

CULTURAL HERITAGE MANAGEMENT PLAN

Bass Point Quarry, NSW

Website version



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Cultural Heritage
Management Plan
7.2
18 May 2021

REPORT

Document status

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18 May 2021

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EXECUTIVE SUMMARY

RPS has been commissioned by Hanson Pty Ltd to update the Cultural Heritage Management Plan (CHMP) for the Bass Point Quarry extension at Bass Point, NSW. The Bass Point Quarry is located within the Shellharbour Local Government Area.

On the 28 January 2014, Hanson Construction Materials Pty Ltd obtained a Project Approval for the proposed extension at Bass Point. This document has been developed to update the CHMP which was finalised in 2016 and created to manage heritage items within the proposed development area as stipulated in the project approval (08_0143) granted under Section 75J of the *Environmental Planning and Assessment Act 1979*.

This document is intended to provide guidance for the management of Aboriginal cultural heritage and historic heritage within the Project Area both during construction and into the future. This CHMP applies to the entire Project Area (**Figure 1**). For the practical management of cultural heritage, a clear outline of roles and responsibilities is provided along with operational flow charts to be used by Land Managers and contractors who may need to access, or conduct works, within the Project Area.

The following outlines the report layout with the relevant sections:

- Section 1 Provides background detail and describes the Conditions of Approval.
- Section 2 of this CHMP outlines the legislative context of the project with respect Aboriginal and historic cultural heritage.
- Section 3 of this CHMP details consultation with the Registered Aboriginal Parties (RAPs).
- Section 4 of this CHMP provides a summary of historic cultural heritage and details historic sites identified in the Project Area.
- Section 5 outlines the heritage management protocols which must be implemented.
- Section 6 outlines the Heritage contingency protocols to be implemented if previously unidentified Aboriginal or historic objects or sites are located.
- Section 7 provides protocols for compliance, dispute resolution and review procedures.
- Section 8 outlines the roles and responsibilities of stakeholders for the implementation of this CHMP.

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1 INTRODUCTION

The Bass Point Quarry Project gained Project Approval (08_0143) under Section 75J of the *Environmental Planning and Assessment Act 1979* when the Approval was signed by the NSW Minister for Planning and Infrastructure on the 28 January 2014.

The project, which entails the extension of the Bass Point Quarry, was declared a Major Project under Part 3A of the *Environmental Planning and Assessment Act (1979)* on 23 May 2009. As part of the requirements for Project Approval, RPS Harper Somers O'Sullivan (RPS HSO) undertook an Aboriginal and European Cultural Heritage Assessment (2010) on the portion of land proposed for the quarry extension. No Aboriginal cultural heritage sites were found. With regard historical items, a remnant of dry stone walling was noted.

The current Cultural Heritage Management Plan (CHMP) was created in 2016 by RPS to manage heritage items identified in the 2010 cultural heritage assessment. The 2016 CHMP was then updated in 2019. This document has been developed to update the 2019 CHMP.

1.1 Overview

The existing Bass Point Quarry has been used for over 30 years as a hard rock extraction and processing operation. The proposal by Hanson was to extend the life of the quarry which would include deepening the existing quarry and extending extraction to adjacent areas. This CHMP is intended to ensure the protection of cultural heritage during these works.

1.2 Purpose

This document is intended to provide guidance for the management of cultural heritage in the Project Area for activities before construction commences, during works and after development is complete. For the practical management of cultural heritage, a clear outline of roles and responsibilities is provided along with operational flow charts to be used by Land Managers and contractors who may need to access, or conduct works within the Project Area.

1.3 Scope

This CHMP applies to the Bass Point Quarry Project (the Project Area) at Bass Point, NSW (**Figure 1**). The Project Area, on the Illawarra coast, is situated south east of Shellharbour on the Bass Point peninsula and in the Shellharbour Local Government Area.

The Project Area comprises the central and landward section of Bass Point that now contains the Bass Point Quarry. The Project Area comprises all of Lot 22 DP 1010797 and covers 157 hectares including the existing quarry and the extension areas. The northern boundary runs roughly parallel to the Bass Point Tourist Road while the southern boundary is bordered by a cliff face and the Pacific Ocean. The eastern boundary is bordered by the Bass Point Reserve. To the west are undeveloped lands and the Killalea Lagoon.

This CHMP is the heritage management document for the Project Area until such time as the practical completion of the development.

1.4 Intended Land Use

The areas around Bass Point have been used for blue metal quarrying since the 1850's, with the current operations dating from around the mid twentieth century. The current approval (08_0143) is for an extension of the quarry life by utilising those areas on the immediate perimeter of the current operations, and by deepening the approved excavation depths.

1.5 Ministers Conditions of Approval

As per *Condition 37, Schedule 3*, the Proponent must prepare a Heritage Management Plan for the project to the satisfaction of the Secretary. The Project Approval included Conditions of Approval, with the Approvals that related to Heritage detailed under *Condition 37 of Schedule 3*. That Condition included a requirement that a Heritage Management Plan be produced and that it addresses the listed items. **Table 1** includes the Section in this report that addresses those items.

The Project Approval includes a Statement of Commitments made by the proponent. Those commitments must be addressed and are detailed in **Table 1** which also includes the Section in this report that addresses those items.

