

Aboriginal Cultural Heritage Management Plan

for the East Guyong Quarry



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1. Introduction

This *Aboriginal Cultural Heritage Management Plan* (the Plan) has been prepared by R W Corkery & Co Pty Limited (RWC) on behalf of Hanson Construction Materials Pty Ltd (Hanson) for the East Guyong Quarry (the Quarry). The Quarry is located approximately 22km southeast of Orange and 36km west of Bathurst (**Figure 1**).

This Plan has been prepared in accordance with Conditions 36, 36A, 36B and 36C of Schedule 3 and Condition 2 of Schedule 5 of Project Approval (PA) 06_0193

Specifically, the Plan provides the following.

- A description of the activities approved under PA 06_0193.
- Identification of all statutory requirements and other commitments associated with Aboriginal cultural heritage management within the Quarry.
- Identification of the objectives and key performance outcomes for this Plan and the Quarry in relation to Aboriginal cultural heritage management.
- Identification of the key Aboriginal stakeholders relevant to Aboriginal cultural heritage management within the Quarry.
- A description of Quarry personnel roles and responsibilities with respect to Aboriginal cultural heritage management.
- A description of the procedures to be followed to avoid impacts on Aboriginal cultural heritage within the Quarry.
- A description of the inductions, training and operating protocols to be implemented.
- A description of performance management against the objectives and key performance outcomes for this Plan.
- A details of plan evaluation and review requirements.

This Plan forms part of the Quarry's overall Environmental Management System which includes the implementation of the following management plans.

- Environmental Management Strategy.
- Landscape Management Plan (incorporating Rehabilitation).
- Landscape Management Plan.
- Asbestos Management Plan.
- Blast Management Plan.
- Air Quality Monitoring Program.
- Soil and Water Management Plan.
- Noise Management Plan.
- Pollution Incident Response Management Plan.
- Traffic Management and Driver Conduct Plan.

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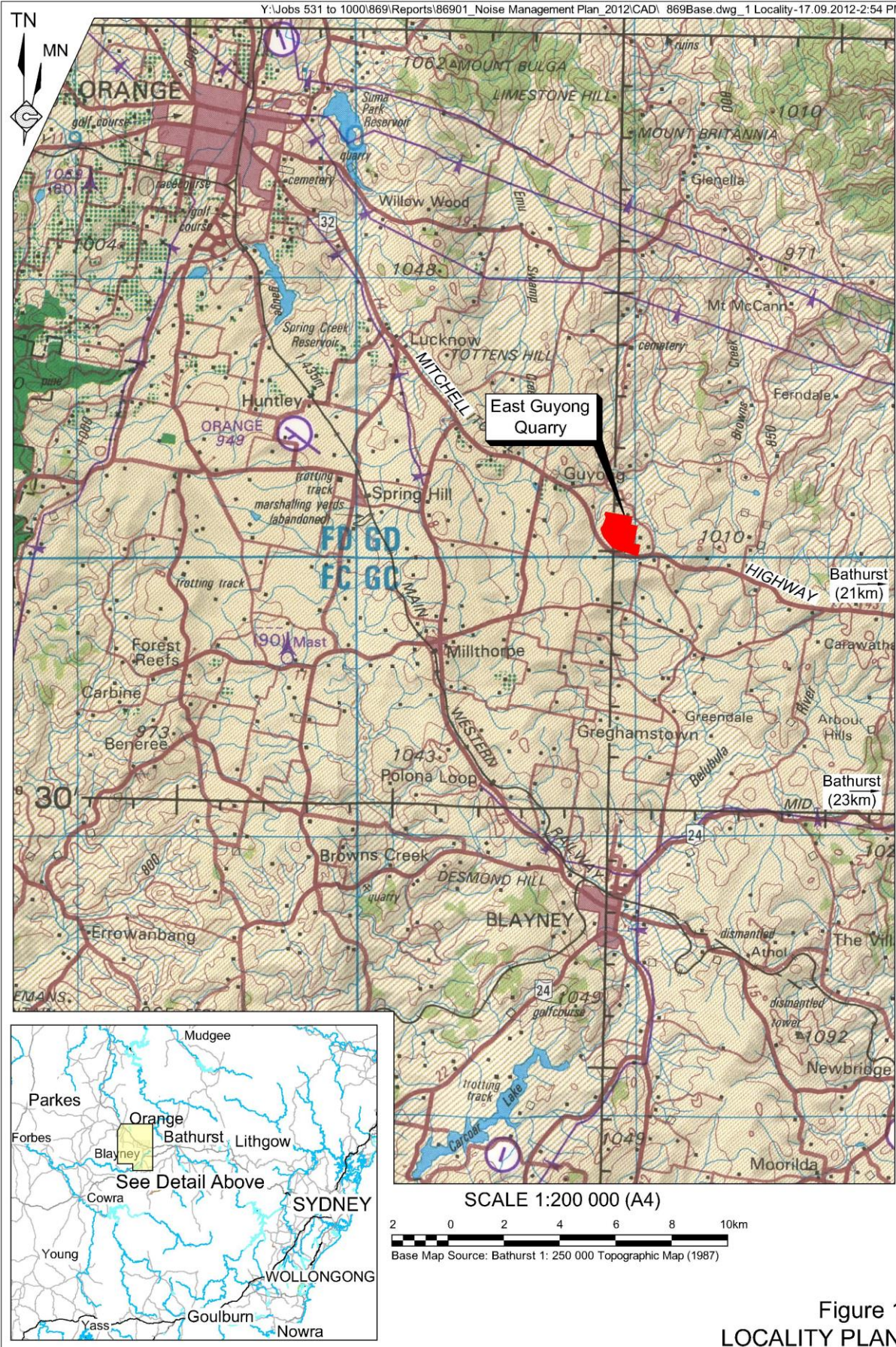


Figure 1
LOCALITY PLAN

2. Approved Activities

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

- Establishment of an Extraction Area to extract basalt using standard drill, blast, load and haul techniques.
- Construction and use of a processing plant within an identified Infrastructure Area to process the extracted basalt to produce a range of quarry products, including aggregates and road base, and stockpiling of the resulting products adjacent to the processing plant.
- Construction of a site access road and intersection with the Mitchell Highway.
- Transportation of up to 600 000t per year of quarry products via the Mitchell Highway using truck and dog and B Double trucks.
- No more than 30 laden trucks despatched from the Quarry in any hour, no more than 160 laden trucks despatched from the Quarry on any day (Monday to Friday) and no more than 60 laden trucks may be despatched from the Quarry on a Saturday.
- Construction of a range of visual screens and establishment of native vegetation to provide visual screening for the quarry operations.

The approved Quarry life is until 31 December 2042 and the approved hours of operation are as follows.

- Monday to Friday (non-daylight savings) – 6:00am to 6:00pm.
- Monday to Friday (daylight savings) – 6:00am to 8:00pm.
- Saturdays – 7:00am to 1:00pm.
- Sundays and public holidays – nil.

Product despatch between 5:00am and 10:00pm, Monday to Saturday is permitted following negotiation of agreements with the seven surrounding landholders nominated in *Condition 6 of Schedule 3 of PA 06_0193* and the notification of the Department in writing of the terms of these agreements.

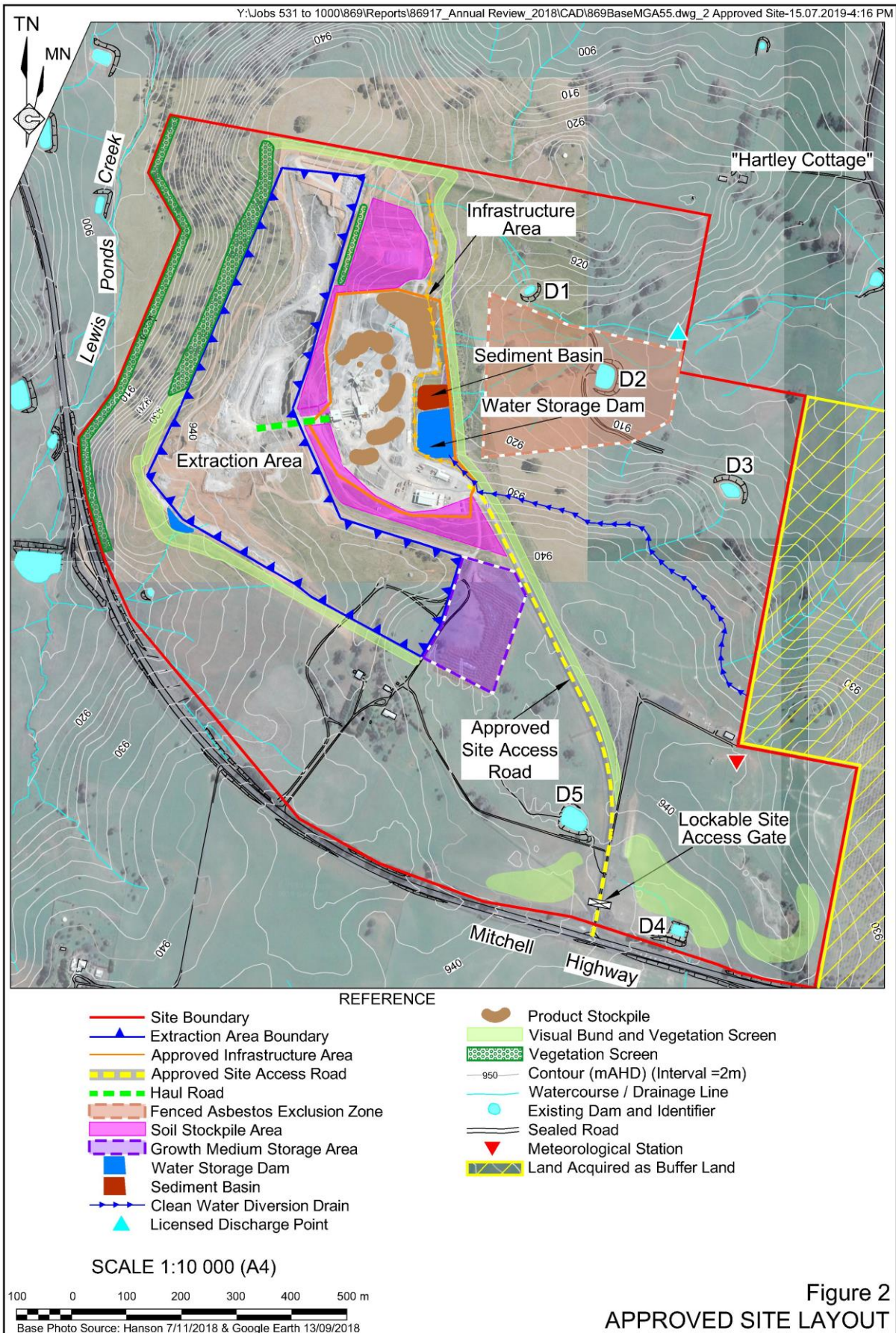


Figure 2
APPROVED SITE LAYOUT

3. Aboriginal Cultural Context

Feedback received from the Orange Local Aboriginal Land Council following review of the archaeological survey report and assessment prepared by ASR in 2002 identified the following from an Aboriginal cultural heritage perspective.

