



## **Aboriginal Cultural Heritage Management Plan**

Wallerawang Quarry Modification 3 Project

### **Acknowledgement**

Walker Quarries acknowledges the traditional custodians of the area on which this assessment took place and pay respect to their beliefs, cultural heritage, and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the Elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

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## ABBREVIATIONS AND GLOSSARY

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ACHAR	Aboriginal Cultural Heritage Assessment Report. As set out in the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> , all developments where harm to Aboriginal objects is likely must be assessed in an ACHAR.
ACHCRs	<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> . Guidelines for conducting Aboriginal community consultation for developments where harm to Aboriginal objects is likely.
AHIMS	Aboriginal Heritage Information Management System. Administered by Department of Premier and Cabinet, AHIMS is the central register of all Aboriginal sites within NSW.
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> under Part 6 NPW Act. Set of guidelines framing Aboriginal archaeological investigations in NSW.
DPE	NSW Department of Planning and Environment
Heritage NSW	Government department tasked with ensuring compliance with the NPW Act.
NPW Act	<i>National Parks and Wildlife Act 1974</i> . Primary legislation governing Aboriginal cultural heritage within NSW.
RAP	Registered Aboriginal Party. An individual or group who have indicated through the ACHCR process that they wish to be consulted regarding the project.
SEE	Statement of Environmental Effect
SSD	State Significant Development

## CONTENTS

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<b>ABBREVIATIONS AND GLOSSARY</b> .....	<b>4</b>
<b>CONTENTS</b> .....	<b>5</b>
<b>1 INTRODUCTION</b> .....	<b>7</b>
1.1 Background information .....	7
1.2 Purpose and scope of this Plan.....	7
<b>2 LEGISLATIVE FRAMEWORK</b> .....	<b>9</b>
2.1 Plan compliance with development consent conditions.....	9
2.2 Plan compliance with Schedule 5 of the development consent .....	9
2.3 Plan review .....	10
2.4 Preparation of this Plan.....	11
<b>3 CONSULTATION GUIDELINES</b> .....	<b>12</b>
3.1 Aboriginal community consultation.....	12
3.1.1 Aboriginal community consultation for the SEE.....	12
3.1.2 Aboriginal community consultation on this Plan .....	12
3.1.3 Protocol for continued Aboriginal community consultation.....	12
3.2 Consultation with external stakeholders .....	13
<b>4 ABORIGINAL CULTURAL HERITAGE</b> .....	<b>14</b>
4.1 Identified Aboriginal cultural heritage .....	14
4.2 Summary of salvage program .....	14
4.2.1 Personnel .....	14
4.2.2 Salvage results .....	15
4.2.3 Artefact reburial .....	15
4.2.4 Further responsibilities.....	15
<b>5 MANAGEMENT OF ABORIGINAL CULTURAL HERITAGE</b> .....	<b>17</b>
5.1 Commencement of operations .....	17
5.2 Cultural heritage awareness .....	17
5.3 Protocol for unanticipated finds.....	18
5.4 Generic surface salvage procedure .....	19
5.4.1 Care of salvaged artefacts .....	19

5.5	Human skeletal remains protocol.....	20
5.6	Activities outside current approval areas.....	21
5.7	Post operations management.....	21
5.8	Performance measures.....	21
5.9	Reporting.....	22
5.9.1	Incident reporting.....	22
5.9.2	Non-compliance notification.....	22
5.10	Annual Review.....	22
5.11	Audit.....	23
5.12	Dispute Resolution Process.....	23
<b>6</b>	<b>ROLES, RESPONSIBILITIES AND TIMEFRAMES.....</b>	<b>24</b>
	<b>REFERENCES.....</b>	<b>26</b>
	<b>APPENDIX 1: ENDORSEMENT OF TECHNICAL SPECIALISTS.....</b>	<b>27</b>
	<b>APPENDIX 2: STAKEHOLDER CONSULTATION LOG AND CORRESPONDENCE.....</b>	<b>28</b>
	<b>APPENDIX 3: BCD (NOW HERITAGE NSW) CONSULTATION.....</b>	<b>30</b>

## FIGURES

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Figure 1-1:	Map showing the location of the project.....	7
Figure 1-2:	Aerial showing the area covered by the Plan.....	8
Figure 4-1:	Location of reburied artefacts in relation to location of salvaged site.....	16
Figure 5-1:	Human skeletal remains protocol.....	20