Table 1 Ministers Conditions of Approval - Heritage Management Plan

Condition	Addressed in this report
The Proponent must prepare a Heritage Management Plan for the project to the satisfaction of the Secretary. This plan must:	
37 (a) be prepared in consultation with Aboriginal stakeholders for matters relating to Aboriginal heritage values and with Council for matters relating to non-Aboriginal heritage;	Section 3.1 & Appendix A (Aboriginal)
37 (b) be submitted to the secretary for approval by 31 May 2014	Document Status Table
37 (c) describes the measures that would be implemented for:	
managing the discovery of any human remains or previously unidentified heritage objects on site;	Section 6.1, 6.2 & 6.3
ensuring ongoing consultation with Aboriginal stakeholders in the conservation and management of any Aboriginal cultural heritage values on site;	Section 3.1
protecting heritage sites identified adjacent to the project.	Section 5.3
The Proponent must implement the approved management plan as approved from time to time by the Secretary.	Document Status Table & Section 7.1

Table 2 Statement of Commitments

Condition	Addressed in this report
Aboriginal Heritage	
Liaison established with the registered Aboriginal stakeholders and other interested parties as per the DECCW Interim Community Consultation Guidelines for Applicants (2004) during this project will be maintained as necessary.	Section 3.1
If it is suspected Aboriginal cultural heritage material has been encountered, work will cease immediately. The Department of Environment, Climate Change and Water (DECCW) [Office of Environment and Heritage (OEH)] and the Illawarra Local Aboriginal Land Council will be notified. Works will only recommence when an appropriate and approved management strategy has been agreed to by all of the relevant stakeholders.	Section 6.1
If evidence of any previously unidentified non-indigenous heritage items and/or archaeological relics are found within the project area all work likely to affect the sites) must cease immediately and, in accordance with section 146(a) of the 'Heritage Act, 1977' the Heritage council of NSW is notified within a reasonable time of the discovery or location of any relics.	Section 6.3

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In the event that skeletal remains are uncovered whilst operations are underway, work will stop in the vicinity immediately and the NSW Coroner's Office and NSW Police contacted. If skeletal remains are deemed to be of Aboriginal origin, a representative of the local Aboriginal Community (ILALC) and Heritage NSW are to be contacted. Section 6.2

European Heritage

If the dry stone wall identified on the site is to be adversely affected by any works on site, then the wall will be appropriately recorded. The wall will be measured and recorded in accordance with NSW Heritage Council guidelines. Section 4.2

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2 LEGISLATIVE CONTEXT AND GUIDELINES

The following overview of the legal framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

Aboriginal cultural heritage (places, sites and objects) in NSW are protected by the *National Parks and Wildlife Act 1974*, which is overseen by Heritage NSW (formerly the Department of Planning, Industry and Environment (DPIE), and the Office of Environment and Heritage). The *Environmental Planning and Assessment Act (1979)* is overseen by Heritage NSW (formerly DPIE and the Department of Planning and Infrastructure), along with other environmental planning instruments, trigger the requirement for the investigation and assessment of Aboriginal cultural heritage as part of the development approval process.

2.1 National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 provides for the protection of Aboriginal objects, places and sites within the State of New South Wales.

Under the Act 'relics' are confined to the physical evidence of Aboriginal occupation. Additionally, the Act also protects Aboriginal Places, which are locations that may or may not contain physical evidence of Aboriginal occupation but are significant to an Aboriginal community or individuals and have been specially declared by the Minister as an Aboriginal Place.

Key sections of the NPWA include:

- penalties for Aboriginal cultural heritage offences, in some cases from \$22,000 to up to \$1.1 million in the case of companies who do not comply with the legislation;
- provisions so that companies or individuals cannot claim 'no knowledge' in cases of serious harm to Aboriginal cultural heritage places and objects by creating new strict liability offences under the Act;
- remediation provisions to ensure people who illegally harm significant Aboriginal sites are forced to repair the damage, without need for a court order;
- unified Aboriginal cultural heritage permits into a single, more flexible permit; and,
- offences around breaches of Aboriginal cultural heritage permit conditions.

2.2 Environmental Planning & Assessment Act 1979 (EP&A Act)

This Act regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage. Assessment documents prepared to meet the requirements of the *EP&A Act 1979* including Reviews of Environmental Factors (REF), Environmental Impact Statements (EIS) and Environmental Impact Assessments (EIA) should address cultural heritage, and planning documents such as Local Environment Plans (LEP) typically contain provisions for cultural heritage where relevant.

In 2011 Part 3A, of the EP&A Act, was repealed and an approval mechanism for State Significant Development was implemented; the State and Regional Development State Environmental Planning Policy 2011 (SEPP). This project was approved under the project provisions of Section 75J and remains subject to those provisions.

The project approval for Bass Point Quarry extension was issued on 28 January 2014 (08_0143); the 2014 CHMP was written to meet these approvals. The current document has been produced to maintain and update the 2016 CHMP in order to meet the requirements in the 2014 approval. The 2016 CHMP was updated in 2019. This document supersedes the 2019 CHMP.

2.3 Heritage Act 1977

Historical archaeological relics, buildings, structures, archaeological deposits and features are protected under the *Heritage Act (1977)* (as amended 1999) and may be identified on the State Heritage Register (SHR) or by an active Interim Heritage Order. Certain types of historic Aboriginal sites may be listed on the SHR or be subject to an active Interim Heritage Order; in such cases they would be protected under the *Heritage Act (1977)* and may require approvals or excavation permits from the NSW Heritage Branch.