- The vast majority of the land has been cleared for pasture development with only scattered woodland remaining.
- The remaining trees were mainly smooth barked gums with few box trees.
- No sites were recorded, there was no identified natural water source nor any stone resources.
- Whilst Aboriginal people would have used the area in the past for hunting and gathering it was considered unlikely that it would have been suitable for permanent camp sites.

On this basis, ASR (2002) noted that the Aboriginal community was not aware of any specific and location-based cultural connections to the land other than as an area of past use.

4. Consultation

4.1 Government Agency Consultation

The following government agency consultation was undertaken during the preparation of this Plan.

- Correspondence outlining planned updates to the Plan as well as consultation requirements was sent to DPE on 21 June 2019. It was identified that there would not be sufficient time for Aboriginal community consultation within the deadline described in PA 06_0193. Ms Melanie Hollis of DPE responded on 24 June 2019 advising that the Plan was to be submitted by 17 July 2019 (within 3 months of approval of Modification 2) and that should additional feedback be received at a later date from the Aboriginal community, any updates or consultation regarding the Plan should be forwarded to DPE at that time.
- OEH was contacted on 27 June 2019 to identify registered Aboriginal groups in the locality of the Quarry. Feedback from OEH was provided on 28 June 2019 including the Aboriginal stakeholder groups located with the Cabonne Local Government Area that may have an interest in the area. A total of 10 groups were identified. Consultation with these groups is described in Section 4.2.
- A draft version of this Plan was provided to OEH on 15 July 2019. A response from the Biodiversity Conservation Division (BCD) (replacing OEH) was received on 15 August 2019 indicating that there were no issues with the draft Plan.
- Feedback on this Plan was received from DPIE on 9 October 2020 (Note: responses to DPIE feedback have been included as a 'Response' column in the table provided).

Appendix 1 provides a log of the consultation undertaken with government agencies during the preparation of this Plan.

4.2 Aboriginal Community Consultation

4.2.1 Pre-approval Consultation

Original field survey and community engagement was undertaken by Mr John Appleton of Archaeological Surveys & Reports in 2001 and 2002. At that time, Mr Appleton completed the survey of the areas to be disturbed with representatives of Orange Local Aboriginal Land Council (LALC). No consultation with other organisations or individuals was undertaken.

No Aboriginal sites or objects were identified, however, Orange LALC requested a sites officer be engaged for the first day of ground disturbing activities within the Infrastructure or Extraction Area. The Company agreed to this request and has incorporated it as a cultural heritage commitment (see **Table 3**).

4.2.2 Post-approval Stakeholder Consultation – Original ACHMP 2012

The following describes consultation undertaken with Aboriginal stakeholders during the preparation of the original Aboriginal Cultural Heritage Management Plan (ACHMP) in 2012.

On 20 July 2012, letters were sent to the following public authorities or Aboriginal representative organisations requesting details of Aboriginal stakeholders within the local area who may be interested in registering an interest.

- Orange City Council.
- Cabonne Shire Council¹.
- NSW Office of Environment and Heritage.
- Central West Catchment Management Authority,
- Orange LALC.
- National Native Title Tribunal.
- NTS Corp Pty Ltd.

In addition, an advertisement was placed in the Central Western Daily on 21 July 2012 inviting Aboriginal stakeholders to register an interest in being consulted during the preparation of this Plan. Between 20 July 2012 and 1 August 2012, letters were sent to known Aboriginal stakeholders of the region, as well as the Aboriginal stakeholders identified by the public authorities and Aboriginal representative organisations.

The following Aboriginal groups responded to this request and were included in consultation and registered as Aboriginal parties for the Quarry operation.

- Orange Local Aboriginal Land Council
- Binjang Wellington Wiradjuri Heritage Survey
- Wiradjuri Interim Working Party

A draft copy of the Plan was provided to each of the registered Aboriginal parties on 10 September 2012 with a request to review the Plan. Only Mr Trevor Robinson of the Wiradjuri Interim Working Party responded. Mr Robinson contacted Mr Alex Irwin by telephone on 24 September 2012 and noted no objection to the Plan as presented in draft form. Mr Robinson queried whether the occurrence of cultural resources, i.e. food trees, was considered for the site.

4.2.3 Post-approval Stakeholder Consultation – ACHMP 2019 Update

Following the approval of Modification 2 (MOD 2) to DA 06_0193 on 17 April 2019, RWC was engaged by the Company to review and update the ACHMP for the Quarry. Acknowledging that registered Aboriginal parties for the Quarry may have changed since consultation was undertaken in 2012, further consultation was undertaken in order to identify the most relevant Aboriginal stakeholders for the Quarry.

On 7 July 2019, letters were sent to known Aboriginal stakeholders of the region as identified by OEH (**Table 1**).

Appendix 2 provides a log of the consultation undertaken as part of the stakeholder identification process for this Plan.

¹ Cabonne Shire Council was contacted on 29 August 2012.

Table 1
Contacted Aboriginal Stakeholders – ACHMP 2019

| Organisation/Affiliation | Contact Name/Title |
|--|---------------------------|
| Alice and Olive Williams | - |
| Bill Allen | - |
| Binjang Wellington Wiradjuri Heritage Survey | Jamie Grey |
| Mooka | Neville Williams |
| Orange LALC | Chairperson |
| Trevor Robinson | - |
| Wellington Valley Wiradjuri Aboriginal Corporation | Chairperson |
| Wiradjuri Council of Elders | Robert Clegg |
| Wiradjuri Interim Working Party | - |
| Wiradjuri Traditional Owners Central West Aboriginal Corporation | Chairperson |

Letters sent to the following groups using contact details provided by OEH were returned to RWC marked 'Return to Sender'.

- Mr Trevor Robinson.
- Wiradjuri Interim Working Party.
- Wellington Valley Wiradjuri Aboriginal Corporation.

An updated address was located for the Wellington Valley Wiradjuri Aboriginal Corporation and the letter was re-sent to that group. Updated addresses could not be located for Mr Trevor Robinson or the Wiradjuri Interim Working Party.

Responses were received up until 26 July 2019, exceeding the required response period for Aboriginal stakeholders.

Only one response was received from Ben of the Wellington Valley Wiradjuri Aboriginal Corporation. Ben contacted RWC by telephone on 12 August 2019 and indicated that the Quarry is situated outside of traditional land recognised by the Wellington Valley Wiradjuri Aboriginal Corporation.

5. Legal and other Requirements

5.1 Introduction

The Aboriginal heritage survey and assessment prepared to support the application for PA 06_0193, completed by Archaeological Surveys & Reports (ASR, 2002) covered the entire Quarry Site including the area that was the subject of the recent modification. ASR did not identify any Aboriginal objects or sites within the Quarry Site. As a result, there are currently no restrictions or constraints applicable to the Quarry in relation to Aboriginal cultural heritage management.

The above notwithstanding, Aboriginal cultural heritage management must comply with the statutory requirements and other commitments of:

- the National Parks & Wildlife Act 1974;
- the approval under the *Environmental Planning & Assessment Act 1979*; and
- commitments made during the environmental assessment and determination process.

Hanson also acknowledges the possibility that unexpected artefacts or sites may be identified during operations.

The following sub-sections identify those requirements and where each is addressed in the Plan.

5.2 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act), administered by the NSW Office of Environment and Heritage (OEH), is the primary legislation for the protection of Aboriginal cultural 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. Under Section 86 of the NPW Act, offences with respect to the harming or desecrating Aboriginal objects and Aboriginal places are identified without a relevant permit. Specifically, a person must not:

- harm or desecrate an object that the person knows is an Aboriginal object;
- harm an Aboriginal object; or
- harm or desecrate an Aboriginal place.

Penalties of up to \$1 100 000 and/or two years imprisonment apply for offences under Part 6 of the *National Parks and Wildlife Act 1974*.

Section 4.41 of the *Environment Planning and Assessment Act 1979*, however, identifies that a permit for such disturbance is not required for projects classified as State significant development. This includes the East Guyong Quarry.

Section 87(2) of the NPW Act provides for further defence against prosecution if due diligence in determining whether an act or omission constituting the alleged offence 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

document, and the resulting 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. Such due diligence is considered to have been satisfied through the assessments undertaken and operational protocols that are implemented.

5.3 Project Approval 06_0193

The Company was granted PA 06_0193 by the NSW Land and Environment Court on 21 May 2012 pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). DA 06_0193 was amended on 17 April 2019 following the approval of MOD 2. The approval includes the required criteria that the Company must comply with and sets out the core requirements of this Plan. **Table 2** presents the relevant Aboriginal cultural heritage management-related conditions contained within PA 06_0193 and the section within this Plan where each has been addressed.