## TABLES

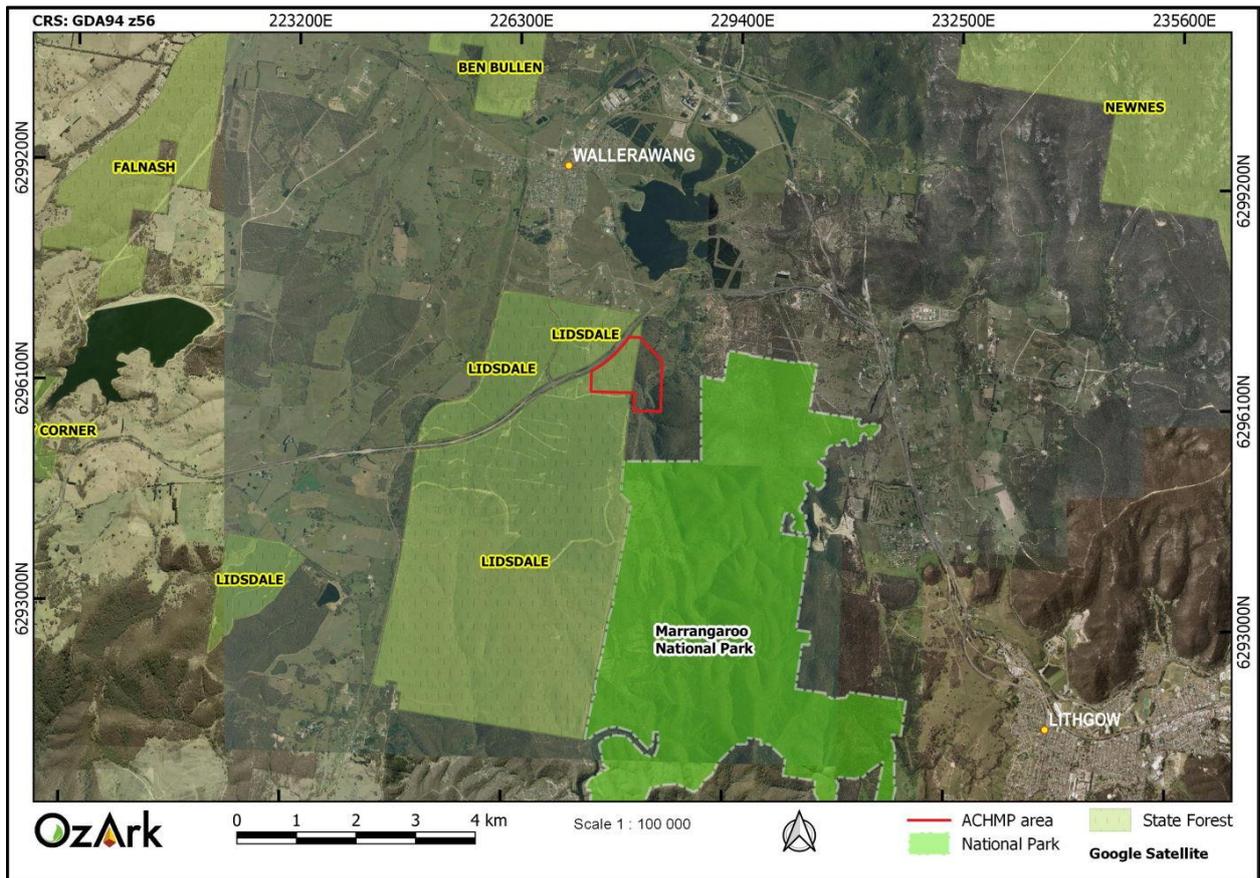
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Table 2-1:	Plan compliance with the consent condition Section 5.6s.....	9
Table 4-1:	Site details of WQ1.....	14
Table 4-2:	Impact assessment.....	14
Table 6-1:	Roles, responsibilities, and timeframes.....	24

# 1 INTRODUCTION

This Aboriginal Cultural Heritage Management Plan (the Plan) is for the Wallerawang Quarry (DA 344-11-2001 as modified) (the project). This Plan was initiated by the consent for DA 344-11-2001 Modification 3 (MOD3). The project is in the City of Lithgow Local Government Area (LGA) approximately eight kilometres (km) northwest of Lithgow NSW (**Figure 1-1**).

**Figure 1-1: Map showing the location of the project.**



## 1.1 BACKGROUND INFORMATION

Ten hectares (ha) of the project area was subject to Aboriginal archaeological assessment by Silcox (2000), resulting in the identification of one site (WQ1; AHIMS 45-1-2802). OzArk (2018) were engaged to verify the condition of WQ1 and complete an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support a Statement of Environmental Effects (SEE) for a State Significant Development (SSD) modification to DA 344-11-2001 (MOD3).

## 1.2 PURPOSE AND SCOPE OF THIS PLAN

This Plan will guide the heritage management policies for the project and create a framework for unanticipated finds, ongoing community consultation and internal policy review throughout the life of the project.

The Plan is limited to the ACHMP Area shown on **Figure 1-2** and addresses the conditions of consent of DA 344-11-2001 (as modified). The ACHMP Area includes the current Wallerawang Quarry Mining Lease (ML) 1633, as well as the expanded lease area included in Modification 3.

**Figure 1-2: Aerial showing the area covered by the Plan.**



## 2 LEGISLATIVE FRAMEWORK

### 2.1 PLAN COMPLIANCE WITH DEVELOPMENT CONSENT CONDITIONS

The project was assessed under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). All Aboriginal objects within the project area are afforded legislative protection under the *National Parks and Wildlife Act 1974* (NPW Act).

This Plan has been developed to meet consolidated consent condition 23C for the project and includes measures that address conditions 21, 22, 23, 23A and 23B (Table 2-1).

**Table 2-1: Plan compliance with the consent condition Section 5.6s.**

Development Consent Condition	Context of the Condition	Concordance in this report
21	Ensure no harm to identified heritage item outside approved disturbance area.	Section 5.6
22	Manage the potential discovery of human remains over the life of the project.	Section 5.5
23 and 23A	Manage the potential discovery new Aboriginal objects over the life of the project.	Section 5.3
23 B	Manage recording of Aboriginal objects or places over the life of the project.	Section 5.6
23 C a)	Preparation of an ACHMP by a qualified and experienced person.	Section 2.4
23 C b)	ACHMP be prepared with BCD and RAPs.	Section 3
23 C c) (i)	Comply with the conditions of consent.	Section 2.1
23 C c) (ii)	Aboriginal cultural heritage inductions for all workers.	Section 5.2
23 C c) (iii)	Protect, monitor and manage identified Aboriginal sites and places.	Section 4.2.4
23 C c) (iv)	Protect Aboriginal sites and places outside the approved disturbance area from project related impacts.	Section 5.6
23 C c) (v)	Manage the potential discovery of human remains or new Aboriginal objects over the life of the project.	Section 5.5
23 C c) (vi)	Maintain and manage access for Aboriginal stakeholders to Aboriginal site or places outside approved disturbance area.	Section 5.6
23 C c) (vii)	Facilitate ongoing consultation and involvement of RAPs.	Section 3.1
23 C d)	Care, control and storage of artefacts salvaged on site, including. AHIMS Site #45-1-2802.	Section 5.4.1
23 D.	Work not to commence until ACHMP endorsed by BCD Secretary.	Section 6
23 E.	Implementation of the ACHMP.	Section 6

### 2.2 PLAN COMPLIANCE WITH SCHEDULE 5 OF THE DEVELOPMENT CONSENT

Schedule 5 of the Conditions of Consent provides the environmental management, reporting and auditing requirements and specifications for the project. As not all items in Schedule 5 are directly applicable to this Plan, a full table of compliance will not be presented.