2.4 Engage Early - Guidance for Proponents on best practice Indigenous engagement for Environmental Assessments under the EPBC Act 1999

Engage Early is considered best practice for Indigenous engagement, this includes early engagement of Indigenous organisations and the representative Aboriginal parties. This can be done effectively through working with community building good relationships, engaging them early in the process, providing reasonable timeframes and cultural awareness. Building good relationships through ongoing communication during the project life and the future management of the project area, including management of Aboriginal object/s and or places.

Engage Early provides guidance to project proponents on when Indigenous communities should be consulted (in addition to the statutory public comment periods required under Part 8 of the EPBC Act) and sets out the Department of the Environment's (the Department) expectations on how Indigenous engagement should occur. The guideline should be read in conjunction with *Ask First: A guide to respecting Indigenous heritage places and values* published by the Australian Heritage Commission in 2002. *Ask First* guidelines are a practical guide for proponents on Indigenous heritage issues and include steps for consultation and negotiation.

3 CONSULTATION

3.1 Aboriginal Community

3.1.1 Aboriginal Community Input/Comment

The original consultation for the proposed Bass Point Quarry Project was undertaken under the then NSW Department of Environment, Climate Change and Water (DECCW) Interim Community Consultation Requirements for Applicants. Those requirements have been superseded with consultation now undertaken under the NSW Office of Environment and Heritage (now Heritage NSW) and the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCR) (2010).

3.1.2 The Aboriginal Cultural Heritage Consultation Requirements

This CHMP has been developed in consultation with the Illawarra Local Aboriginal Land Council (LALC), the Registered Aboriginal Party (RAP) that expressed an interest and participated in the original works in 2009.

Table 1 lists the Registered Aboriginal Party.

Table 1 Registered Aboriginal Parties (RAP)

Organisation	Name of Representative
Illawarra Local Aboriginal Land Council	Sharralyn Robinson

The procedure for the Interim Community Consultation Requirements for Applicants included advertisements and mail out to all registered groups Aboriginal groups. As there were no responses to that process the Illawarra Local Aboriginal Land Council were invited to provide a representative to participate in the RPS HSO Bass Point Project Aboriginal and European Cultural Heritage Assessment (2010).

Neville Maher of Illawarra LALC attended the survey on 7 October 2014 along with Senior Heritage Consultant, Laraine Nelson from RPS. The draft report was provided, and a response received from Illawarra LALC 9th October 2014.

The draft of this CHMP was sent to Illawarra LALC on 24 April 2014 with a request for feedback by 22 May 2014. Although phone contact was made, no written response was received as detailed in **Appendix A**.

On 30th August 2016, an attempt was made via phone and email to contact Illawarra LALC with a request for feedback on a revised version of the CHMP. No response was received.

On 8th August 2019, an attempt was made via email to contact Illawarra LALC with a request for feedback on a revised version of the CHMP. No response was received.

On 2nd November 2020, an attempt was made via email to contact Illawarra LALC with a request for feedback on a revised version of the CHMP. No response was received.

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

- If unidentified Aboriginal objects or sites are discovered during ground disturbance works;
- Aboriginal stakeholders will be notified and offered an opportunity to undertake monitoring during ground disturbance works should any unidentified archaeological and/or Aboriginal objects or sites be discovered over the life of the project; and
- If amendments to this CHMP do not constitute a minor administrative change.

3.2 Historic

The Shellharbour City Council was consulted with regard to the historic heritage of the Project Area (dry stone wall). Contact was made with Veronica Bird and Shellharbour City Council and the contents of the CHMP were discussed with a request for written feedback by 27 May 2014. Although phone contact was made, no written response was received, as detailed in **Appendix A**. Contact was made again in 2016, and Council responded via phone that they had no comments. Council was most recently contacted in 2021 via the Major Projects Portal for review and comment of version 6.0 of the CHMP. Based on the comments received via the portal, council was contacted via email. Council reviewed and responded with comments that have been incorporated into this CHMP (**Appendix A**).

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4 CULTURAL HERITAGE SITES IN THE PROJECT AREA

4.1 Aboriginal Cultural Heritage Sites

One Aboriginal cultural heritage site, a midden (AHIMS #52-5-0144), had been previously recorded in the north eastern border of the Project Area. That location was investigated during the survey for the RPS HSO Bass Point Project Aboriginal and European Cultural Heritage Assessment Report (2010) with no evidence of shell or any Aboriginal cultural heritage object present at that location.

The GPS coordinates for the location of AHIMS #52-5-0144 were found to be inaccurate with investigation revealing that the site was inside the Bass Point Reserve and outside the Project Area (**Figure 2**).

A renewed AHIMS search was conducted on 4 September 2020 and found no newly registered sites within the Project Area. A restricted site has been registered nearby to the Bass Point quarry; after discussions with DPIE and AHIMS, the site has been located outside of the Project Area. Due to the site's sensitivity, the true location has been left out of this report.

Therefore, there are no sites recorded in the Bass Point Project Area.

4.2 Historic Cultural Heritage Sites

4.2.1 Remnant Dry Stone Wall

One European historical site was noted during survey work in 2010 (RPS HSO 2010). This was a remnant dry stone wall in the southern sector of the Project Area. The wall was masked by vegetation at the northern and southern extents and would be no more than 100 metres long. A section of the wall had been removed previously during the construction of a vehicle track. The stone capping had been also been removed previously and this has affected the structural integrity of the wall.

There have been no works in the vicinity since the 2010 RPS HSO survey. However, if the dry stone wall identified on the site should be identified to be adversely affected by any works on site, then the wall will be appropriately recorded. The wall will be measured and recorded by a suitably qualified archaeologist in accordance with NSW Heritage Council guidelines.