**Table 2
Aboriginal Cultural Heritage-related Project Approval Requirements**

Page 1 of 3

| Condition No | Condition | Section where addressed |
|-------------------------------------|---|-------------------------|
| ABORIGINAL CULTURAL HERITAGE | | |
| 3(36) | <p>HERITAGE</p> <p>Aboriginal Cultural Heritage Management Plan</p> <p>The Proponent must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:</p> <p>(a) be prepared in consultation with OEH and Registered Aboriginal Parties, and be submitted to the Secretary for approval prior to any ground disturbance; and</p> <p>(b) be prepared by suitably qualified and experienced person/s;</p> <p>(c) be submitted to the Secretary for approval within 3 months of approval of Modification 2;</p> <p>(d) include a protocol for monitoring ground disturbance associated with construction activities or quarrying operations;</p> <p>(e) describe the measures to be implemented on the site or within any offset area to:</p> <p style="margin-left: 20px;">i. ensure all workers on the site receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;</p> <p style="margin-left: 20px;">ii. protect, monitor and manage Aboriginal objects and Aboriginal places identified (including any proposed archaeological investigations and salvage measures);</p> <p style="margin-left: 20px;">iii. protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;</p> <p style="margin-left: 20px;">iv. manage any new Aboriginal objects or Aboriginal places discovered during the life of the project;</p> <p style="margin-left: 20px;">v. maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and</p> <p style="margin-left: 20px;">vi. facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.</p> | 4 |
| | | Noted |
| | | Noted |
| | | 9 |
| | | 8 |
| | | 9 |
| | | 9 |
| | | 9 |
| | | 9 |
| | | 9 |
| | The proponent must implement the Aboriginal Cultural Heritage Management Plan as approved by the Secretary. | |

Table 2 (Cont'd)
Aboriginal Cultural Heritage-related Project Approval Requirements

| Condition No. | Condition | Section where addressed |
|----------------------|---|--|
| 3(36A) | If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Proponent must immediately notify NSW Police and OEH, and work must not recommence in the area until authorised by NSW Police and OEH. | 9 |
| 3(36B) | If any Aboriginal object or Aboriginal place is discovered on the site: (a) all work in the immediate vicinity of the object or place must cease immediately; (b) a 10 metre buffer area around the object or place must be cordoned off; and (c) OEH must be contacted immediately. | 9 |
| 3(36C) | Work in the immediate vicinity may only recommence if: (a) the potential Aboriginal object or Aboriginal place is confirmed by OEH upon consultation with the registered Aboriginal Parties not to be an Aboriginal object or Aboriginal place; or (b) the Aboriginal Cultural heritage Management Plan is revised to include the Aboriginal object or Aboriginal place an appropriate measures in respect of it, to the satisfaction of the Secretary; or (c) the Secretary is satisfied as to the measures to be implemented in respect of the Aboriginal object or Aboriginal place and makes written direction in that regard. | 9 |
| 5(2) | Management Plan Requirements The Proponent must ensure that the Management Plans required under this approval are prepared in accordance with any relevant guidelines, and include: (a) a summary of relevant background or baseline data; (b) a description of: <ul style="list-style-type: none"> ▪ the relevant statutory requirements (including any relevant approval, licence or lease conditions); ▪ any relevant limits or performance measures/criteria; and ▪ 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; (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: impacts and environmental performance of the project; and <ul style="list-style-type: none"> ▪ effectiveness of any management measures (see (c) above); (e) a contingency plan to manage any unpredicted impacts and their consequences; (f) a program to investigate and implement ways to improve the environmental performance of the project over time; | NA 5 5 and 6 5 and 6 9 10 10 and 14 9 14 |

Table 2 (Cont'd)
Aboriginal Cultural Heritage-related Project Approval Requirements

Page 3 of 3

| Condition No. | Condition | Section where addressed |
|---------------|---|-------------------------|
| 5(2) (Cont'd) | (g) a protocol for managing and reporting any: <ul style="list-style-type: none"> ▪ incidents; | 12 |
| | <ul style="list-style-type: none"> ▪ complaints; | 11 |
| | <ul style="list-style-type: none"> ▪ non-compliances with statutory requirements; | 10 |
| | <ul style="list-style-type: none"> ▪ exceedances of the impact assessment criteria; and/or | NA |
| | <ul style="list-style-type: none"> ▪ performance criteria; and | 10 |
| | (h) a protocol for periodic review of the plan. <i>Note: At the discretion of the Secretary, some of these requirements may be waived where they are either not relevant or necessary.</i> | 14 |
| 5(4) | <p>Revision of Strategies, Plans and Programs</p> <p>Within 3 months of:</p> <p>(a) the submission of an annual review under condition 3 above;</p> <p>(b) the submission of an incident report under condition 6 below;</p> <p>(c) the submission of an independent environmental audit report under condition 8 below; and</p> <p>(d) the approval of any modification of the conditions of this approval, the Proponent must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.</p> <p><i>Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the project.</i></p> | 14 |
| 5(6) | <p>REPORTING AND AUDITING</p> <p>Incident Notification</p> <p>The Proponent must immediately notify the Department and any other relevant agencies immediately after it becomes aware of an incident. The notification must be in writing to compliance@planning.nsw.gov.au and identify the project (including the project application number and name) and set out the location and nature of the incident.</p> | 12 |

5.4 Other Commitments

Assessment and determination of PA 06_0193 considered the various commitments made by the Company in relation to the proposed environmental management of the Quarry. **Table 3** presents the relevant Aboriginal cultural heritage management-related commitments made by the Company and where each is addressed in this document.

Table 3
Aboriginal Cultural Heritage Management-related Commitments

| Commitment | Section where addressed |
|---|-------------------------|
| The proponent will give the Orange LALC seven days notice of their intention to commence stripping of overburden or any disturbance of the existing ground to allow the land council sufficient time to arrange for a Sites Officer to be present. | 9.3 |
| All Hanson employees, contractors and the employees will be bound by the provisions of the <i>National Parks and Wildlife Act 1974</i> as amended, which was in part designed to mitigate impacts to the indigenous archaeological record. | 5.2 |
| All Hanson employees, contractors and the employees will be instructed that in the event of any bone or stone artefacts, or discrete distributions of shell are unearthed during quarry activities, work should cease immediately in the area of the find, and the Orange LALC, and officers of the National Parks and Wildlife Service informed. | 8 and 9.4 |

6. Objectives and Performance Outcomes

Table 4 presents the objectives and key performance outcomes for this Plan and the Quarry.

Table 4
Objectives and Key Performance Outcomes

| OBJECTIVES | KEY PERFORMANCE OUTCOMES |
|---|---|
| (a) To ensure compliance with Part 6 of the NPW Act, namely to avoid harm to Aboriginal objects or sites. | (i) Demonstrate due diligence in efforts to identify Aboriginal sites or objects. |
| (b) To ensure compliance with all relevant project approval conditions, commitment and reasonable community expectations. | (ii) Compliance with all relevant criteria and reasonable community expectations, as determined in consultation with the relevant government agencies. |
| (c) To engage relevant local Aboriginal stakeholders in Aboriginal cultural heritage management of the Quarry. | (iii) Identify Registered Aboriginal Parties in accordance with the OEH guideline document "Aboriginal Cultural Heritage Consultation Requirements for Proponents". |
| (d) To implement appropriate management measures during all stages of the Quarry. | (iv) All nominated management measures, including limits on disturbance, monitoring and stop work procedures, are implemented. |
| (e) To implement competence training and awareness in relation to cultural heritage management. | (v) Record of competence training completion held for all personnel. |
| (f) To implement an appropriate complaints handling and response protocol | (vi) Complaints (if any) handled and responded to in an appropriate manner. |
| (g) To implement appropriate corrective and preventative actions, if required. | (vii) Corrective and preventative actions implemented, if required |
| (h) To implement an appropriate incident reporting program, if required. | (viii) Incidents (if any) reported in an appropriate manner. |

7. Roles and Responsibility

Table 5 presents the roles and responsibilities for the implementation of the Plan.

**Table 5
Roles and Responsibilities**

| Role | Responsibilities |
|-------------------|---|
| Regional Manager | <p>Must ensure adequate resources are available to enable implementation of the Plan.</p> <p>Ensure all areas of disturbance are marked on-ground and that appropriate monitoring is undertaken prior to and during initial soil stripping operations.</p> |
| Quarry Manager | <p>Accountable for the overall performance of the Quarry, including the following outcomes of this Plan.</p> <ul style="list-style-type: none"> ▪ Design and provide competence training to the workforce, including suitable Aboriginal cultural heritage inductions prior to undertaking activities with the potential to impact Aboriginal objects or places, and promote awareness of statutory responsibilities and penalties relevant under the NPW Act and EP&A Act (see Section 8). ▪ Ensure that workforce inductions and training are appropriately documented. ▪ Report any incidents relevant to Aboriginal cultural heritage in accordance with protocols identified in Section 12. ▪ Respond to complaints in accordance with the Company Complaints Handling Procedure as outlined in Section 11 and the Quarry’s Environmental Management Strategy. |
| Quarry Supervisor | <p>Ensure the management measures nominated to protect and conserve Aboriginal cultural heritage are implemented (see Section 9).</p> <p>Evaluate the Plan, and compliance against the relevant conditions of PA 06_0193, on an annual basis.</p> <p>Ensure limits on areas of disturbance are understood and operations are undertaken in accordance with instructions.</p> <p>Notify the Quarry Manager in the event that an Aboriginal object is uncovered (or an object which could be of Aboriginal origin is uncovered).</p> |
| All Personnel | <p>Follow direction provided by the Quarry Manager and Quarry Supervisor.</p> <p>Complete competence training provide by the Company.</p> |

8. Competence Training and Awareness

All Company personnel and contractors and their employees will undergo Company and site-specific Aboriginal cultural heritage inductions prior to carrying out any activities which may cause harm to Aboriginal objects or places, incorporating basic information in relation to the operation of this Plan as a component of the site induction program. The following areas will be covered during the induction.

- Obligations and penalties relevant to Section 86 of the NPW Act.
- Heritage awareness training that educates participants on the Aboriginal cultural history of the area, the type of sites or artefacts that may be expected and their context.
- A review of the assessments undertaken to date and likelihood of identifying artefacts within the Quarry Site.
- Procedures and protocols to be enforced with reference to Aboriginal cultural heritage management, e.g. enforcement of limits on disturbance, stop work protocols.

In addition to the site induction, this information will be reviewed periodically in the form of a toolbox meeting module.

The Quarry Manager will be responsible for ensuring the appropriate training is included in the induction, and that suitable records are kept of these inductions.

9. Management Measures

9.1 Limits on Disturbance

All Quarry activities will be undertaken in accordance with the approved quarry plans (as per PA 06_0193).

Prior to the commencement of any ground disturbing activities, the areas to be disturbed will be identified by the Quarry Manager. The limits of disturbance during each campaign will be clearly identified on quarry plans and by on-ground marking (e.g. survey pegs, flagging tape or painted markers, etc.).