However, the proponent has undertaken to ensure that the implementation and review of this Plan will be in accordance with the requirements of Schedule 5. Details of undertakings to satisfy Schedule 5 of the Conditions of Consent are provided in:

- **Section 2.3:** Plan review
- **Section 5.8:** Performance measures
- **Section 5.9:** Incident and non-compliance reporting
- **Section 5.10:** Annual review
- **Section 5.11:** Independent auditing
- **Section 5.12:** Dispute resolution.

### **2.3 PLAN REVIEW**

This Plan will be reviewed within three months of submitting further modifications to the project and subject to review after every three years of operation.

Review of the Plan will be made should any of the following occur:

- Incidents involving Aboriginal cultural heritage
- Identification of new Aboriginal sites
- Outcomes from the annual review (**Section 5.10**)
- Outcomes from any audit report (**Section 5.11**)
- Any modifications to the Conditions of Consent.

During this review, the proponent will review the strategies, plans and programs required under the Conditions of Consent, to the satisfaction of the Secretary. The proponent must notify DPE in writing of any such review being undertaken.

Where this review leads to revisions to this Plan, then within six weeks of the review the revised document must be submitted for the approval of the Secretary.

Changes to this Plan will also be presented to Registered Aboriginal Parties (RAPs) and Heritage NSW for review and comment unless the changes fall into a category of routine updates (such as adding sites to an inventory list after a survey or updating AHIMS data as part of approved salvage operations), in which case relevant parties will be notified as is appropriate.

The first revision of the Plan has taken place in May 2022 following the salvage of site WQ1 in April 2021 and to in response to the Independent Environmental Audit completed in July 2021.

## **2.4 PREPARATION OF THIS PLAN**

In recognition of the requirements of Condition 23 C a), this Plan was prepared by Dr Alyce Cameron and Harrison Rochford of OzArk Environment & Heritage Management (OzArk) in July 2020.

The Plan was reviewed and updated by Harrison Rochford and Ben Churcher in May 2022. The endorsement of the OzArk technical specialists has replaced the capability statements previously provided in **Appendix 1**.

### 3 CONSULTATION GUIDELINES

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#### 3.1 ABORIGINAL COMMUNITY CONSULTATION

##### 3.1.1 Aboriginal community consultation for the SEE

Consultation with the Aboriginal community was undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (ACHCRs) (DECCW 2010) during the approvals process for the project. Stage 1 advertising for expressions of interest in the project began on 15 May 2018. The following organisations expressed interest in being RAPs for the project:

- Yurrandaali Cultural Services
- Barraby Cultural Services
- Murra Bidgee Mullangari Aboriginal Corporation Cultural Heritage
- Mingaan Wiradjuri Aboriginal Corporation
- Merrigarn
- Muragadi Heritage Indigenous Corporation
- Yulay Cultural Service
- Warrabinga Native Title Aboriginal Corporation
- Gundungurra Tribal Council Aboriginal Corporation
- Bathurst Local Aboriginal Land Council

All RAPs were provided with the proposed survey methodology during stage 2/3 of the ACHCRs and presented the draft ACHAR for comment on the 30 April 2018 as part of Stage 4 of the ACHCRs.

##### 3.1.2 Aboriginal community consultation on this Plan

All RAPs received a copy of the draft Plan on 17 March 2020 with a request that any comments be received by OzArk by 31 March 2020. A list of the RAPs that were consulted on the Plan is provided in **Appendix 2**.

As of 14 April 2020, one comment was offered from Barraby Cultural Services on 3 April 2020 indicating that they had no suggestions or queries of the Plan.

##### 3.1.3 Protocol for continued Aboriginal community consultation

Changes to the Plan will be provided to the RAPs for review unless the changes are minor in nature (i.e. updating inventories or Aboriginal Heritage Information Management System [AHIMS] data, as defined in **Section 2.2**).

Reasonable requests for access to the project area and/or its Aboriginal objects will be granted on request, provided staff are available for site escort and all workplace health and safety requirements can be addressed.

Ongoing community consultation during the project will include (but is not limited to):

- RAPs providing site officers for heritage surveys (if required by the proposed methodology, see **Section 5.6**)
- RAP consultation before any archaeological salvage program (**Section 5**)
- Granting of reasonable requests for access to Aboriginal sites and objects at the project area
- RAP input for non-administrative revisions or changes to this Plan (**Section 2.2**).

### **3.2 CONSULTATION WITH EXTERNAL STAKEHOLDERS**

This Plan has been prepared in consultation with the BCD (now Heritage NSW). BCD were sent a draft for review on 14 April 2020 and requested that the Plan be updated to include BCD notification in the human skeletal remains protocol (**Appendix 3**). This update was included in the approved Plan.

## 4 ABORIGINAL CULTURAL HERITAGE

### 4.1 IDENTIFIED ABORIGINAL CULTURAL HERITAGE

The ACHAR for the project was completed by OzArk in June 2019. There is one Aboriginal site in the project area: WQ1 (AHIMS 45-1-2802). The site covers an area of approximately 65 metres (m) x 27 m and contained up to 16 artefacts (**Table 4-1**). The location of site WQ1 is shown on **Figure 4-1**.

**Table 4-1: Site details of WQ1.**

Site number	Site name	GDA Zone 56 Easting	GDA Zone 56 Northing	Details
45-1-2802	WQ1	227905	6296556	Artefact scatter (65 m x 27 m) featuring 16 artefacts, predominantly flakes manufactured from quartz and mudstone.

### 4.2 SUMMARY OF SALVAGE PROGRAM

The Aboriginal site, AHIMS 45-1-2802 (WQ1), will be disturbed by the project. **Table 4-2** summarises the assessment of the impact to AHIMS 45-1-2802.

**Table 4-2: Impact assessment.**

Site Number & Name	Type of Harm (Direct/Indirect/None)	Degree of Harm (Total/Partial/None)	Consequence of Harm (Total/Partial/No Loss of Value)	Potential impact
45-1-2802 (WQ1)	Direct	Total	Total loss of value	The Quarry operations will extend over the entire area comprising the site. As such all artefacts and site features will be subject to direct impact from the work.

It was concluded in the ACHAR that the impact to recorded site WQ1 would result in a medium loss of heritage value from the regional Aboriginal cultural heritage values.