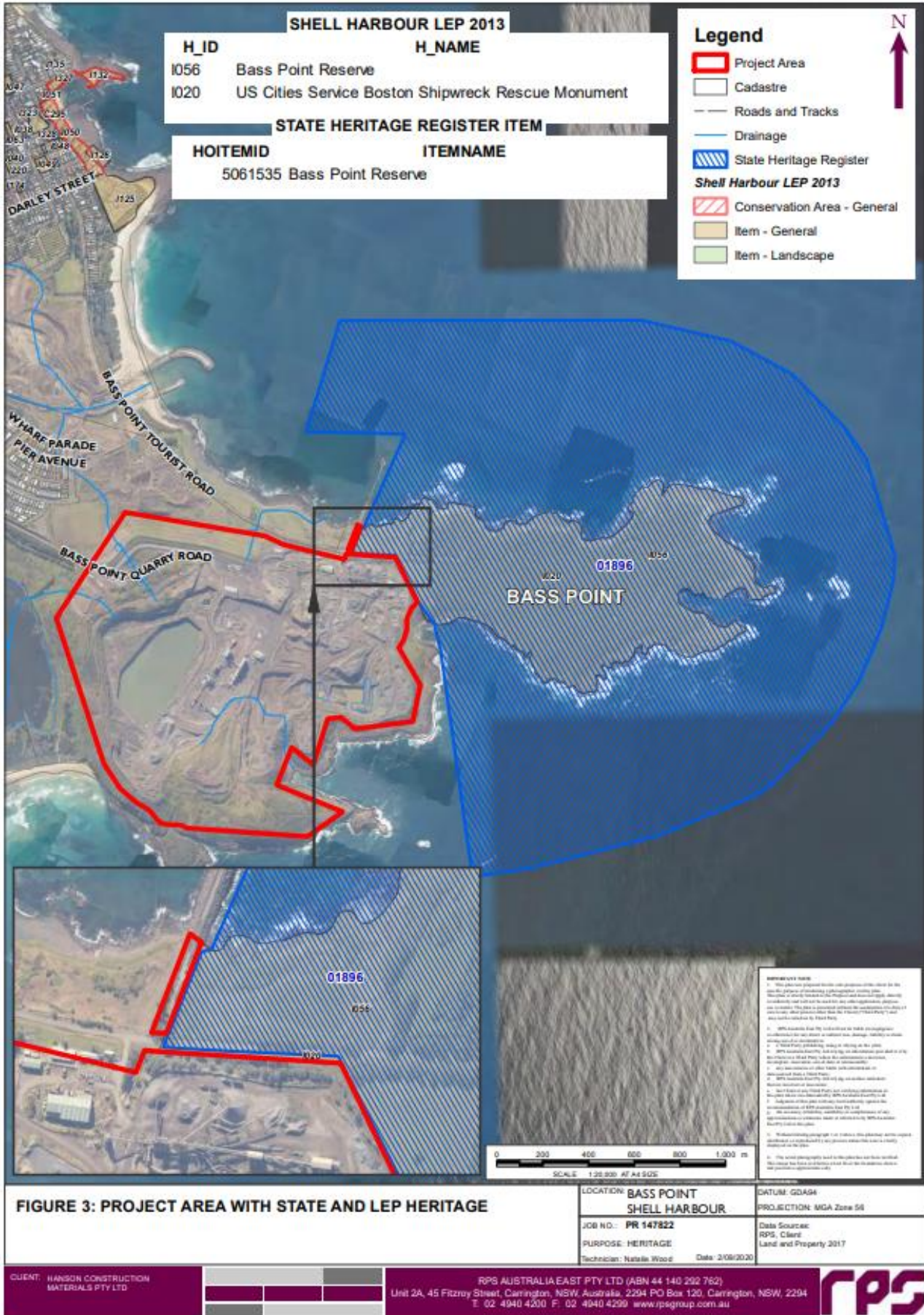
A renewed search of the Illawarra LEP, State and National heritage registers found no newly registered items of heritage significance within the Project Area. The local and state listed Bass Point Reserve is located to the east of the Bass Point Quarry (**Figure 3**).

Heritage NSW provided feedback on Bass Point Reserve on 2 July 2020 **Appendix A**. An investigation identified a boundary mapping error which had resulted in the study area being identified on the SHR. The error has now been corrected and the Section 167 (s167) certificate has been attached as **Appendix C** for reference.

The Planning Certificate, pursuant to Section 10.7 of the Environmental Planning and Assessment Act, 1979, and issued by Shellharbour City Council in August 2020, has been attached as **Appendix D** for reference. No items of environmental heritage are listed on the Shellharbour LEP (2013).

Figure 2 Nearby AHIMS Sites [REDACTED]

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5 HERITAGE MANAGEMENT PROTOCOLS

This section outlines the heritage management protocols for known (previously identified) objects and these protocols must be followed for the proposed development. Protocols for managing unexpected/unidentified Aboriginal and historic objects/sites and are detailed in Section 6.

5.1 Aboriginal Cultural Heritage

There are no identified Aboriginal cultural heritage objects in the Project Area.

5.2 Historic Heritage

There is one identified historic item, a remnant dry stone wall in the project area. This item should be avoided if possible, if it is not possible to avoid impact on the wall then in accordance with the Conditions of Approval the wall should be recorded as described below.

The wall should be recorded before it, or the immediate area is impacted on to ensure the maximum information is obtained.