The Quarry Manager will keep up to date records of disturbed areas and regularly review to confirm limits are adhered to.

9.2 Erosion and Sediment Control

Aboriginal sites located off Site 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 and will be enforced to control the flow of water on and from the Quarry to minimise the possibility of erosion and sedimentation related damage to off-site Aboriginal cultural heritage.

9.3 Site Disturbance Monitoring

Hanson acknowledges that it is difficult for an equipment operator to identify sites when stripping soil within the extraction area. To ensure precaution in their approach to extraction activities Hanson arranged that on the first day of ground disturbance within the Infrastructure and Extraction Area, a sites officer (as agreed by the Aboriginal community) was present to inspect the ground disturbance proposed in the extraction area. No items or artefacts were identified in the extraction area at that time.

Prior to construction activities (including land preparation activities) being undertaken within the expanded extraction area as approved under MOD 2, a sites officer or suitably qualified person will be engaged to inspect the surface for exposed Aboriginal objects which may have become visible since the original inspection in 2002.

Given the low risks of identifying sites within the extraction area, no additional monitoring is proposed.

9.4 Stop Work Procedures

The Company is aware of its obligations under the *National Parks and Wildlife Act 1974* and will implement the following procedures in the event that an Aboriginal object, Aboriginal place, or human remains are discovered at the Quarry Site.

If human remains are discovered:

- all work in the surrounding area will immediately cease, with a 10 metre buffer around the remains cordoned off;
- the NSW Police and the NSW Heritage Council – Aboriginal Cultural Heritage with the Department of Premier and Cabinet (NSW Heritage Council) (contact email: heritagemailbox@environment.nsw.gov.au) will be notified immediately;
- subsequent analysis of the remains will be undertaken at the direction of the NSW Police and the NSW Heritage Council (if required);

- further archaeological studies will be arranged in consultation with the NSW Heritage Council and the Aboriginal community; and
- appropriate protection and management measures will be developed and implemented in consultation with the NSW Heritage Council and the Aboriginal community.

If an Aboriginal object or Aboriginal place is discovered:

- all work in the immediate vicinity of the object or place will cease immediately;
- a 10 metre buffer area around the object or place will be cordoned off;
- the NSW Heritage Council will be contacted immediately;
- assessment of the object or place will be undertaken in accordance with NSW Heritage Council directions and the protocol of the Aboriginal community;
- if the object or place is deemed not to be an Aboriginal object or place, work will recommence;
- if the object or place is deemed to be an Aboriginal object or place, an archaeological investigation will be commissioned to confirm the origin of the object; and
- work will only recommence once an appropriate plan for salvage or management of the area is agreed with the local Aboriginal Community.

It is noted that the implementation of stop work procedures will be discrete to the affected area of the Quarry. That is, the implementation of stop work procedures in one area of the Quarry will not preclude continued development and operation in other areas of the Quarry.

A similar approach will be taken to Aboriginal sites identified in the vicinity of, but outside the Quarry Site boundary. In the event that an Aboriginal site is identified outside of the Quarry Site boundary, Hanson would assist the Aboriginal Community to obtain access in order to facilitate the management / salvage of these sites, where relevant. Stop work protocols would not apply to sites outside the Quarry Site.

10. Evaluation of Compliance

Each year, the Company will collate an *Annual Review*. That report will include the following.

- A plan showing ground disturbance during the year and plan for the following year.
- A record of site monitoring undertaken initially by a representative of the Aboriginal community.
- Details of any identified Aboriginal objects uncovered and implementation of stop work procedures.

The *Annual Review* will be reviewed by the relevant Government agencies. Once approved, a copy of the report will be placed on the Quarry website.

11. Complaints Handling and Response

The Environmental Management Strategy for the Quarry (prepared in accordance with PA 06_0193 *Condition 5(1)*) includes a detailed complaints handling and dispute resolution procedure. Measures outlined in this procedure relevant to the receipt, handling and response to complaints received regarding Aboriginal cultural heritage management are outlined below.

Complaints may be received either via one of the following methods.

- Directly via the 24-hour, 7 day per week General Emergency Line (1800 882 478). This number will be advertised widely in the local media, on signage at the Quarry Site entrance and Hanson website www.hanson.com.au.
- Directly via a dedicated email address which will be advertised in a similar manner to the Community Information Line.
- Referred to Hanson by the Aboriginal community.
- Indirectly via the relevant government agencies.

All complaints will be registered in a database and responded to within one business day from the receipt of the complaint. The following information will be recorded in the database (where it can be reasonably obtained).

- The date and time the complaint was made.
- The complainant's name.
- The complainant's contact details (e.g. telephone number, email address).
- Details regarding the nature of the complaint.

The nature of Hanson's response to a complaint will depend on the nature and source of the complaint but will include one or more of the following actions.

1. The complaint will be reviewed by the Quarry Manager or their delegate to determine the nature, date and time of the complaint and associated issue.
2. Liaison with the complainant to ascertain all details and to identify the nature and source of the complaint and provide supplementary details for the complaints log. Details recorded in the log will include:
 - the date and time of the complaint;
 - the method by which the complaint was made;
 - details of the person making the complaint;
 - the nature of the complaint;
 - action taken in relation to the complaint including any follow-up contact with the complainant; and
 - if no action is taken, the reason why no action was taken.
3. As appropriate, the initiation of monitoring or other investigations to verify or otherwise any exceedance or non-compliance with approval or licence condition(s).

4. Initiation of appropriate changes in operating practices or procedures.
5. Conducting a follow-up interview with the complainant to determine their level of satisfaction with the response and the resultant outcome.

A copy of the complaint report will be supplied to the complainant if requested. The complaints database on Hanson's website will be updated quarterly and a summary of all complaints received in each 12 month period will be included in each *Annual Review*. The Quarry supervisor will be responsible for the recording of the complaint, response action requirements and updating of the database and website.

12. Incident Reporting

An incident with respect to Aboriginal cultural heritage management refers to the uncovering and/or disturbance of a currently unidentified Aboriginal object or site.

Reporting in this case will follow the Stop Work Procedures set-out in Section 9.4.

13. Review

In accordance with PA 06_0193 *Condition 5(4)*, this Plan will be reviewed and, if required, revised within 3 months of:

- the submission of an annual review under PA 06_0193 *Condition 5(3)*;
- the submission of an incident report under PA 06_0193 *Condition 5(6)*;
- the submission of an independent environmental audit report under PA 06_0193 *Condition 5(8)*; and
- the approval of any modification to the conditions of PA 06_0193.

The Regional Manager will be responsible for the review of this Plan.

Appendix 1

Government Agency Consultation

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21 June 2019

Ms Melanie Hollis
Senior Planning Officer
Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Dear Melanie,

Re: East Guyong Quarry (PA 06_0193) – Management Plan Review

Following the recent modification to Project Approval (PA) 06_0193, Hanson Construction Materials Pty Ltd (Hanson) with R.W. Corkery & Co (RWC) have undertaken a review of all management plans required under PA 06_0193 in accordance with Condition 4 of Schedule 5 of PA 06_0193. The following table describes each of the currently approved management plans required under PA 06_0193 and provides comments, work required and an indication of expected timing to have these documents updated. We have also included the name of the companies that would be involved in preparation of the relevant plans as nominated ‘suitably qualified and experienced persons’.

| Plan | Comment | Action / Objective | Consultation Requirements | Expert Involvement | Timing |
|-----------------------------------|--|--|----------------------------------|---------------------------|------------------------------|
| Environmental Management Strategy | Update to reflect all modified operations and monitoring commitments. | Consistent with all updated plans. | None required | None required | 17 July 2019 |
| Traffic Management Plan | Update principally to reflect increased production limit and transport rates. Road Safety and Condition Audit required within 6 months of modification approval. Results to be recorded in Traffic Management Plan. | Update existing Traffic Management Plan and report outcomes of Road Safety and Condition Audit | RMS & Council | TBA | 17 October 2019 ¹ |

| | | | | | |
|---|--|--|-------------------------------------|---------------|--------------|
| Landscape Management Plan | Update principally to reflect biodiversity offsetting requirements and updated final landform. | Incorporate Rehabilitation and Biodiversity Management Plan into existing approved Landscape Management Plan | OEH, DoI L&W & Council | None required | 17 July 2019 |
| Soil and Water Management Plan | Update principally to reflect addition to approved Extraction Area. | Update Erosion and Sediment Control Plan, site water balance, and approved layout. | EPA & DoI L&W | None required | 17 July 2019 |
| Noise Management Plan | Minor clerical update to reflect modified conditions as a result of Modification 2. | Update approved layout – no other changes to noise management. | EPA | None required | 17 July 2019 |
| Air Quality Monitoring Program | Minor clerical update to reflect modified conditions as a result of Modification 2. | Update approved layout and to incorporate outcomes of Air Quality Review | EPA | None required | 17 July 2019 |
| Asbestos Management Plan | Minor clerical update to reflect modified conditions as a result of Modification 2. | Modifications relating to asbestos monitoring. | Resources Regulator | RiskTech | 17 July 2019 |
| Blasting Management Plan | Minor clerical update to reflect modified conditions as a result of Modification 2. | Update approved layout – no other changes to blast management. | None | None required | 17 July 2019 |
| Aboriginal Cultural Heritage Management Plan | Minor clerical update to reflect modified conditions as a result of Modification 2. | Update approved layout and additional requirements for Aboriginal cultural heritage management. | OEH & Registered Aboriginal Parties | RWC | 17 July 2019 |
| Note 1: Timing reflects deadline for the Road Safety and Condition Audit required under PA 6_0193 to be carried out within 6 months of approval of Modification 2. Submission of the Traffic Management Plan is proposed occur after this deadline. | | | | | |

Could you please review the above and confirm that the Department is comfortable with the proposed timing for all plans. Specifically, can you confirm that submission of the updated Traffic Management Plan with the outcomes of the Road Safety and Condition Audit is acceptable.

We are confident that the majority of plans will be finalised by 17 July 2019 or, in the case of the Traffic Management Plan, following the completion of the Road Safety and Condition Audit which is to be carried out by 17 October 2019. Hanson will continue to operate in accordance with the existing approved plans until the updated plans are approved. Regular updates will be provided to the Department on the progress of document preparation.