WQ1 was salvaged in accordance with the methodology set out in the ACHAR and this Plan on 20 January 2021. This work completed all the ACHMP commitments regarding archaeological salvage. Full salvage results were compiled in a salvage report submitted to AHIMS (OzArk 2021).

#### 4.2.1 Personnel

The salvage program was directed by Stephanie Rusden (OzArk Senior Archaeologist) and assisted by Taylor Foster (OzArk Project Archaeologist). The RAPs for the project provided two site officers who assisted with the program, Scott Perrin (Warrabinga Native Title Claimants Aboriginal Corporation) and Donald Morgan (Bathurst LALC).

#### **4.2.2 Salvage results**

Twenty-two artefacts were salvaged from WQ1 via surface collection. Artefacts were predominately identified within exposures in the southern portion of the site, along a disused vehicle track in the western portion, and eroding out of the cutting along the western boundary of the site.

Artefact types included 21 flakes and one piece of shatter. Recorded materials were predominantly quartz (n=19); followed by mudstone and chert (n=2) and a volcanic material (n=1).

The salvage excavation comprised of transect of six 50 centimetre (cm) x 50 cm excavation units. The very shallow soil profile across the transect (maximum depth of 15 cm) yielded two artefacts, resulting in a total assemblage of 24 artefacts recovered from the site.

#### **4.2.3 Artefact reburial**

The reburial location contains the 24 artefacts that were salvaged by OzArk on 20 January 2021 from site WQ1. The salvaged artefacts were buried at a depth of 30 cm sealed in a container along with information about the site.

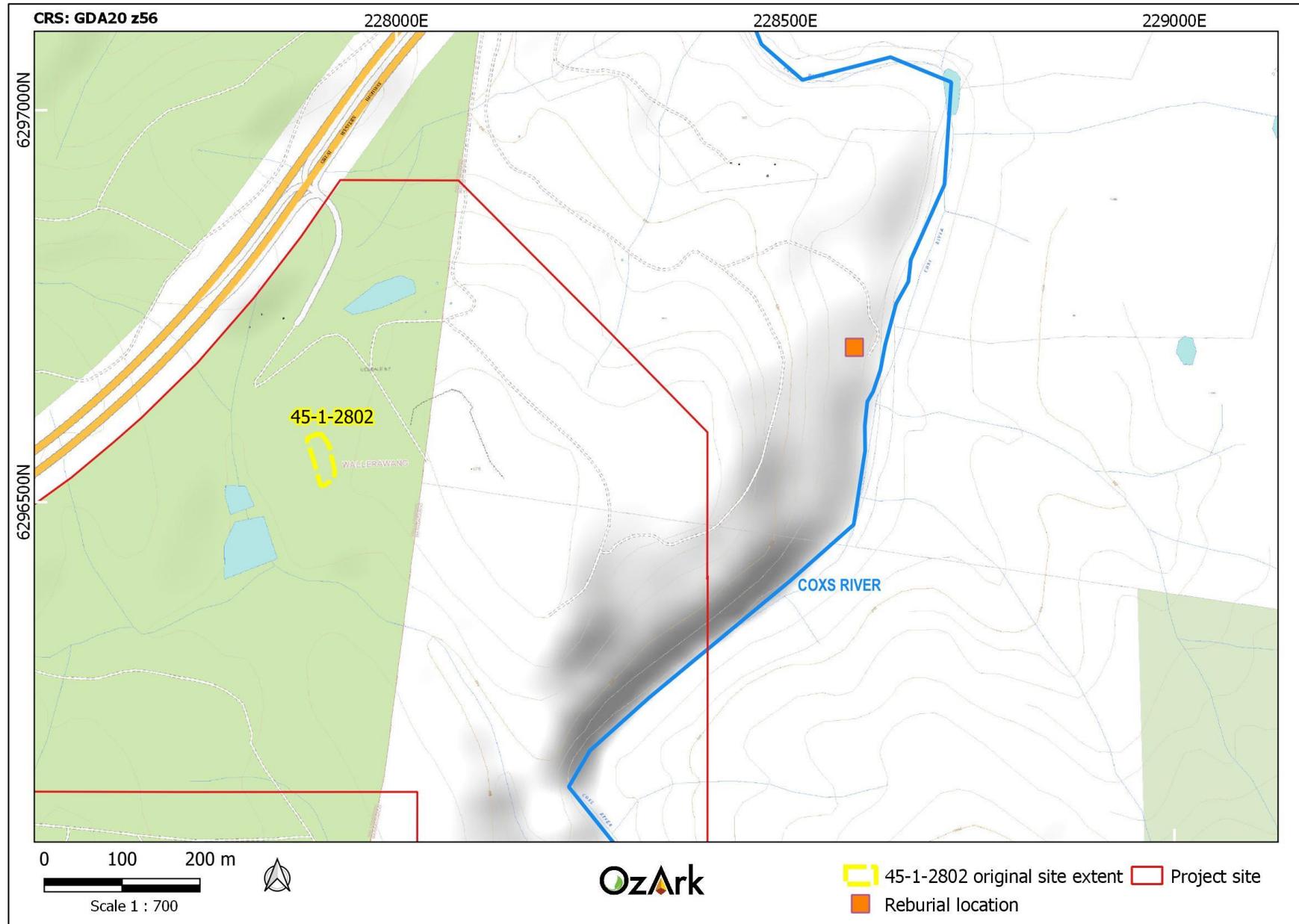
The reburial location is 825 m east-northeast of the original location of WQ1. The reburial location is shown on **Figure 4-1**.

#### **4.2.4 Further responsibilities**

Following salvage of WQ1 in 2021, an *Aboriginal Site Impact Recording Form* (ASIRF) was submitted to Heritage NSW and approved. The site has now been updated to 'destroyed' on the AHIMS database and requires no further management.

The reburial location must not be disturbed by the project. It is outside the project site and detailed management measures to ensure avoidance are not required.

Figure 4-1: Location of reburied artefacts in relation to location of salvaged site.