The recording should be carried out by a qualified heritage professional in accordance with the requirements of the NSW Heritage Office. The Office has issued guidelines for recording they are:

- [How to Prepare Archival Records of Heritage Items](#) (1998)
- [Photographic Recording of Heritage Items using Film or Digital Capture](#) (2006)

5.3 Protection of Aboriginal and Historic Cultural Heritage Sites adjacent the Project Area

The RPS HSO Bass Point Project Aboriginal and European Cultural Heritage Assessment Report (2010) on which this CHMP is based on, refers only to the area described as the Project Area.

To ensure that no Aboriginal or historic cultural heritage items are inadvertently impacted on all works associated with the Bass Point Quarry Project should be contained wholly within the designated Project Area.

If there is a requirement that works be conducted outside the Project Area, a new Aboriginal and historic cultural heritage assessment must be initiated in accordance with *National Parks and Wildlife Act 1974* and the *Heritage Act (1977)*.

6 HERITAGE CONTINGENCY PROTOCOLS

The previous section of this CHMP outlined the protocols to be followed for known heritage sites in the Project Area. This section outlines the heritage contingency procedures that have been developed for unexpected finds; it includes procedures for unexpected Aboriginal objects, the discovery of human remains and unexpected historic objects. These protocols must be followed according to the stage of development.

6.1 Heritage Contingency Protocol for Unexpected Aboriginal Objects

Heritage contingency protocols for unexpected Aboriginal objects that are found in the Project Area during construction are outlined in **Figure 4**. Should unexpected Aboriginal objects/features be encountered, work must stop immediately, and the area cordoned off with a high visibility barrier such as that shown in Plate 1. DPIE (formerly DECCW, OEH) and the Illawarra Local Aboriginal Land Council should be notified. Works will only recommence when an appropriate and approved management strategy has been agreed to by all of the relevant stakeholders.

The heritage consultant, in consultation with the RAPs, is to assess the object(s) and recommend appropriate mitigation measures.

The Land Manager is to implement reasonable heritage mitigation measures that are recommended by the heritage consultant and agreed with the RAPs and in accordance with Heritage NSW regulations. If additional investigation and salvage is recommended, the Land Manager is to arrange for the heritage consultant and RAPs to undertake those works. The following process should be observed for the care of any Aboriginal objects.

6.1.1 Temporary Storage Aboriginal Objects

In the event that an AHIP is required and artefacts are collected they will be stored in an appropriate manner and in the custody of the heritage consultant engaged to conduct management activities. During periods of development, artefacts will be stored over night at a secure location (temporary keeping place) which will be on-site or at a nearby secure location as agreed by the RAP. Artefacts collected or excavated during management activities conducted under the provisions of this CHMP will be secured in tagged and labelled bags. Artefacts may be moved temporarily to another location for recording and will then be returned to the secure location at the temporary keeping place at the discretion of the heritage consultant in consultation with the RAP.

6.1.2 Transfer of Aboriginal Objects to Permanent Storage

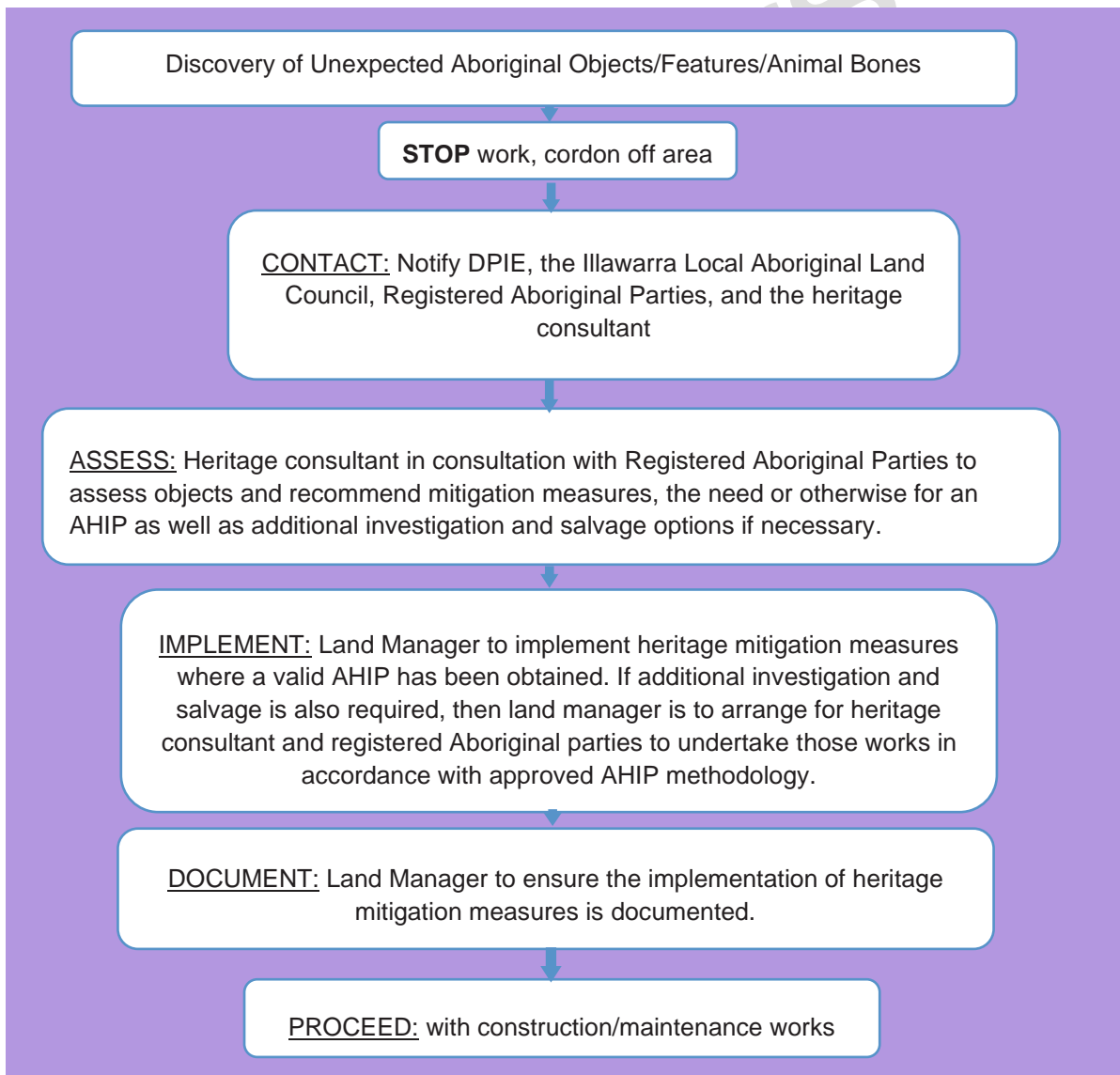
The permanent storage arrangements will be decided by the RAP but may involve transfer of Aboriginal objects to a keeping place or re-burial of objects. The permanent storage arrangements will be documented in a *Transfer of Aboriginal Objects for Safekeeping* agreement which will then be submitted to Heritage NSW. Representatives RAP may elect to be present for transfer of objects to permanent storage and will be provided the opportunity to conduct any ceremonies or cultural acknowledgement as deemed appropriate by the RAP. The permanent storage arrangements must be documented via a photographic record, field notes, GPS location and the appropriate documentation sent to Heritage NSW and appended to this CHMP. If re-burial of objects is elected as a permanent storage location, then the RAP is to advise on an appropriate depositional container noting that plastic bags/containers are generally less preferred than traditional paperbark containers.