I note that the Aboriginal Cultural Heritage Management Plan will need to be sent to OEH and Registered Aboriginal Parties for consultation. It has been some time since the Aboriginal Cultural Heritage Assessment for the original application was approved and it is likely that Aboriginal groups would have different contacts. Given that consultation requirements for Aboriginal parties require 28 days for registering interest and a further 28 days for draft plan review and comment, we expect that more time will be required to satisfy Condition 36 of Schedule 3 of PA 06_0193. We do not have indicative timing for finalising this plan but thought to flag this potential delay with you now.

Please feel free to contact myself or Pere Riini at Hanson with any additional questions.

Yours sincerely,

HANSON CONSTRUCTION MATERIALS PTY LTD

A handwritten signature in blue ink, appearing to read "BPignone".

BELINDA PIGNONE
Graduate Environmental Planning and Compliance Coordinator

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From: Melanie Hollis <Melanie.Hollis@planning.nsw.gov.au>
Sent: Monday, 24 June 2019 10:17 AM
To: Pignone, Belinda (Parramatta) AUS
Cc: Driver, Andrew (Parramatta) AUS; Riini, Pere (East Guyong) AUS
Subject: RE: East Guyong Quarry (PA 06_0193) – Management Plan Review

Hi Belinda

Thank you for your letter summarising the anticipated revision of the East Guyong Quarry management plans.

Condition 38C of Schedule 3 requires that the Traffic Management Plan is submitted to the Secretary within 3 months of approval of Modification 2. The condition does not allow for the Secretary to agree to an alternative timeframe. This is also the same wording used for the Aboriginal Heritage Management Plan.

I would be happy to receive a copy of these management plans by the necessary date and for you to forward on any updates or consultation received.

Feel free to give me a call if would like to discuss further,

Kind Regards

Melanie Hollis

Senior Planning Officer
Resource Assessments | Planning Services
Level 30, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 8217 2043 E melanie.hollis@planning.nsw.gov.au



From: Pignone, Belinda (Parramatta) AUS <belinda.pignone@hanson.com.au>
Sent: Friday, 21 June 2019 2:22 PM
To: Melanie Hollis <Melanie.Hollis@planning.nsw.gov.au>
Cc: Driver, Andrew (Parramatta) AUS <Andrew.Driver@hanson.com.au>; Riini, Pere (East Guyong) AUS <Pere.Riini@hanson.com.au>
Subject: East Guyong Quarry (PA 06_0193) – Management Plan Review

Dear Melanie,

Please find attached a letter detailing Hanson's approach to updating the East Guyong Quarry's management plans as required following the modification to Project Approval 06_0193.

If you have any questions please let me know.

Kind regards,

Belinda Pignone

Graduate Environ and Compl Coordinator

T +61 2 9354 2774 | M +61 439 131 941

belinda.pignone@hanson.com.au | www.hanson.com.au



DOC19/555307

Mr Jack Flannagan
Graduate Environmental Consultant
RW Corkery and Co Pty Limited
jack@rwcorkery.com

Dear Mr Flannagan

WRITTEN NOTIFICATION AS REQUIRED UNDER OFFICE OF ENVIRONMENT AND HERITAGE (OEH) ABORIGINAL CULTURAL HERITAGE REQUIREMENT FOR PROPONENTS 2010 – Modification of Project Approval 06_0193 for the East Guyong Quarry Proposal Cabonne LGA

I refer to your letter dated 27 June 2019 to the Office of Environment and Heritage (OEH) regarding the above matter.

A list of known Aboriginal parties that OEH considers is likely to have an interest in this development is attached as Attachment 1 (overleaf). Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties and receipt of this list does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the requirements of Section 80C of the National Parks and Wildlife Regulation 2009.

Should you require further information regarding issues that are the responsibility of the OEH please contact Helen Knight, Conservation Planning Officer on (02) 6883 5327

Yours sincerely

DAVID GEERING
A\Senior Team Leader Planning - North West
Conservation and Regional Delivery

28 June 2019

Contact officer: HELEN KNIGHT
02 6883 5327

ATTACHMENT 1

Table 1: List of aboriginal stakeholder groups within the Cabonne LGA. - that may have an interest in the project; provided as per the “OEH aboriginal cultural heritage requirement for proponents 2010”.

| Organisation/Affiliation | Name/Title | Address |
|--|-------------------|---|
| Alice and Olive Williams | | 3 Goonda Street, Cooma NSW 2630 |
| Bill Allen | | 1/1a Miriyan Drive, Kelso NSW 2795 |
| Binjang Wellington Wiradjuri heritage Survey | Jamie Grey | 260 Myall St, Dubbo NSW 2830 |
| Mooka | Neville Williams | PO Box 70, Cowra NSW 2794 |
| Orange LALC | Chairperson | PO Box 10, Orange NSW 2800 |
| Trevor Robinson | | PO Box 73, Peak Hill NSW 2869 |
| Wellington Valley Wiradjuri Aboriginal Corporation | Chairperson | PO Box 2290, Orange NSW 2800 |
| Wiradjuri Council of Elders | Robert Clegg | 28 Hodges Street, Parkes NSW 2870 |
| Wiradjuri Interim Working Party | | PO Box 73, Peak Hill NSW 2869 |
| Wiradjuri traditional Owners Central West Aboriginal Corporation | Chairperson | 14 Duramana Road, Eglington NSW 2795 |



Our ref: DOC19/654506

Senders ref: 869 – East Guyong Quarry (PA 06_0193)

Mr Nicholas Warren
Principle Environmental Consultant
RW Corkery & Co Pty Limited
nick@rwcorkery.com

Dear Mr Warren

East Guyong Quarry – Draft Landscape Management Plan and Preliminary Draft Aboriginal Cultural Heritage Management Plan

I refer to your emails dated 15 July and 17 July 2019 seeking comments from the former Office of Environment and Heritage, now the Biodiversity Conservation Division (BCD) of the Department of Planning, Industry and Environment (the Department) on the following documents for the East Guyong Quarry:

- Draft Landscape Management Plan dated 17 July 2019
- Preliminary Draft Aboriginal Cultural Heritage Management Plan dated 15 July 2019.

We understand that the primary purpose of updating these existing plans is to address the requirements of the East Guyong Quarry Modification 2 approval.

Landscape Management Plan (LMP)

Attachments A and B contain our comments on the draft LMP.

In summary, BCD advises that:

- A 'statement of reasonable credit equivalence' is required prior to retiring the required biodiversity credits. This application should be submitted as soon as possible to enable retirement of credits within the consent timeframe.
- The density of the proposed western boundary visual screen should not exceed the benchmark values for the Plant Community Type 275.
- Biodiversity management actions within the LMP require more detail to adequately address the approval conditions.
- The performance criteria, performance indicators and completion criteria within the LMP should be revised to improve their clarity and effectiveness. The LMP would also benefit from the inclusion of a 'trigger, action, response' plan (TARP).

Aboriginal Cultural Heritage Management Plan (ACHMP)

BCD have no issues to raise regarding Aboriginal Cultural Heritage (ACH) and agree with the Landscape Management Plan that the approved ACHMP will guide the proponent on the appropriate steps to minimise harm to any Aboriginal objects, should any become exposed during works.



BCD also notes that the ACH assessment reported no Aboriginal objects within the development footprint and that the proponent will engage the Orange Local Aboriginal Land Council (LALC) to monitor initial works, as committed in the ACHMP.

If you have any questions regarding this matter, please contact Erica Baigent on 02 6883 5311 or email erica.baigent@environment.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Christie'.

Peter Christie
Director
North West, Biodiversity and Conservation

15 August 2019

cc Melanie Hollis, Senior Planning Officer – Resource Assessments, Department of Planning, Industry and Environment.

East Guyong Quarry - Draft Landscape Management Plan

Biodiversity and Conservation Division Comments

1. A 'statement of reasonable credit equivalence' is required prior to retiring the required biodiversity credits.

Schedule 3, condition 30A requires that within six months of the approval of Modification 2 (Mod 2), or other timeframe agreed by the Secretary, the Proponent must retire the required biodiversity credits.

We understand that the project approval for Mod 2 was granted on 17 April 2019. This means that the initial six month period under Condition 30A expires on 17 October 2019.

As highlighted within Condition 30A, the biodiversity credit obligation for Mod 2 was calculated in accordance with the Framework for Biodiversity Assessment (FBA) under the former NSW Biodiversity Offset Policy for Major Projects. This means that the credits generated are 'biobanking credits'. To be able to fulfil the credit obligation, the credits must first be converted to the equivalent credits under the new Biodiversity Offsets Scheme (*Biodiversity Conservation Act 2016*). To do this, a proponent is required to apply for a statement of reasonable credit equivalence.

It appears that an application for a statement of reasonable credit equivalence has not yet been lodged with BCD.

Recommendation:

- 1.1 That Hanson immediately commence the process of seeking a statement of reasonable credit equivalence from the Department, to ensure that the timeframe required by the approval is met. To do this, Hanson should follow the instructions available at: <https://www.environment.nsw.gov.au/biodiversity/existing-biobanking-credits.htm> .

2. The density of the proposed western boundary visual screen should not exceed the benchmark values for the Plant Community Type (PCT) it is being established within.

The expanded extraction area approved under Mod 2 is scheduled for extraction in 2020 (Figure 4). The LMP expects the western boundary visual screen to be 'established' within the next six months.

The western boundary visual screen will be established within the existing Plant Community Type (PCT) 275 '*Herbaceous White Box, Apple Box valley woodland of the NSW central western slopes*'. Approval condition 32(b2) requires the LMP to include a description of the measures that would be implemented to establish and maintain the Western Boundary Visual Screen to integrate with the surrounding vegetation and align with Plant Community Type 275.

This screen was not included within the development footprint assessed in the Biodiversity Assessment Report (BAR). If this screen were to increase and maintain any of the plant community variables beyond the applicable benchmark values for that PCT, this would be an impact that should have been assessed in the BAR as part of the development footprint.

This matter was discussed with Umwelt prior to the project approval. Umwelt advised (email from David Holmes dated 16 January 2019) that the initial planting density of both the upper and mid stratum species within the screen will be higher than benchmark values for the PCT; however, due to mortality in tubestock plantings and thinning as trees mature, the vegetation screen will be managed to have an upper stratum density consistent with the existing native vegetation immediately adjacent to the screen, and a mid-stratum density no greater than the benchmark value.

