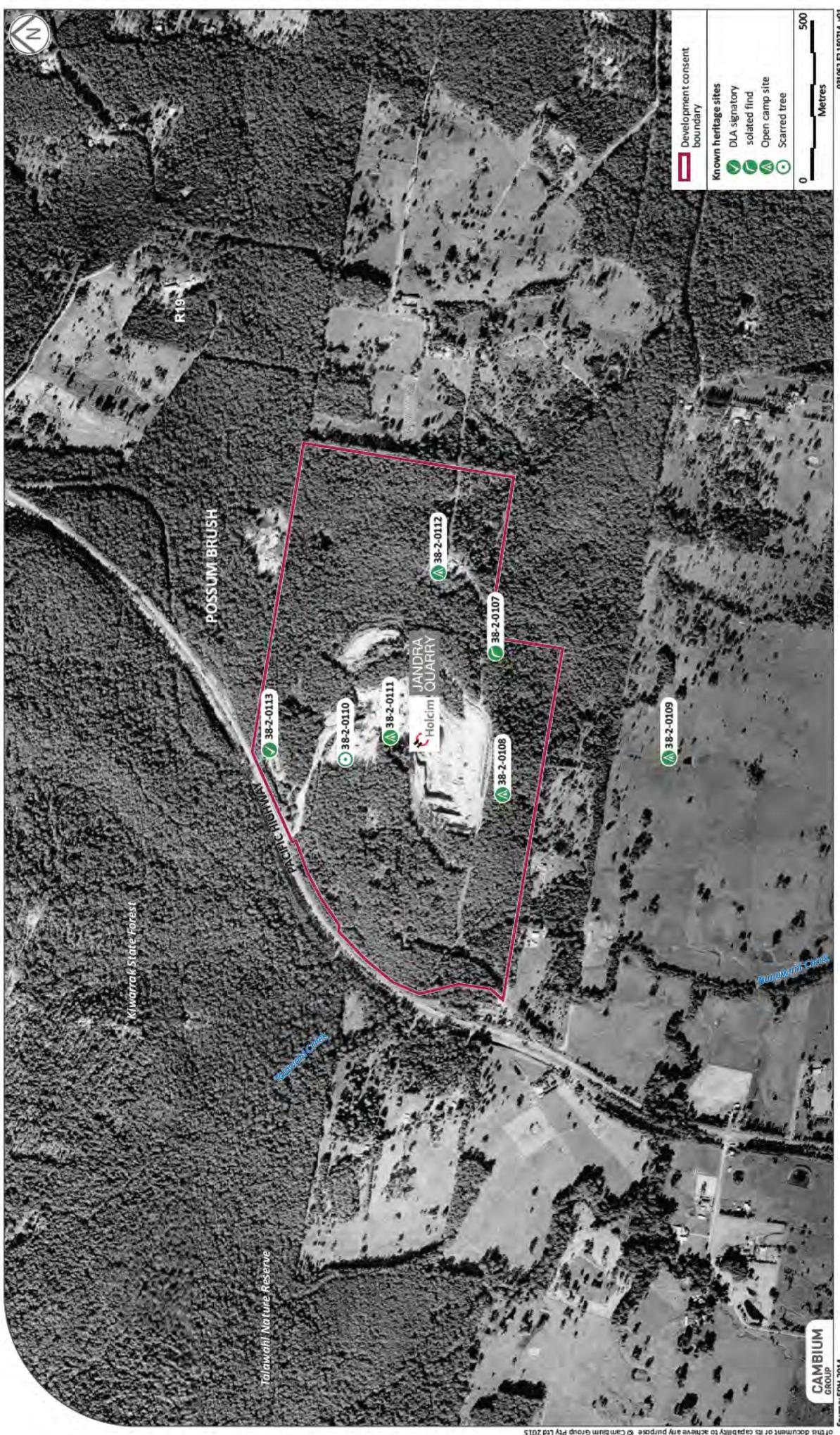
An Aboriginal Heritage Impact Permit ('AHIP', #N57/CDS/2000) was previously granted for sites Jandra Quarry J1 to J4. Site Jandra Quarry J7, which is the closest site to the new disturbance area, will not be disturbed, and is being conserved and protected for educational purposes (refer **Section 7**). Nevertheless, according to section 89J of the current version of EP&A Act (8 July 2015), an AHIP under section 90 of the NPW Act is not

applicable to State Significant Development. Therefore Jandra Quarry has no further obligation with regards to applying for an AHIP.

Figure 1 Jandra Quarry known heritage sites

FIGURE 1
Jandra Quarry known heritage sites

JANDRA QUARRY - ABORIGINAL AND CULTURAL HERITAGE MANAGEMENT PLAN



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6 Environmental Aspects & Impacts

6.1 Development Activities

Key aspects of the development that could result in adverse impacts to Aboriginal cultural management include:

- vegetation clearing and topsoil stripping;
- bulk earthworks; and
- drainage maintenance works.