## 5 MANAGEMENT OF ABORIGINAL CULTURAL HERITAGE

Appropriate management of cultural heritage items is primarily determined on the basis of their assessed significance as well as the potential impacts of the proposed development.

### 5.1 COMMENCEMENT OF OPERATIONS

The Plan was approved by the then Department of Planning, Industry and Environment (DPIE, now NSW Department of Planning and Environment [DPE]). It is the responsibility of the Walker Quarries manager to ensure the ongoing implementation of this Plan (see **Table 6-1**).

### 5.2 CULTURAL HERITAGE AWARENESS

All staff and contractors engaged in works disturbing ground or vegetation at the site will be given an induction that includes information on the Aboriginal cultural values and artefacts present in the area. This will include staff and contractors being made aware of their responsibilities under NPW Act and the location of known sites.

All employees, contractors, sub-contractors and visitors to the ACHMP Area have an obligation to avoid harming Aboriginal heritage unless engaged in approved development activity in an area where Aboriginal salvage obligations have been met as described in this Plan.

The definition of harm used in this Plan stems from the definition in Section 5 of the NPW Act. The examples used below are for illustrative purposes and are not exhaustive.

Harm to an Aboriginal object or Aboriginal site means:

- Moving or collecting stone artefacts (although picking up artefacts and inspecting them is acceptable as long as they are immediately returned to their original location)
- Disturbing the earth where stone artefacts are located, e.g. by earthworks for drains, roads, etc.
- Breaking stone artefacts, e.g. by running over them in a vehicle
- Causing damage to a grinding groove sandstone platform by creating or exacerbating cracks
- Cutting down, disturbing or otherwise marking scarred trees.

The Aboriginal heritage induction will include the following points expressed in plain language:

- Further Aboriginal sites may occur across the ACHMP Area
- Aboriginal sites are of great significance to the Aboriginal community, are important to the wider community and will be treated with respect
- Aboriginal sites are protected by law. The development consent for the mine includes conditions allowing impact to certain specified Aboriginal sites described in the SEE and this Plan

- Aboriginal sites can be hard to recognise, so if unsure, check
- Aboriginal artefacts are often hidden within the topsoil and are not readily visible. The apparent absence of a site does not mean it is no longer in existence.

A register will be kept and updated to record employees who have completed the Aboriginal heritage induction and their date of completion.

### 5.3 PROTOCOL FOR UNANTICIPATED FINDS

An Aboriginal artefact is anything which is the result of past Aboriginal activity. This includes stone (artefacts, rock engravings etc.), plant (culturally scarred trees) and animal (if showing signs of modification, i.e. smoothing, use). Human bone (skeletal) remains may also be uncovered while onsite.

Cultural heritage significance is assessed by the Aboriginal community and is typically based on traditional and contemporary lore, spiritual values, and oral history, and may also consider scientific and educational value.

Protocol to be followed if previously unrecorded or unanticipated Aboriginal object(s) are encountered at the project area or any offset locations associated with the project:

1. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the works associated with the project, the proponent must:
  - a. Not further harm the object
  - b. Immediately cease all work at the location
  - c. Secure the area by cordoning off the site with a 10 m buffer, to avoid further harm to the Aboriginal object
  - d. Notify Heritage NSW as soon as practical on (02) 9873 8500 (heritagemailbox@environment.nsw.gov.au), providing any details of the Aboriginal object and its location
  - e. Not recommence any work at the location unless authorised in writing by Heritage NSW.
2. If Aboriginal burials are unexpectedly encountered during the activity, work must stop immediately, the area must be secured to prevent unauthorised access and NSW Police and Heritage NSW contacted (see **Section 5.5** for further details)
3. Cooperate with the appropriate authorities and relevant Aboriginal community representatives to facilitate:
  - a. The recording and assessment of the find(s), including registration on AHIMS.
  - b. The fulfilment of any legal constraints arising from the find(s), including complying with Heritage NSW directions
  - c. Updating this Plan, including consultation with RAPs and the assessment of the significance of the find(s).

Where the find(s) are determined to be Aboriginal object(s), recommencement of work in the area of the find(s) can only occur once the updated Plan for the project has been endorsed by the Minister for Planning (or their delegate), or the Minister for Planning is satisfied that measures to be implemented in respect of the Aboriginal object or Aboriginal place and makes a written direction in that regard.

#### **5.4 GENERIC SURFACE SALVAGE PROCEDURE**

If unidentified sites are recorded in future within the ACHMP area and salvage has been authorised by Heritage NSW and DPE, objects can be recorded and collected from the whole of the site area by a qualified archaeologist together with RAPs. Prior to this occurring, the site will be fenced to prevent any damage or inadvertent entry into the site by quarry operations until the recovery process is complete.

The following methodology will be followed for the surface collection of Aboriginal artefacts at the site:

- All visible artefacts at the site will be flagged
- The artefacts will be photographed after flagging and before recording
- The following information will be collected for each artefact:
  - GPS location
  - type
  - size
  - reduction level
  - raw material
  - any relevant notes.
- Once all recording is complete, the artefacts will be collected and placed in appropriately labelled bags
- The recording and analysis of the artefacts recovered will be largely completed in the field and this data will be interpreted and documented in a salvage report to Heritage NSW and the RAPs
- The supervising archaeologist would be responsible for submitting an *Aboriginal Site Impact Recording Form* (ASIRF) to the AHIMS to update the register with the results of the salvage works at the site.