The LMP currently does not adequately address this matter. Whilst the indicative species to be planted and their approximate proportions are listed, the LMP simply states that tube stock will be planted at 4m centres or less, with direct seeding of shrub species between plantings.

Recommendations:

- 2.1 The LMP should ensure that the densities for the mid and upper strata of the western boundary visual screen are monitored and managed such that they do not exceed the benchmark values for PCT 275, within a timeframe agreed with BCD.

The applicable benchmark values are those specified for PCT 275 in the BioNet Vegetation Classification or local benchmarks agreed with BCD in accordance with Appendix 3 of the Framework for Biodiversity Assessment.

- 2.2 BCD recommends that specific performance criteria, performance targets, annual targets, completion criteria and a 'trigger, action, response' plan (TARP) are developed for the establishment and management of the western boundary visual screen. Further advice on these components is provided under heading 4 below.

3. The onsite biodiversity management actions within the Landscape Management Plan require more detail

Condition 32(d) requires a detailed description of the measures that would be implemented over the next three years, including the procedures for, a number of actions relating to rehabilitation, visual impacts, fauna and habitat management and weed and pest control. A number of these measures and procedures are inadequately detailed in the LMP.

Weed Management

Whilst a 'Weed Management Plan' is outlined on pages 29-30, the plan does not include information on the current weed species on the site or any areas of specific concern. As the quarry has been in operation for six years (including twice annual weed inspections and treatments) the Weed Management Plan could be strengthened with current baseline information from the site (as per Schedule 5 condition 2(a) of the approval), specific treatment options for the subject weeds and specific performance criteria, indicators and completion criteria (as discussed further under heading 4 below).

Fauna and Habitat Management

Page 43 states that Hanson will implement the management measures identified in Sections 10.3 to 10.5 (covering vegetation clearance, salvage of habitat features, visual screening, rehabilitation, pest, weed and bushfire management, asbestos management and grazing areas) and Section 11.2.1.6, to ensure that fauna-related impacts are minimised. However, the LMP does not appear to have a Section 11.2.1.6.

Section 10.3.2 sets out the vegetation clearance procedures to be implemented over the next five years. This section states that large vegetation/woody debris will be placed within the areas of

vegetation establishment as habitat for native fauna. Surface rocks will also be stockpiled for use in rehabilitation to re-establish habitat.

However, it is not clear from the plan what is meant by *'vegetation establishment areas'* and how these differ from *'rehabilitation areas'*. Are the *'vegetation establishment areas'* the *Domain 3 – Vegetation Screens* and the *'rehabilitation areas'* the *Domain 6 - Final Rehabilitation Area*? Or does the reference to *'rehabilitation areas'* encompass the portions of other management domains to be rehabilitated with native vegetation following decommissioning?

Bushfire Management

Management activities related to bushfire prevention are outlined on page 31 of the LMP.

Fuel loads are proposed to be managed through grazing, including crash grazing of rehabilitation areas (page 31). Page 34 expands on this stating that the *Domain 6 – Final Rehabilitation Area* (the remnant vegetation immediately to the west of the extraction area) will be grazed to the minimum frequency required for weed and bushfire management, indicatively crash grazed one to two times per year for short periods, subject to seasonal conditions. Specific triggers for commencing and ceasing grazing in this area should be included in this LMP.

Biodiversity Offsets

Condition 32(b1) requires the Landscape Management Plan (LMP) to describe the measures to be undertaken to retire the required credits for Mod 2 and to manage any remnant vegetation and fauna habitat on the site and in any offset areas.

The LMP confirms the proponent's intent to retire the required credits for Mod 2 via one, or a combination of, the mechanisms available under the Biodiversity Offset Scheme.

However, page 43 of the LMP also proposes undertaking *'one or more biodiversity monitoring programs to ensure that the rehabilitated/revegetated sections of the Site may adequately offset adverse impacts associated with the removal of the Ribbon Gum – Apple Box Community and PCT 275 within the footprint of the final rehabilitation area'*. BCD assumes that this is a reference to the impacts on native vegetation associated with the previously approved quarry footprint rather than those associated with Mod 2, although the reference to offsetting the removal of native vegetation within the *Domain 6 - Final Rehabilitation Area* does not appear to be consistent with the existing project approval.

It is not clear what these 'biodiversity monitoring programs' consist of, to what portions of the site they would apply, nor what stage of the project they relate to.

Recommendations:

The LMP should:

- 3.1 Be strengthened via the use of actual baseline information from the site. This could include:
 - a) existing knowledge of weed issues, including species, location and appropriate treatment options
 - b) condition information derived via the use of the Framework for Biodiversity Assessment or Biodiversity Assessment Methodology.
- 3.2 Clarify which fauna management measures were intended to be included in the missing Section 11.2.1.6.

- 3.3 Clarify the areas referred to as '*vegetation establishment areas*' and '*rehabilitation areas*'.
- 3.4 Include a map which indicates the target areas for placement of salvaged habitat features.
- 3.5 Include specific triggers for the proposed management actions (e.g. weed control and grazing management). See further comments under heading 4 below.
- 3.6 Clarify the reference to onsite biodiversity offsets and the monitoring of these on page 43.

4. Performance criteria, performance indicators and completion criteria within the Landscape Management Plan should be improved.

Condition 32(c) requires detailed performance and completion criteria for biodiversity management actions, site rehabilitation and site landscaping.

Tables 7 and 8 of the LMP have made some progress towards development performance and completion criteria as required by the project approval:

- Table 7 has columns entitled '*Performance Indicators*' and '*Targets/Completion Criteria*' (which appears to be a combination of performance criteria and completion criteria).
- Table 8 presents '*Objectives/Indicators*' and '*Completion Criteria*' for specific management domains and rehabilitation phases.

The following advice is provided to assist the proponent in meeting Condition 32 and improving the effectiveness of the Tables 7 and 8. BCD also recommends inclusion of a Trigger, Action, Response Plan (TARP) associated with each performance criteria.

A generic weed management example is provided in **Attachment B** to illustrate how the below advice regarding performance criteria, performance indicators, completion criteria and TARPs could be implemented in the LMP. The example may also assist in the development of these components for other management measures.

Performance and completion criteria definitions:

- '**Performance criteria**' (or 'performance targets'), are the standards against which performance is to be measured. They are intended to express the standard/target to be achieved during the applicable planning period (i.e. the initial timeframe of the management plan). The standards/targets should be set using baseline data where possible. Performance is then measured in terms of progress towards the specified standard/target.
- '**Completion criteria**' should express the ultimate target, for instance the target at the end of the life of the project, or even a specific stage of a project where appropriate.

Performance criteria and completion criteria appear to have been combined into a single entry for each management measure included in Table 7. This is appropriate where a specific matter is only relevant to the initial timeframe of the LMP (which the LMP indicates is the next five years of quarry operation). However, for management issues which are relevant for the life of the project, separate performance and completion criteria should be included. Annual targets may also be appropriate for some management measures.

As far as possible, the performance and completion criteria should relate to actual on-ground outcomes/states (e.g. reduction of 'pest species x' abundance to a specified acceptable threat level), rather than the implementation of a specific management measure.

The following examples are drawn from Table 7:

- ‘*sufficient resources available for rehabilitation*’ is an example of an inadequate performance criteria or completion criteria.
- ‘*no disturbance beyond the extraction boundary*’ and ‘*weed coverage of less than 5% of foliage cover*’ are examples of sufficiently specific and measurable criteria.

Furthermore, Table 7 does not clearly tailor the management measures and criteria to specific management domains. For example, different domains may require different performance and completion criteria for varying weed species.

Performance Indicator definition:

- A ‘**performance indicator**’ (or ‘performance measure’) identifies how achievement of performance criteria or targets will be measured. Performance indicators/measures should also be quantitative (e.g. number/percentage decline in the abundance of ‘pest species x’ in each management domain).

Schedule 5, Condition 2 requires the plan to include specific performance indicators to judge the performance, or guideline implementation of management measures. The ‘Performance Indicators’ column in Table 7 includes some targets and management actions, rather than consistently presenting quantitative measures that will be used to track performance. For example, pest control ‘*undertaken in consultation with Local Land Services or OEH*’ is not an adequate performance indicator.

In Table 8 ‘*Objectives*’ and ‘*Indicators*’ have been combined. These should be separate items as they fulfil different functions, as outlined above. E.g. for the ecosystem development phase for Domain 3 (vegetation screens) the completion criteria is ‘*vegetation self-sustaining*’ and the objective/performance indicator is ‘*vegetation established*’:

- As an objective, ‘*vegetation established*’ is not sufficiently detailed.
- As a performance indicator, ‘*vegetation established*’ provides no information on how achievement of the objective and the completion criteria will be measured quantitatively (i.e. by what specific quantitative measures will establishment of the vegetation be judged? How will it be determined that the vegetation is self-sustaining?).

Figure 9 of the LMP indicates that *Domain 6 – Final Rehabilitation Area* consists solely of the remnant native vegetation immediately to the west of the extraction area. There is no map within the LMP indicating that any other portions of the site will be included in Domain 6 in the future. The name of Domain 6 appears to be a legacy from the previous LMP which envisaged a future expansion of extraction into this area. Retention of the name ‘*Final Rehabilitation Area*’ for this domain in the current LMP is confusing for the reader and does not appear to reflect the current management intent for this domain.

It is not clear what is intended by the Domain 6 objective/indicator of ‘*native vegetation established*’ (Table 8) as native vegetation is already ‘established’ in that domain. However, considering the completion criteria included for that domain (‘*natural revegetation ongoing and progressive replacement of pasture with native vegetation*’) BCD assumes that the proponent wishes to promote and track natural regeneration in this area.

The performance criteria, completion criteria and performance indicators for this domain could be based on the condition of the vegetation in this area, relative to the baseline condition and the applicable benchmark values for the PCT.

Monitoring

Condition 32(e) also requires a program to monitor the effectiveness of the specified measures, and progress against the performance and completion criteria.

Page 48 of the LMP sets out the biodiversity-related monitoring to be undertaken during, and following, the life of the quarry. These include:

- annual weed and pest inspection programs (elsewhere the LMP proposes twice annual weed inspections)
- monitoring of 'bushfire/vegetation' fuel loads
- annual aerial photography and photogrammetry to generate site contours
- monitoring the success or otherwise of the establishment of the vegetation screens and rehabilitation areas.

