



Office of Environment & Heritage

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Our reference: DOC17/160663
Contact: Calvin Houlison
4224 4179

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Dear Ms Evans

RE: Albion Park Quarry Modification 3 – Additional Information (LEC 10639/2005 Mod 3)

Thank you for consulting us with regard to the abovementioned major project modification. In relation to Aboriginal cultural heritage, we note that the DPE RTS submission dated 13 October 2016 requested an updated desktop assessment of potential Aboriginal cultural heritage impacts of the proposed modification. The applicant submitted an updated AHIMS search in January 2017, and has now submitted a more detailed desktop assessment of Aboriginal cultural heritage. Our comments on the assessment are provided below.

Overview

Cleary Brothers has provided an updated desktop assessment of the Aboriginal cultural heritage values of the proposed Stage 5 and 6 expansion in relation to this modification application (Biosis, 21 February 2017). No Aboriginal heritage values or Aboriginal objects are identified within the proposed impact area.

We recommend adding the requirement to notify OEH of any Aboriginal objects found during works and developing an Aboriginal community consultation procedure to use if Aboriginal objects are discovered during works. Additional comments are attached in relation to this, and the archaeological assessment and Aboriginal community consultation that has been conducted to date.

Archaeological assessment

Biosis (2017, p.17) state that the Stage 5 and 6 expansion area was surveyed by Paton in 1998. Paton's assessment recommended archaeological test excavation at three areas of Potential Archaeological Deposit (PAD) and a sample of other areas (Biosis 2017, p.17). Biosis report that a later assessment by Mary Dallas (2001) found that test excavation was not warranted.

In relation to the statement attributed to Dallas that spur landforms do not have archaeological sensitivity, we refer to the summary of the Shellharbour Fringe Lands Urban Assessment (Navin Officer 2004, pp. 20-22 and Biosis 2017, p.15) that states that SUFA 1, 2, 3, 5, 6 and 7 are all located on spur lines. This contradiction should be addressed to ensure that the archaeological potential is accurately understood.

Aboriginal community consultation

The project approvals do not have formal requirements for Aboriginal community consultation. No Aboriginal community consultation was conducted by Biosis. Dallas (2001) is reported in Biosis (2017, p.17) as having consulted the Illawarra Local Aboriginal Land Council and Wodi Wodi Tribal Elders Council.

We have provided advice below regarding Aboriginal community consultation requirements if Aboriginal objects are found during works.

Recommendations

The consolidated Development Consent dated 25 June 2015 (Condition 51, pp13-14) mentions approvals under the National Parks and Wildlife Act 1974. The 2008 Environmental Management Plan includes a brief procedure stating that if an item suspected to be an Aboriginal artefact is found work will stop and the item will be assessed by an archaeologist, with an Aboriginal Heritage Impact Permit (AHIP) sought if required.

In addition to this, OEH must be notified if an Aboriginal object or human skeletal remains are found by calling Environment Line on 131 555. If Aboriginal objects are found these must be listed on the Aboriginal Heritage Information Management System (AHIMS) under s.89A of the National Parks and Wildlife Act 1974.

A procedure for Aboriginal community consultation should also be developed outlining the consultation that will occur if Aboriginal objects are identified during works. If harm will occur to an Aboriginal object found during works, we recommend the applicant follow the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2009) about the Aboriginal heritage management requirements, which is required for an AHIP application. This document is available on the OEH website at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>

Please do not hesitate to contact Calvin Houlison, Senior Conservation Planning Officer on 4224 4179 or calvin.houlison@environment.nsw.gov.au should you have any further queries.

Yours sincerely



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