##### **5.4.1 Care of salvaged artefacts**

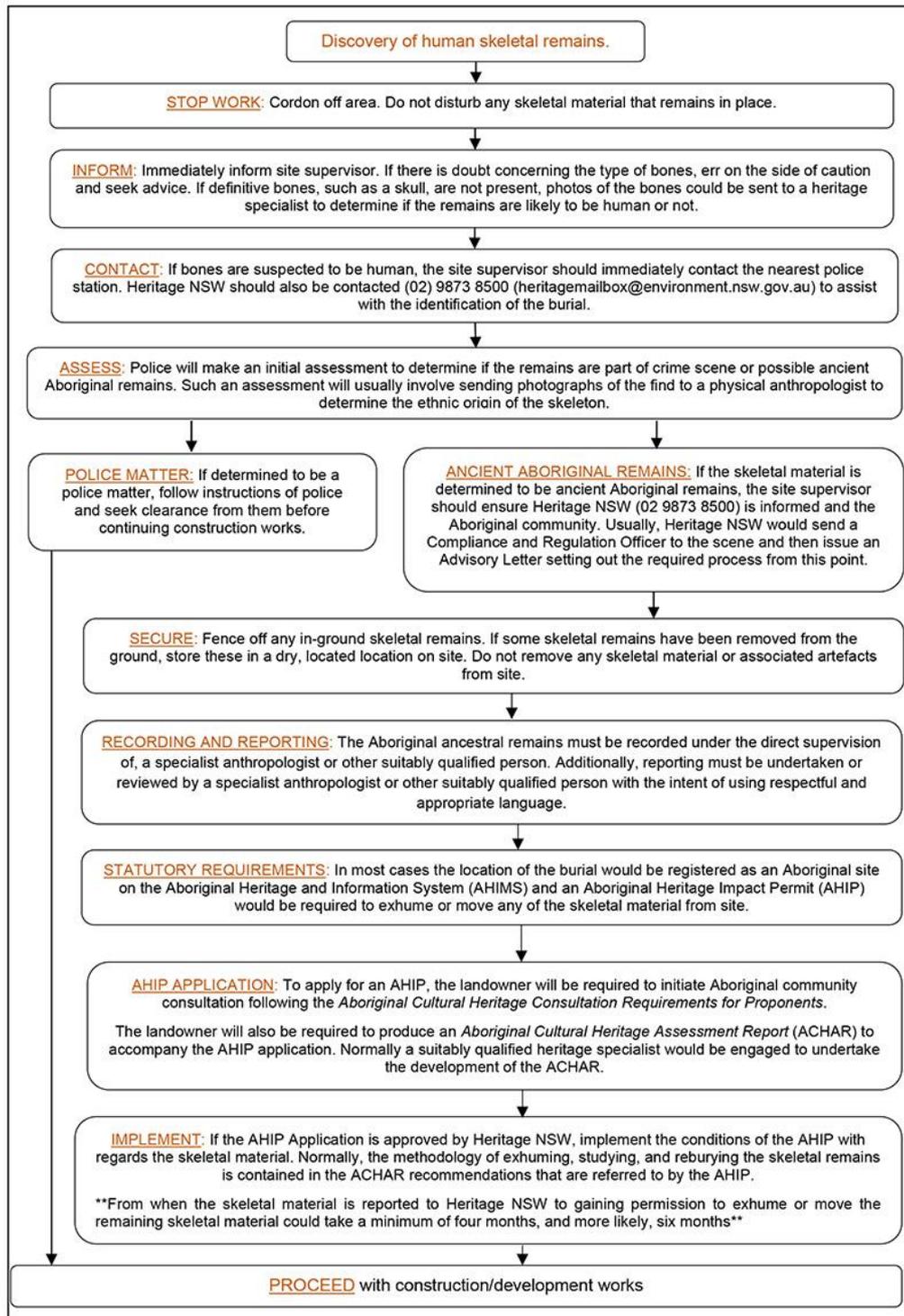
Any salvaged artefacts will be reburied at a location where future developments will not occur and as close as possible to their original location. This will take place in accordance with Requirement 26 “*Stone artefact deposition and storage*” in the Code of Practice. The relocation area will be determined through consultation between the proponent and the RAPs.

If feasible, the reburial should be at the same location of the artefacts salvaged from WQ1 (Figure 4-1). A site card will be submitted to AHIMS to record the relocation area and the previous AHIMS site status for the site(s) must be updated to 'destroyed'.

### 5.5 HUMAN SKELETAL REMAINS PROTOCOL

Figure 5-1 outlines the protocol to be consulted in the event of human remains being discovered during the project.

Figure 5-1: Human skeletal remains protocol.



## 5.6 ACTIVITIES OUTSIDE CURRENT APPROVAL AREAS

Any proposed works outside the current approval area resulting in vegetation clearing or ground surface disturbance will require heritage assessment involving a suitably qualified archaeologist and RAPs (if required).

Heritage assessment methodology to be determined by the archaeologist, following the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* and/or the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Results of the Due Diligence assessment will determine whether further investigation and/or community consultation is required.

## 5.7 POST OPERATIONS MANAGEMENT

The Rehabilitation Management Plan for the project will include provisions for the long-term conservation of all remaining Aboriginal sites at the end of the project, including any sites created by artefact reburial.

## 5.8 PERFORMANCE MEASURES

Schedule 5 Condition 3 of the Conditional of Consent state that the proponent will the manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures.

In relation to this Plan the performance measures are as follow:

- That this Plan is used and adhered to in relation to the protection and management of Aboriginal cultural heritage
- That all reasonable care is taken to ensure the conservation of all known Aboriginal cultural heritage sites at Wallerawang Quarry
- That all new discoveries of Aboriginal cultural heritage are appropriately managed
- That all applicable quarry plans show the location of known Aboriginal cultural heritage sites so that harm to the sites is prevented
- That all workers and contractors engaged at Wallerawang Quarry are aware of the legislative requirement to conserve known Aboriginal cultural heritage sites
- That the proponent undertake consultation with the RAPs for the Wallerawang Quarry both in terms of assessing the significance of any new discoveries and concerning any incident or update to this Plan.

Should any of these performance measures fail, the proponent will, at the earliest opportunity:

- Take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur

- Consider all reasonable and feasible options for remediation (where relevant) and submit a report to DPE describing those options and any preferred remediation measures or other course of action
- Implement remediation measures as directed by the Planning Secretary, to the satisfaction of the Planning Secretary.

## **5.9 REPORTING**

### **5.9.1 Incident reporting**

The proponent will immediately notify DPE and Heritage NSW immediately after it becomes aware of an incident. The notification must be in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and identify the development (including the development application number and name) and set out the location and nature of the incident.