Provided that these heritage contingency protocols have been followed, construction/maintenance works within the Project Area may proceed. On completion the heritage mitigation measures undertaken must be reported to RAPs and to Heritage NSW.



Plate 1 High Visibility Protective Fencing

Figure 4 Heritage Contingency Protocol for Unexpected Aboriginal Objects/Features encountered during Quarry Extension Works



6.2 Heritage Contingency Protocol for Discovery of Human Skeletal Remains

It should be noted that all Parties agree to observe suitable dignity in relation to any discovery of clearly identifiable human remains or probable human remains. Human skeletal remains are of the highest importance to Aboriginal peoples and all care, caution, respect and dignity will be utilised by all Parties should such remains be discovered.

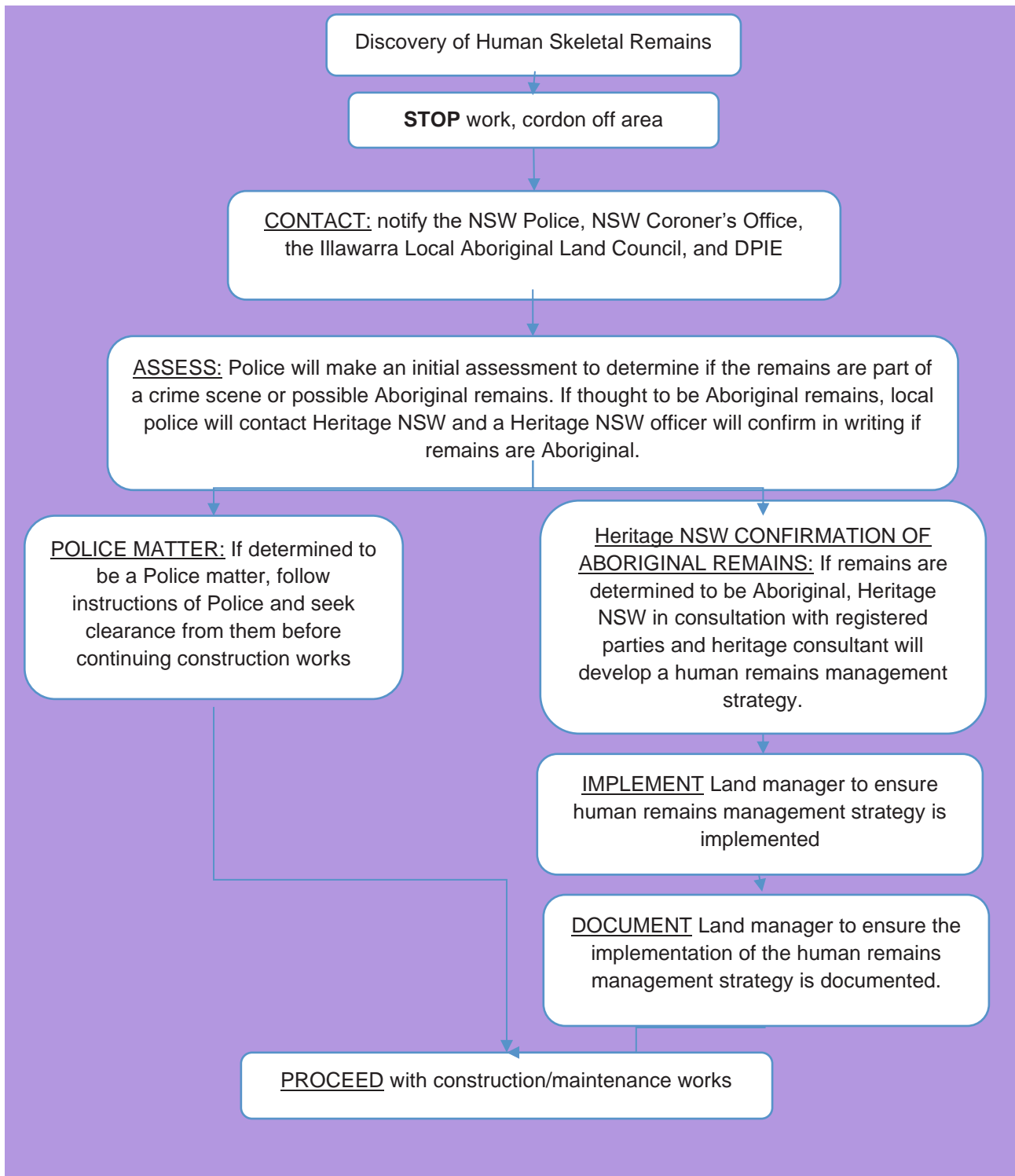
Where human skeletal remains are discovered within the Project Area, the NSW Government sanctioned process for the reporting and management of skeletal remains will be implemented. Heritage contingency protocols for the discovery of human skeletal remains during construction are outlined in **Figure 5**. Should any clearly identifiable human remains or possible human remains be encountered, work must stop immediately, and the area cordoned off with a high visibility barrier such as that shown in Plate 1. Notify the NSW Police, NSW Coroner's Office, the Illawarra Local Aboriginal Land Council, and DPIE (formerly DECCW, OEH).

