



Newman Quarrying Pty Ltd

Quarry Expansion at Lot 2 DP 1055044, Tullymorgan-
Jackybulbin Road, Mororo
Heritage Management Plan

January 2020

Table of contents

1.	Introduction.....	1
1.1	Objectives	1
1.2	Targets.....	1
2.	Environmental requirements	2
2.1	Legislation.....	2
2.2	Guidelines	2
2.3	Conditions of approval	2
3.	Existing environment.....	4
3.1	Impacts	4
4.	Environmental control measures	6
5.	Compliance management	8
5.1	Environmental Inspections and monitoring.....	8
5.2	Contingency plan	8
5.3	Reporting	8
6.	Review and improvement.....	9

Table index

Table 2-1	Consent conditions relevant to HMP	3
Table 4-1	Environmental Controls and Mitigation Measures	6

1. Introduction

This Heritage Management Plan (HMP) forms part of the Environmental Management Strategy (EMS) for Sly's Quarry located at Lot 2 DP 1055044, Tullymorgan – Jackbulbin Road, Mororo. This HMP has been prepared to meet the requirements of the Minister's Conditions of Approval (CoA) outlined in Development Consent SSD 6624. This HMP addresses the CoA, the mitigation measures outlined in the Environmental Impact Statement (EIS) for Sly's Quarry and all relevant legislation.

1.1 Objectives

The key objective of the HMP is to ensure appropriate controls and procedures are implemented in order to avoid damage or disturbance of heritage items.

1.2 Targets

The following targets have been established for the management of both historical and Aboriginal cultural heritage during the operational lifetime of Sly's Quarry:

- Ensure full compliance with the relevant legislative requirements and CoA
- No damage to heritage items
- All site staff and contractors trained on unexpected finds protocol

2. Environmental requirements

2.1 Legislation

Legislation relevant to heritage management includes:

- *Environmental Planning and Assessment Act 1979*
- *National Parks and Wildlife Act 1974*
- *National Parks and Wildlife Amendment Regulation 2010*
- *Native Title Act 1993 (Commonwealth)*
- *Heritage Act 1977 (Heritage Act)*
- *Aboriginal Land Rights Act 1983*
- *Native Title Act 1993 (Commonwealth)*
- *Environment Protection Biodiversity Conservation Act 1999 (EPBC Act) (Commonwealth)*

Further discussion of the above legislation is covered in Section 2 of the EMS, as well as the EIS.

2.2 Guidelines

The following guidelines have been reviewed during development of this HMP:

- *Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010)*
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW, 2010)*
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011)*
- *NSW Heritage Manual – Investigating Heritage Significance: Draft Guideline (NSW Heritage Office, 2004)*
- *NSW Heritage Manual – Assessing Heritage Significance (NSW Heritage Office, 2001)*

2.3 Conditions of approval

The consent conditions from Development Consent SSD 6624 relevant to this HMP are listed in Table 2-1. A cross reference is also included to indicate where the condition is addressed in this HMP or other environmental management documents.

Table 2-1 Consent conditions relevant to HMP

Condition No.	Requirement	Reference
Schedule 3, Condition 26	<p>If any item or object of Aboriginal heritage significance is identified on site, the Applicant must ensure that:</p> <ul style="list-style-type: none"> (a) all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately (b) a 10 m buffer area around the suspected item or object is cordoned off; and (c) the BCD is contacted immediately <p>Work in the 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>.</p>	Section 4
Schedule 5, Condition 3	<p>The Applicant must ensure that the management plans required under this consent are prepared in accordance with any relevant guidelines, and include:</p> <ul style="list-style-type: none"> (a) detailed baseline data (b) a description of: <ul style="list-style-type: none"> o the relevant statutory requirements (including any relevant approval, licence or lease conditions) o any relevant limits or performance measures/criteria; and o the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures (c) a description of the measures that would be implemented to comply with the relevant statutory requirements, limits, or performance measures/criteria; (d) a program to monitor and report on the: <ul style="list-style-type: none"> o impacts and environmental performance of the development; and o effectiveness of any management measures (see (c) above) (e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible (f) a program to investigate and implement ways to improve the environmental performance of the development over time (g) a protocol for managing and reporting any: <ul style="list-style-type: none"> o incidents o complaints o non-compliances with statutory requirements; and o exceedances of the impact assessment criteria and/or performance criteria; and (h) a protocol for periodic review of the plan. <p>Note: <i>The Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i></p>	<p>Section 3</p> <p>Section 2.1</p> <p>Section 5</p> <p>Section 5</p> <p>Section 4</p> <p>Section 5.1</p> <p>Section 5.2</p> <p>Section 6</p> <p>Section 6 of the EMS</p> <p>Section 6</p>

3. Existing environment

The Due Diligence Assessment that was carried out during preparation of the EIS addressed both historic and Aboriginal cultural heritage.