### **5.9.2 Non-compliance notification**

Within seven days of becoming aware of a non-compliance, the proponent will notify DPE of the non-compliance. The notification must be in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) and identify the development (including the development application number and name), set out the Condition of Consent that the development is non-compliant with, why it does not comply and the reasons for the noncompliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## **5.10 ANNUAL REVIEW**

By the end of September in each year after the commencement of development, or other timeframe agreed by the Secretary, a report must be submitted to DPE reviewing the environmental performance of the development, to the satisfaction of the Secretary. With regard to Aboriginal cultural heritage, this review must:

- (S5-11(b)) Include a comprehensive review of the monitoring results and complaints records of the development over the previous financial year
- (S5-11(c)) identify any non-compliance or incident which occurred in the previous financial year, and describe what actions were (or are being) taken to rectify the non-compliance and avoid reoccurrence
- (S5-11(d)) evaluate and report on compliance with the performance measures, criteria and operating conditions of this consent
- (S5-11(f)) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies
- (S5-11(g)) describe what measures will be implemented over the next financial year to improve the environmental performance of the development.

## **5.11 AUDIT**

An independent environmental audit is undertaken against consents, licences and leases every three years. The scope of the audit includes a review of the adequacy of plans or programs and recommended measures or actions to review the environmental performance of the site. Implementation of this Plan will be included in the scope of the Independent Environmental Audit.

A copy of the Independent Audit Report will be supplied to the Planning Secretary.

## **5.12 DISPUTE RESOLUTION PROCESS**

The proponent will maintain a centralised location to record communications details of relevant external stakeholders and procedures for stakeholder contact including a Complaints Procedure.

Complaints will be recorded and investigated by the proponent, or their delegate. Initial response to the complainant will be made as soon as practicable by the proponent or their delegate.

Follow up correspondence with the complainant will be made explaining the outcome of complaint investigations upon request.

As required, the investigation will involve:

- Contemporaneous recording of the complaint and the contact details of the complainant
- Investigation of the substance of complaint and the determination of what if any activity undertaken by the development is responsible for or possibly contributing to the grievances identified in the complaint
- If an incident or non-compliance is identified, in accordance with the Conditions of Consent.
- Responding to the complainant (and regulators, if appropriate) with the findings of the investigation and a proposed timeline for the implementation of corrective actions.

If a dispute is ongoing between the complainant and the proponent, DPE will be consulted to resolve the matter.

## 6 ROLES, RESPONSIBILITIES AND TIMEFRAMES

The roles, responsibilities and timeframes regarding this Plan are outlined in **Table 6-1**.

**Table 6-1. Roles, responsibilities, and timeframes.**

Title	Organisation	Roles and Responsibilities	Timeframe	Development Consent Condition
Quarry Manager	Walker Quarries	Protect Aboriginal sites and places outside the approved disturbance area from project related impacts.	Ongoing	21
Quarry Manager	Walker Quarries	Manage the potential discovery of human remains over the life of the project.	Ongoing	22
Quarry Manager	Walker Quarries	Manage the potential discovery new Aboriginal objects over the life of the project.	Ongoing	23 and 23A
Quarry Manager	Walker Quarries	Manage recording of Aboriginal objects or places over the life of the project.	Ongoing	23 B
Quarry Manager, qualified heritage consultant	Walker Quarries, OzArk	Preparation of an ACHMP by a qualified and experienced person.	Completed	23 C a)
Quarry Manager, qualified heritage consultant	Walker Quarries, OzArk	ACHMP be prepared with BCD and RAPS.	Completed	23 C b)
Quarry Manager	Walker Quarries	Comply with the conditions of consent.	Ongoing	23 C c) (i)
Quarry Manager	Walker Quarries	Aboriginal cultural heritage inductions for all workers.	Ongoing	23 C c) (ii)
Quarry Manager	Walker Quarries	Protect, monitor and manage identified Aboriginal sites and places.	Ongoing	23 C c) (iii)
Quarry Manager	Walker Quarries	Protect Aboriginal sites and places outside the approved disturbance area from project related impacts.	Ongoing	23 C c) (iv)
Quarry Manager	Walker Quarries	Manage the potential discovery of human remains or new Aboriginal objects over the life of the project.	Ongoing	23 C c) (v)
Quarry Manager	Walker Quarries	Maintain and manage access for Aboriginal stakeholders to Aboriginal site or places outside approved disturbance area.	Ongoing	23 C c) (vi)
Quarry Manager	Walker Quarries	Care, control and storage of artefacts salvaged on site, including. AHIMS Site #45-1-2802.	Completed	23 C d)
Quarry Manager	Walker Quarries	Work not to commence until ACHMP endorsed by BCD Secretary.	Before project work commences	23 D.

<b>Title</b>	<b>Organisation</b>	<b>Roles and Responsibilities</b>	<b>Timeframe</b>	<b>Development Consent Condition</b>
Quarry Manager	Walker Quarries	Protect Aboriginal sites and places outside the approved disturbance area from project related impacts.	Ongoing	21
Quarry Manager	Walker Quarries	Manage the potential discovery of human remains over the life of the project.	Ongoing	22
Quarry Manager	Walker Quarries	Manage the potential discovery new Aboriginal objects over the life of the project.	Ongoing	23 and 23A
Quarry Manager	Walker Quarries	Manage recording of Aboriginal objects or places over the life of the project.	Ongoing	23 B
Quarry Manager	Walker Quarries	Implementation of the ACHMP.	Ongoing	23 E.

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## REFERENCES

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- DECCW 2010 Department of Environment, Climate Change and Water, Sydney (now Heritage NSW). 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.
- DECCW 2010b Department of Environment, Climate Change and Water, Sydney (now Heritage NSW). 2010. *Aboriginal Cultural Heritage Consultation Requirements for Proponents*.
- DECCW 2010c Department of Environment, Climate Change and Water, Sydney (now Heritage NSW).. 2010. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. Department of Environment, Climate Change and Water, Sydney.
- OzArk 2019 OzArk 2019. *Aboriginal and Historic Cultural Heritage Assessment Report: Wallerawang Quarry Extension Project*. June 2019. Report to Umwelt (Australia) on behalf of Walker Quarries.
- OzArk 2021 OzArk 2021. *Aboriginal Cultural Heritage Salvage Report: Wallerawang Quarry Modification 3*. Report to Umwelt (Australia) on behalf of Walker Quarries.
- Silcox 2000 Silcox, R. *Archaeological Assessment for a Proposed Hardrock Quarry, Wallerawang*. Report to Pacrim Environmental Pty Ltd.