If determined to be a Police matter, Police instructions are to be followed. Clearance to recommence construction works should be sought directly from the Police.

If Heritage NSW confirms that the remains are Aboriginal, Heritage NSW (in consultation with RAPs and the heritage consultant) will develop a human remains management strategy. The Land Manager is to ensure that this strategy is implemented and must document its implementation.

Provided that these heritage contingency protocols have been followed, construction/maintenance works within the Project Area may proceed.

Figure 5 Heritage Contingency Protocol for Discovery of Skeletal Remains



6.3 Heritage Contingency Protocol for Unexpected Historic Objects

Heritage contingency protocols for unexpected historic objects that are found in the Project Area during construction are outlined in **Figure 6**. Should unexpected historic objects/features be encountered, work must stop immediately, and the area cordoned off with a high visibility barrier such as that shown in Plate 1. In accordance with section 146(a) of the *Heritage Act 1977*, notify the Heritage council of NSW of the discovery or location of any relics. Notify DPIE (formerly DECCW, OEH) and the Land Manager.

The Land Manager is to then contact the heritage consultant. The heritage consultant should assess the object(s) and recommend appropriate mitigation measures.

The Land Manager is to implement reasonable heritage mitigation measures that are recommended by the heritage consultant and in accordance with Heritage Office requirements.

Provided that these heritage contingency protocols have been followed, construction/maintenance works within the Project Area may proceed.

Figure 6 Heritage Contingency Protocol for Unexpected Historic Heritage



7 COMPLIANCE, DISPUTE RESOLUTION AND REVIEW PROCEDURES

To ensure compliance with this CHMP with regard Aboriginal cultural heritage, a dispute resolution process and a method of reviewing and amending this document have been developed. If required, the following procedures will apply.

7.1 Implementation and Compliance

The Land Manager is to implement the CHMP and ensure that it is complied with as per Section 8. Meetings between the Land Manager and the RAPs are to occur in accordance with the below:

- The Land Manager will maintain liaison with the RAPs, as necessary;
- The RAPs may choose to meet if there is a change in Land Manager;
- Any future applications required for development or extension works will be developed in consultation with RAPs.

7.2 Dispute Resolution

- Any party may advise the other of an issue of dispute verbally, whereupon the Land Manager and the RAPs will discuss and seek to resolve the issue;
- Where verbal notice does not result in resolution of an issue of dispute within 24 hours, the party that raised the issue of dispute must advise the other in writing of the details of the issue of dispute. The Land Manager will, on receipt of a written advice, or in the event it issues such a notice, convene a meeting of the parties at the earliest convenience (wherever possible within 14 days of receiving the written advice);
- At a meeting of the parties convened in accordance with a written notice, the parties will negotiate in good faith in an attempt to resolve the dispute;
- If the dispute is not resolved at the meeting, then the parties must agree within 7 days of that meeting on an appointment of an Independent Expert (who might be a mutually agreeable third party heritage consultant or an officer from Heritage NSW) to mediate the dispute;
- The Land Manager must use reasonable endeavours to convene a meeting of the parties as soon as possible after the Independent Expert is appointed;
- At the meeting to be chaired by the Independent Expert, each of the parties may present their issues in the dispute to the Independent Expert for consideration and decision; and
- In so far as the Independent Expert's decision is consistent with all relevant legislative and regulatory obligations, all parties to the dispute agree to be bound by the decision of the Independent Expert in relation to the resolution of the dispute.

8 ROLES AND RESPONSIBILITIES

This section defines the roles of persons associated with the implementation of this CHMP, as well as their responsibilities under this CHMP. This section identifies the individuals who will take on an active role in the implementation of Heritage Management Protocols outlined in the following section. Responsibilities in respect to confidentiality and intellectual property rights applies to all roles identified and are outlined.