For Aboriginal cultural heritage, a desktop assessment including searches of applicable Indigenous heritage registers was undertaken along with consultation with a representative from the Yaegl local Aboriginal land council (LALC). The following conclusions were drawn:

- No Indigenous cultural heritage sites or relics were identified within the proposed expansion areas of Sly's Quarry.
- No areas have been identified that are considered to potentially contain subsurface deposits of significant Aboriginal heritage.
- All of the proposed quarry has been disturbed in a manner which constitutes 'disturbance' within the meaning of the Due Diligence Code and is consistent with the Due Diligence Code.
- The Yaegl LALC representative agreed in discussion that no further Aboriginal cultural heritage investigation was required.

For historic cultural heritage a desktop review concluded that no historically significant cultural heritage sites were located in the vicinity of the quarry. A search of relevant heritage databases for the Clarence Valley local government area (LGA) and the Mororo area identified:

- The World Heritage List: Contains no historic heritage listings within or within close proximity to the proposal.
- Register of the National Estate: returned four (4) historic heritage listings all of which were located in Woodburn, with the closest being the Broadwater National Park, situated northeast of the proposal.
- Commonwealth Heritage List (Australian Heritage Council): Contains no historic heritage listings within or within close proximity to the proposal.
- The National Heritage List (Australian Heritage Council): Contains no historic heritage listings within or within close proximity to the proposal.
- The National Trust Register: Contains no historic heritage listings within or within close proximity to the proposal.
- The State Heritage Register (NSW Heritage Office): Contains no historic heritage listings for Mororo. One historic heritage item was listed for Evans Head under Section 1 (Heritage Council) and will not be impacted by the proposal. Section 2 (Local Councils, Shires and State Agencies) lists one item for Evans Head and seven listings for Woodburn, none of which will be impacted by the proposal.
- CVLEP 2012: Contains no historic heritage listings for the Mororo area. 17 items are listed for Evans Head and 12 items are listed for Woodburn, none of which will be impacted by the proposal.

3.1 Impacts

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

- Vegetation clearing and topsoil stripping

- Bulk earthworks
- Drainage maintenance works

A potential impact exists for previously unrecorded Aboriginal sites uncovered during the excavation activities however any impact on potential Aboriginal sites in that area is deemed to be extremely low.

The desktop review concluded that no historically significant cultural heritage sites would be impacted by the proposal.

4. Environmental control measures

Environmental requirements and control measures are identified in the CoA of Development Consent SSD 6624 and the EIS. Specific measures and requirements to address potential heritage impacts are outlined in Table 4-1.

Table 4-1 Environmental Controls and Mitigation Measures

EMS Ref.	Environmental Management Measure	Timing	Responsibility
H1	<p>If it is suspected that Aboriginal material has been uncovered as a result of earth working activities within the quarry:</p> <ul style="list-style-type: none"> • Work in the surrounding area is to stop immediately. • A temporary fence is to be erected around the site, with a buffer zone of at least 10 m around the known edge of the site. • The BCD is to be contacted immediately and an appropriately qualified archaeological consultant is to be engaged to identify the material. • If the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as out lined in the BCD guidelines: <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)</i>. • Work in the 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>. 	Operation	Quarry Manager
H2	<p>If Aboriginal cultural materials are uncovered as a result of development activities within the quarry, they are to be registered as Sites in the AHIMS database managed by the BCD. Any management outcomes for the site will be included in the information provided to the BCD.</p>	Operation	Quarry Manager
H3	<p>If human remains are located at any stage during earthworks within the quarry, all works must halt in the immediate area to prevent any further impacts to the remains. The location where they were found should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Yaegl LALC, and the BCD Regional Office (Coffs Harbour) are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police release the scene, the Aboriginal community and the BCD should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.</p>	Operation	Quarry Manager

EMS Ref.	Environmental Management Measure	Timing	Responsibility
H4	In the unlikely event that Aboriginal cultural heritage is identified, it is proposed that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values. Should a situation arise where impacts to Aboriginal cultural heritage is unavoidable, mitigation measures should be negotiated between the Newman Quarrying, BCD and the Aboriginal Community.	Operation	Quarry Manager

5. Compliance management

5.1 Environmental Inspections and monitoring

Given that there are no known heritage sites in the vicinity of the quarry, regular environmental inspections are not required.

5.2 Contingency plan

In the unlikely event that Aboriginal cultural materials or skeletal remains are uncovered, the actions outlined in Table 4-1 are to be followed.

5.3 Reporting

If Aboriginal cultural materials or skeletal remains are uncovered, this will need to be documented in accordance with BCD requirements.

A summary of any finds of Aboriginal cultural materials or skeletal remains will be presented in the Annual Report (refer to Section 8.5 of the EMS).

6. Review and improvement

Continuous improvement of this HMP will be achieved in accordance with Section 9 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

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