## APPENDIX 1: ENDORSEMENT OF TECHNICAL SPECIALISTS



Mr. Alex Irwin  
Principal Environmental Consultant  
Umwelt

Via email: [airwin@umwelt.com.au](mailto:airwin@umwelt.com.au)

23/05/2022

Dear Mr. Irwin

**Wallerawang Quarry (DA 344-11-2001)  
Appointment of Experts - Aboriginal Cultural Heritage Management Plan**

I refer to your request (DA 344-11-2001-PA-32) for the Secretary's approval of suitably qualified persons to prepare the Aboriginal Cultural Heritage Management Plan for Wallerawang Quarry (DA 344-11-2001).

The Department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, I can advise that the Secretary approves the appointment of the following team to prepare the Aboriginal Cultural Heritage Management Plan.

Team Member	Role
Mr Ben Churcher - Principal Archaeologist	Technical Specialist - Aboriginal Cultural Heritage Management Plan
Mr Harrison Rochford - Archaeologist	Technical Specialist - Aboriginal Cultural Heritage Management Plan

If you wish to discuss the matter further, please contact Kevin Reid on 0292746209.

Yours sincerely

Jessie Evans  
Director, Resource Assessments  
Resource Assessments

As nominee of the Secretary

## APPENDIX 2: STAKEHOLDER CONSULTATION LOG AND CORRESPONDENCE

### Aboriginal Community Consultation Log

Date	Organisation	Comment	Method
17.3.20	Yurrandaali Cultural Services	Rebecca Hardman (RH) sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Barraby Cultural Services	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Murra Bidgee Mullangari Aboriginal Corporation	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	MINGAAN WIRADJURI ABORIGINAL CORPORATION	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Merrigarn	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Muragadi Heritage Indigenous Corporation	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Yulay Cultural Services	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Warrabinga Native Title Claimants Aboriginal Corporation	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Gundungurra Tribal Council Aboriginal Corporation	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Bathurst LALC	RH sent copy of the ACHMP Report for review. Feedback closes 31.3.20	email
17.3.20	Merrigarn	RTS	RTS
17.3.20	Merrigarn	RH re sent to alternative email	email
3.4.20	Barraby Cultural Services	RH received email - received thanks	email

## Example letter

	<p>OzArk Environment &amp; Heritage</p> <p>Dubbo T: 02 6882 0118</p> <p>Queanbeyan enquiry@ozarkelhm.com.au</p> <p>Newcastle www.ozarkelhm.com.au</p>	<p>ABN 59 104 582 354</p> <p>145 Wingewarra St</p> <p>PO Box 2069</p> <p>DUBBO NSW 2830</p>
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17<sup>th</sup> March 2020

Members

Bathurst Local Aboriginal Land Council

c/- [REDACTED]

149 Russell St

Bathurst NSW 2795

bathlalc2@bigpond.com

***ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN  
WALLERAWANG QUARRY MODIFICATION 3 PROJECT.***

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Dear Members,

In June 2019 OzArk completed the Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Wallerawang Quarry Extension Project contained within Mining Lease (ML) 1633. The ACHAR was to inform the application for Modification 3 to DA 344-11-2001 that proposed an extension to the Wallerawang Quarry and ML 1633.

The OzArk assessment indicated that the extension would result in harm to one Aboriginal site: AHIMS #45-1-2802 (WQ1), a site containing 16 artefacts predominantly within extensive exposures in the southern portion of the site with further artefacts recorded along a disused vehicle track in the western portion of the site.

DA 344-11-2001 Modification 3 has now been consented and an Aboriginal Cultural Heritage Management Plan (ACHMP) has been developed to manage Aboriginal cultural heritage at the Wallerawang Quarry. This plan sets out the methodology for the salvage of site WQ1, as well as the procedures for unanticipated finds elsewhere at the Wallerawang Quarry.

We are sending you this draft version of the ACHMP for your information. Should you have any comments on this ACHMP, please contact us before **COB Tuesday 31<sup>st</sup> March 2020** so that we may consider your suggestions before the plan is submitted to the Department of Planning, Industry and Environment for approval.

With thanks,



Rebecca Hardman  
**Community Liaison & Administration**

## APPENDIX 3: BCD (NOW HERITAGE NSW) CONSULTATION



Our ref: DOC20/340369  
Your Ref: DA344-11-2001

Harrison Rochford  
Heritage Officer  
OzArk Environment and Heritage  
[harrison@ozarkehm.com.au](mailto:harrison@ozarkehm.com.au)

Dear Harrison

### **Wallerawang Quarry Modification 3 Project – Aboriginal Cultural Heritage Management Plan**

Thank you for your email dated 14 April 2020 to the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment inviting comments on the Aboriginal Cultural Heritage Management Plan (ACHMP) for the Wallerawang Quarry Modification 3 project.

It is noted that section 5.4 of the ACHMP notes that both BCD and NSW Police must be contacted if Aboriginal burials are unexpectedly encountered. However, Figure 5.1 states that only the police will be contacted.

It is recommended that the protocol proposal in Figure 5.1 for managing the discovery of human remains be amended to state that the Biodiversity and Conservation Division (BCD) is contacted in addition to NSW Police to assist in identifying if the skeletal remains are that of a traditional Aboriginal burial.

BCD has no further comments to make on the ACHMP.

If you require any further information regarding this matter, please contact Phil Purcell, Archaeologist, via [phil.purcell@environment.nsw.gov.au](mailto:phil.purcell@environment.nsw.gov.au) or (02) 6883 5341.

Yours sincerely

**Renee Shepherd**  
**Acting Senior Team Leader Planning North West – ACH and Special Projects**  
**Biodiversity and Conservation Division**

5 May 2020

cc: Matthew Sprott, Director Resource Assessments, P&A Group  
Colin Phillips, Team Leader, Minerals Quarry Assessments, P&A Group