The actual monitoring methods are not specified. Monitoring methods should be suitably targeted to the performance indicators and able to measure progress towards the performance criteria, completion criteria and trigger points for corrective action, when these criteria, measures and triggers are finalised.

Assessment of vegetation integrity in accordance with the Biodiversity Assessment Method (BAM), could be used to track and changes in the condition of domains where the proponent is either managing (e.g. Domain 6) or establishing vegetation with the aim of matching a specific PCT. Alternatively, assessment of vegetation condition in accordance with the FBA could be used for this purpose, if appropriate baseline data collected in accordance with that method already exists for Domain 6.

Recommendations:

BCD recommends that the LMP is revised to:

- 5.1 Ensure that the naming of each management domain reflects the management intent of that domain.
- 5.2 Improve the performance criteria, performance indicators and completion criteria considering the advice provided above and the generic example provided in Attachment B. In particular the LMP should ensure that as far as possible the performance and completion criteria:
 - a) relate to actual on-ground outcomes/states and set considering baseline data
 - b) are suitably detailed to allow for unambiguous tracking and reporting
 - c) are appropriately tailored to management domains
 - d) are accompanied by quantitative performance indicators that will be used to track performance.
- 5.3 Include a TARP encompassing all management actions required to be included in the LMP by the project approval.
- 5.4 Ensure that all performance/completion criteria, indicators and trigger points for corrective action conform to the 'SMART' criteria (specific, measurable, achievable, realistic, timely).



5.5 Ensure that all monitoring methods are:

- a) adequately detailed
- b) suitably targeted to the performance indicators and able to measure progress towards the performance criteria, completion criteria and triggers.

East Guyong Quarry - Draft Landscape Management Plan

Biodiversity and Conservation Division

Generic Example – Performance/Completion criteria, performance indicators and ‘trigger, action, response’ plans.

A generic weed management example is provided below to illustrate how the advice in Attachment A (Heading 4) could be implemented in the LMP, for all management issues:

- **Baseline data:** area of weed infestation by management domain or where weed infestation is small, the number of individuals by domain (per weed species if possible).
- **Performance criteria/target:** by xxxx (year) to reduce noxious weeds by xx% of current area of infestation and to have all other weeds remain at current levels of infestation.
- **Performance measure:** area of the particular weed or number of individuals of the particular weed.
- **Completion criteria:** area or numbers of individuals per management domain deemed acceptable based on the level of threat (the completion criteria and contingency or corrective action trigger should be based on the degree of threat that is deemed acceptable).
- **Annual target:** a specific weed reduction target based on level of management required to achieve ultimate target.
- **Trigger point:** defines when appropriate adaptive management measures will be applied to ensure a successful outcome e.g.:
 - Increase in the cover of weed x by x% or x number of individuals.
 - Occurrences of previously unidentified weed species on the site
 - New occurrences of weeds in other locations of the site
- **Corrective action:** the adaptive management measures that will be applied if the trigger point is reached. E.g:
 - Increase intensity of the weed control project, specifically for weed x. Additional measures for weed x could include....
 - Implement appropriate controls for the new weed species detected, in consultation with the Department of Planning, Industry and Environment, Primary Industries Division.
 - Identify and address the source of any new weed introductions
 - Tighten management protocols to prevent spread of weeds via personnel or equipment.
- **Response:** states the expected monitoring results/outcomes of the corrective action over a defined period. E.g:
 - Eradication of infestation within x months. Where the weeds are not responding to an action over a defined period, elevation of control actions may be required.



East Guyong Quarry – Aboriginal Cultural Heritage Management Plan
Post Approval Review

Document: Aboriginal Cultural Heritage Management Plan
Revision: No version ID, dated July 2019
Reviewer (review date): Nagindar Singh (October 2020)

Note: the 'Response' column was added to this table on 20 October 2020 in order to address comments received from DPIE on 9 October 2020.

| Aboriginal Cultural Heritage Management Plan – conditions 36, 36A – 36C , Schedule 3 of PA 06_0193 | Satisfactory (Yes/No/Partial) | Comment | Action Required | Response |
|---|-------------------------------|--|-----------------|--|
| The Proponent must prepare an Aboriginal Cultural Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must: | | | | |
| (a) be prepared in consultation with OEH and Registered Aboriginal Parties, and be submitted to the Secretary for approval prior to any ground disturbance; and | Partial | Evidence of BCD consultation referred to in Section 4.1 (email response should be sufficient) should be included as an appendix to the plan. | Yes | See government agency consultation included as Appendix 1. Note that the former Appendix 1 (Aboriginal Community Consultation Log) has been relabeled as Appendix 2. |
| (b) be prepared by suitably qualified and experienced person/s; | Yes | - | No | - |
| (c) be submitted to the Secretary for approval within 3 months of approval of Modification 2; | Yes | - | No | - |
| (d) include a protocol for monitoring ground disturbance associated with construction activities or quarrying operations | Yes | Section 9 | No | - |
| (e) describe the measures to be implemented on the site or within any offset area to: (i) ensure all workers on the site receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions; | Partial | Section 8 Section 9 The Department requires firm commitments on processes, mitigation measures, monitoring etc to be implemented to achieve the aims of the consent condition. Accordingly, replace 'would' to 'will' in the management plan e.g. Section 9.4. | Yes | Three instances of 'would' have been adjusted to 'will' in Section 9.4. Additionally, text has been adjusted to correct typographical errors in the |



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| <i>Aboriginal Cultural Heritage Management Plan – conditions 36, 36A – 36C , Schedule 3 of PA 06_0193</i> | Satisfactory (Yes/No/Partial) | Comment | Action Required | Response |
|---|-------------------------------|---------|-----------------|--|
| <p>(ii) protect, monitor and manage Aboriginal objects and Aboriginal places identified (including any proposed archaeological investigations and salvage measures);</p> <p>(iii) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development;</p> <p>(iv) manage any new Aboriginal objects or Aboriginal places discovered during the life of the project;</p> <p>(v) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and</p> <p>(vi) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site.</p> <p>The Proponent must implement the Aboriginal Cultural Heritage Management Plan as approved by the Secretary.</p> | | | | <p>final paragraph of Section 9.4.</p> |



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| <i>Aboriginal Cultural Heritage Management Plan – conditions 36, 36A – 36C, Schedule 3 of PA 06_0193</i> | Satisfactory (Yes/No/Partial) | Comment | Action Required | Response |
|--|-------------------------------|--|-----------------|--|
| <p>36A If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Proponent must immediately notify NSW Police and OEH, and work must not recommence in the area until authorised by NSW Police and OEH.</p> <p>36B. If any Aboriginal object or Aboriginal place is discovered on the site:</p> <ul style="list-style-type: none"> (a) all work in the immediate vicinity of the object or place must cease immediately; (b) a 10 metre buffer area around the object or place must be cordoned off; and (c) OEH must be contacted immediately. <p>36C. Work in the immediate vicinity may only recommence if:</p> <ul style="list-style-type: none"> (a) the potential Aboriginal object or Aboriginal place is confirmed by OEH upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place; or (b) the Aboriginal Cultural Heritage Management Plan is revised to include the Aboriginal object or Aboriginal place and appropriate measures in respect of it, to the satisfaction of the Secretary; or (c) the Secretary is satisfied as to the measures to be implemented in respect of the Aboriginal object or Aboriginal place and makes a written direction in that regard. | <p>Partial</p> | <p>Section 9.4 Form 01 July 2020, the Aboriginal Cultural Heritage regulation is under the NSW Heritage Council – Aboriginal Cultural Heritage with the Department of Premier and Cabinet, with contact email heritagemailbox@environment.nsw.gov.au Replace references to 'OEH' where relevant e.g. Section 9.4 (but not in consent conditions) with the changed name as above.</p> | <p>Yes</p> | <p>References to OEH have been replaced with references to the NSW Heritage Council – Aboriginal Cultural Heritage with the Department of Premier and Cabinet (NSW Heritage Council) in Section 9.4.</p> |



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| <i>Aboriginal Cultural Heritage Management Plan – conditions 36, 36A – 36C, Schedule 3 of PA 06_0193</i> | Satisfactory (Yes/No/Partial) | Comment | Action Required | Response |
|--|--------------------------------------|--|------------------------|---|
| Other Comments | | | | |
| | | <ul style="list-style-type: none">A track change version of the updated management plan (either in Word or a pdf) is required to be submitted with the clean version pdf whenever an approved management plan, strategy or a program is revised in accordance with condition 4 of Schedule 5) of PA 06_0193. | | A tracked change version of this Plan, incorporating the above edits, will be provided. |

Appendix 2

Aboriginal Community Consultation Log

(Number of pages including blank pages = 6)

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8 July 2019

Chairperson
Orange LALC
PO Box 10
ORANGE NSW 2800

Dear Chairperson

Re: Registered Aboriginal Parties for the East Guyong Quarry

Hanson Construction Materials Pty Ltd (Hanson) has commissioned R.W. Corkery & Co. Pty Limited (RWC) to prepare an update to the Aboriginal Cultural Heritage Management Plan for the East Guyong Quarry (the Quarry). We are seeking to contact known Aboriginal parties to register their interest in reviewing the draft plan as Registered Aboriginal Parties for the Quarry. Your details were provided to RWC by the Office of Environment and Heritage (OEH) as a known Aboriginal party that may have an interest in the area.

The Quarry is located on the northern side of the Mitchell Highway in the Cabonne Local Government Area, approximately 22km southeast of Orange and 36km west of Bathurst (see attached **Figure 1** for the general locality). The update to the plan follows a recent modification to Project Approval (PA) 06_0193 for the Quarry. The approved layout of the Quarry is presented in **Figure 2**.

In accordance with Condition 36 of Schedule 4 of PA 06_0193, an updated *Aboriginal Cultural Heritage Management Plan* (ACHMP) is required to be prepared in consultation with the Office of Environment and Heritage and Registered Aboriginal Parties. As the previous ACHMP for the Quarry was prepared in 2012, this consultation is to assist with establishing an updated list of Registered Aboriginal Parties for the Quarry.

The original field survey and community engagement for the Quarry was undertaken by Mr John Appleton of Archaeological Surveys & Reports in 2001 and 2002. Surveys of the areas to be disturbed were completed with representatives of the Orange Local Aboriginal Land Council (LALC). No Aboriginal sites or objects were identified, however Hanson agreed to a request made by Orange LALC to engage a sites officer for the first day of ground disturbing activities.