6.2 Impacts

Potential impacts on aboriginal cultural heritage are predominantly attributed to ground disturbance works. **Section 7** of the ACHMP lists identified mitigation measures that will be implemented to avoid or minimise the identified impacts.

6.2.1 Impacts on confirmed site records

During construction of the new heavy vehicle access road, expansion of the finished product stockpile area and transitioning between development stages 1, 2 and 3, clearing vegetation and topsoil stripping represent the primary risk to confirmed site records, other than those included in the existing AHIP (refer **Table 2**).

The potential impacts of the development on Aboriginal heritage sites include:

- a direct impact and disturbance to the entire site or the majority of a site containing Aboriginal objects due to staged development of the site;
- complete or varying degrees of impact or disturbance to items with Aboriginal cultural significance which do not fall into the category of an Aboriginal object, such as mature trees; and
- indirect impact to Aboriginal objects from development related changes to the landscape or scenic context of a site or item.

Of the seven confirmed site records, three will not be impacted by the development and four will be fully impacted. Of the four sites that will be fully impacted, one record is an isolated find, two records are artefact scatters and one record is a modified tree.

6.2.2 Impacts on unexpected finds

During construction of the new heavy vehicle access road, expansion of the finished product stockpile area and transitioning between development stages 1, 2 and 3, ground disturbance works have the potential to uncover unknown and unexpected Aboriginal sites or objects.

The potential impact on unexpected Aboriginal heritage sites or objects would typically be a direct impact and disturbance to the entire site or the majority of a site containing Aboriginal objects due to the unknown and unexpected nature of the discovery.

7 ENVIRONMENTAL CONTROL MEASURES

Environmental requirements and control measures are identified in the EA and Conditions of Approval. Specific measures and requirements to address Aboriginal cultural heritage impacts are outlined in **Table 3**.

Table 3 Environmental Controls & Mitigation Measures

ID	Measure / Requirement	Reference	When to implement	Responsibility	Where addressed
ENVIRONMENTAL ASSESSMENT MITIGATION MEASURES					
ACHMM1	Activities associated with the construction of the new heavy vehicle access road and the expansion of the finished product stockpile area are not to be undertaken outside of the approved disturbance area (refer Figure 2 of EMS).	Section 6.7.3 of EA	Construction	Quarry Manager	Section 5, Figure 2 of EMS, Work Method Statements, Sensitive Area Plan
ACHMM2	If unexpected Aboriginal objects are located during construction or operations, works are to immediately cease and a qualified archaeologist is to be consulted.	Section 6.7.3 of EA	Construction, Operations	Quarry Manager	Section 6.2.2, Environmental Incident Classification and Reporting Procedure.
ACHMM3	Known archaeological sites, which are not approved for disturbance, are to be clearly identified and regularly inspected to record their condition.	Section 6.7.3 of EA	Construction, Operations	Quarry Manager	Section 6.2.1, Figure 1 , Sensitive Area Plan, Inspection checklist
ACHMM4	An appropriately experienced representative of the local LALC's are to be offered the opportunity to undertake monitoring during ground disturbance works which could impact known archaeological sites which are not approved for disturbance.	Section 6.7.3 of EA	Operations	Quarry Manager	Section 4.2

8 COMPLIANCE MANAGEMENT

8.1 Heritage inspections

The Quarry Manager or delegate will undertake monthly inspections of the known archaeological sites, which are not approved for disturbance. During these inspections the site's condition and protection controls are to be observed and recorded in the inspection checklist. Records will also include details of any maintenance of controls required and an implementation priority.

8.2 Training

Employees and contractors working on site will undergo site induction training, which will cover issues relating to Aboriginal heritage management issues, including:

- existence and requirements of this management plan;
- relevant legislation;
- location of identified heritage sites;
- proposed heritage management and protection measures;
- procedure to follow in the event of an unexpected heritage item; and
- procedure to follow in the event of discovery of human remains.

Further details regarding competence, training and awareness are outlined in Section 6 of the EMS.

8.3 Auditing and reporting

Audits (both internal and external) and reporting will be undertaken to assess the effectiveness of environmental controls, compliance with this ACHMP, CoA and other relevant approvals, licenses and guidelines. Audit requirements are detailed in Section 9.3 of the EMS.

9 REVIEW AND IMPROVEMENT

9.1 Continuous improvement

Continuous improvement of this ACHMP will be achieved in accordance with Section 10 of the EMS, through the ongoing evaluation of environmental management performance against environmental policies, objectives and targets.

The continuous improvement process is designed to:

- identify areas of opportunity for improvement of environmental management and performance;
- determine the cause or causes of non-conformances and deficiencies;
- develop and implement a plan of corrective and preventative action to address any non-conformances and deficiencies;
- verify the effectiveness of the corrective and preventative actions;
- document any changes in procedures resulting from process improvement; and
- make comparisons with objectives and targets.

9.2 ACHMP update and amendment

The processes described in Sections 9 and 10 of the EMS may result in the need to update or revise this ACHMP.

The approval of updates or revisions to the ACHMP will need to be considered in accordance with Section 11.2 of the EMS.