Consultation during the preparation of the original ACHMP for the Quarry was undertaken in July of 2012. A draft copy of the plan was provided to Registered Aboriginal Parties and no objections were made to that plan.

Brooklyn Office:

First Floor, 12 Dangar Road, PO Box 239, BROOKLYN NSW 2083
Telephone: (02) 9985 8511 Email: brooklyn@rwcorkery.com

Orange Office:

62 Hill Street, ORANGE NSW 2800
Telephone: (02) 6362 5411 Email: orange@rwcorkery.com

Brisbane Office:

Suite 5, Building 3, Pine Rivers Office Park, 205 Leitchs Road, BRENDALD QLD 4500
Telephone: (07) 3205 5400 Email: brisbane@rwcorkery.com

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It is anticipated that updates to the Quarry's ACHMP will include only minor changes to reflect modified conditions and operational areas associated with the recent modification to PA 06_0193. No field work will be required for this process.

The Office of Environment and Heritage has identified your group as an Aboriginal stakeholder group in the area in which the Quarry is located. Should the Quarry Site be relevant to you from a cultural heritage perspective, you are invited to review and provide comment on the ongoing heritage management of the East Guyong Quarry. If you would like to register as an interested party, please contact me as soon as possible.

We would also be grateful if your organisation could recommend and provide contact details for any additional known Aboriginal groups who may have an interest in the Quarry Site and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places such that we can include them in any future consultation.

We would appreciate it if you could register your interest and provide any feedback via the following details no later than 4 August 2019 or sooner if possible.

Contact: Mr Jack Flanagan
Email: jack@rwcorkery.com
Phone: 02 6362 5411
Address: PO BOX 239, Brooklyn, NSW, 2083

Yours sincerely

Nick Warren
Principal Environmental Consultant

Encls: **Figure 1** Locality Plan
Figure 2 Approved Quarry Layout

Copy: Hanson Construction Materials Pty Ltd

11 July 2019

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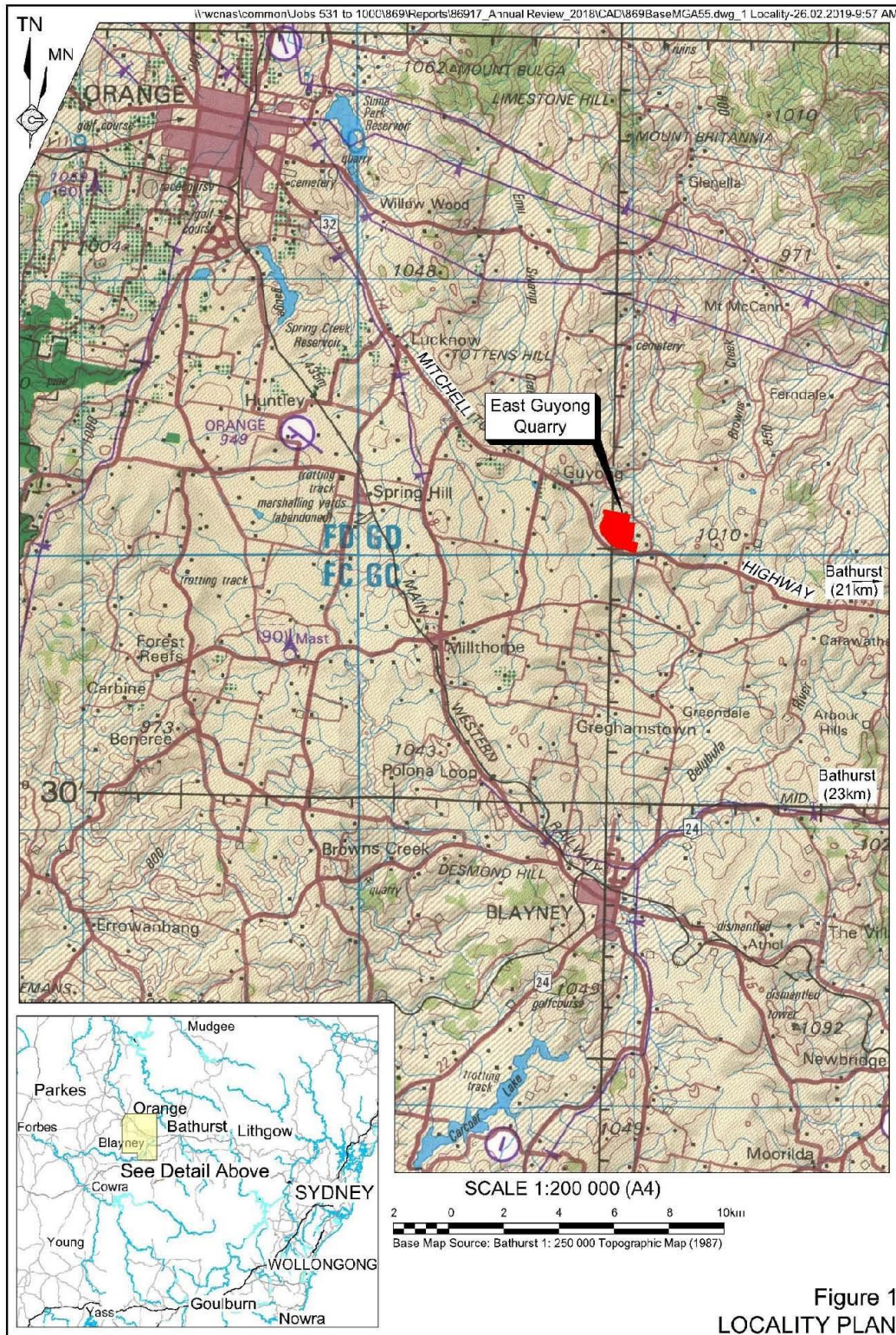
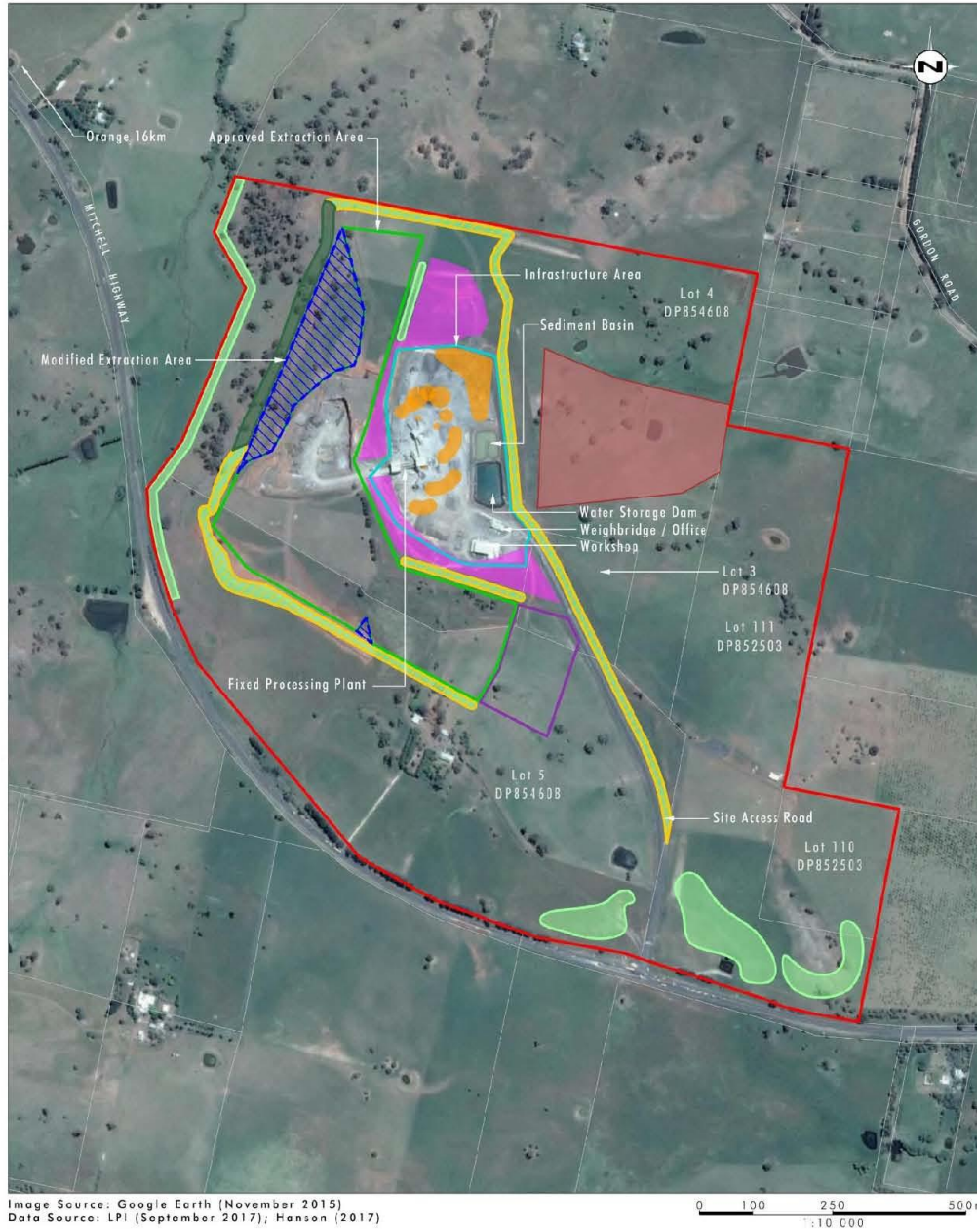


Figure 1
LOCALITY PLAN

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- Legend**
- ▬ Site Boundary
 - ▭ Infrastructure Area
 - ▭ Approved Extraction Area
 - ▨ Proposed Additional Extraction Area
 - ▭ Fenced Asbestos Exclusion Zone
 - ▭ Product Stockpile
 - ▭ Soil Stockpile Area
 - ▭ Growth Medium Storage Area
 - ▭ Approved Visual Bund and Vegetation Screen
 - ▭ Approved Vegetation Screen
 - ▭ Proposed Vegetation Screen

Figure 2
 East Guyong Quarry and Proposed Modification

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