8.1 Land Manager

8.1.1 Definition

The person nominated by the landowner, or equivalent, to manage the lands within the Project Area. For the purposes of this CHMP the Land Manager is the on-site supervisor from Hanson.

8.1.2 Responsibilities

- Read, understand, implement and ensure the practical application of this CHMP. Any queries should be directed to the heritage consultant, in this case, RPS;
- Follow instructions outlined in flow charts under the Heritage Management Protocols section of this CHMP;
- Be the point of contact for all onsite personnel and maintain a list of all onsite personnel;
- Ensure that all onsite personnel understand their responsibilities in this CHMP by means of the heritage induction (provided by Land Manager or RAPs), provide a copy of this CHMP for use onsite, and maintain a list of onsite personnel who have attended the heritage induction/s;
- Be aware that all onsite activities are to occur only in the defined Project Area (which must be visually defined prior to activities being undertaken). In the case of onsite works, particularly ground disturbance, or works that require vehicles and machinery, fencing must be erected to define the Project Area and the Land Manager must communicate to all on site personnel that conservation areas are off limits and this includes vehicle movements;
- Be aware that there is an immediate **STOP WORK** requirement for the discovery of Aboriginal objects, historic heritage or human skeletal remains as outlined the Heritage Contingency Protocols (Section 6), to and ensure that onsite personnel have the necessary procedures in place, and equipment available, to secure the area in such situations;
- Contact organisations and individuals where required under the Heritage Management Protocols. This may include, but is not exclusive to, government authorities, heritage consultants and the RAPs to this CHMP;
- Maintain a contact list for organisations and individuals who may need to be contacted under this CHMP;
- Organise meetings with RAPs;
- Ensure the CHMP is updated if and as required until the practical completion of works; and
- Where meetings or fieldwork with the RAPs is required, a minimum of two weeks' notice is to be given

8.2 Registered Aboriginal Parties (RAPs)

8.2.1 Definition

Registered Aboriginal parties are those Aboriginal Parties who have registered for the project in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents.

8.2.2 Responsibilities

- Provide advice in a timely manner on Aboriginal cultural heritage management matters subject to the provisions of this CHMP;
- Attend fieldwork (if required);
- Assist in the identification of Aboriginal cultural heritage sites, as necessary; and,
- Participate in the Aboriginal cultural heritage activities in this CHMP.

8.3 Onsite Personnel

8.3.1 Definition

Any individual undertaking works in the development area subject to this CHMP under the relevant approval.

8.3.2 Responsibilities

- Read and understand this CHMP and direct any queries to the Land Manager as appropriate and as required under the provisions of this CHMP;
- Follow instructions outlined in flow charts under the Heritage Management Protocols section of this CHMP;
- Be aware that all onsite works and activities are to occur only in the defined Project Area (which must be visually defined prior to works being undertaken) and that conservation areas are off limits (this includes vehicle movements) and,
- Be aware that there is an immediate **STOP WORK** requirement for the discovery of unexpected heritage objects (Section 6.1) and human skeletal remains (Section 6.2).

8.4 Heritage Consultant

8.4.1 Definition

An individual or organisation engaged by the Land Manager who possesses the appropriate technical qualifications and experience to undertake the heritage assessment and management activities required for the ongoing implementation of the provisions of this CHMP.

8.4.2 Responsibilities

- Assist the Land Manager with the implementation of this CHMP, as required, including participation in the AHIP process;
- Provide heritage advice to the Land Manager and the RAPs in accordance with the relevant legislation;
- Undertake the assessment and recording of any new Aboriginal or historic sites identified within the project area in accordance with the provisions of this CHMP;
- Assist with the project heritage induction process;

- Provide advice and assistance to the Land Manger and RAPs with the review and amendment of this CHMP as required;
- Liaise with the RAPs, as required; and
- Liaise with the NSW Heritage Office as required.

8.5 Confidentiality

All individuals and organisations as outlined above will respect that some information shared will remain confidential. This may include:

- Commercial information,
- Sensitive Aboriginal cultural information, and
- Any material or information identified as sacred.

Other than in accordance with a written agreement by the identified individuals/organisations, no confidential information will be provided to any other persons other than to:

- Enable project works, or
- As required by law.

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9 CONCLUSION

This document has been prepared as a guiding document for the management of Aboriginal and historic cultural heritage within the Bass Point Quarry Project Area. It is supported by a previous document prepared by RPS HSO (2010) and the consultation process between RPS, on behalf of Hanson and the RAPs.

This document should be used for the management of cultural heritage in the Project Area until practical completion of the development.

Website version

10 REFERENCES

Bowdler, S. (1970). "Bass Point: The Excavation of a South East Australia Shell Midden Showing Cultural and Ecological Change." Thesis.

Bowdler, S. (1976). "Hook, Line and Dillybag: An Interpretation of an Australian Shell Midden." Mankind 10:248-258.

Bowdler, S. (1981). "Bass Point: Aboriginal relics within the Proposed State Recreation area, NSW. Unpublished report to the National Parks and Wildlife Service of NSW."

DECCW (2010). Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. DECCW.

Department of the Environment. (2016). Engage Early - guidance for proponents on best practice Indigenous engagement for environmental assessments under the EPBC Act 1999.

Department of Environment, Climate Change and Water (2010) *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

NSW Heritage Office (1998) [How to Prepare Archival Records of Heritage Items](#)

NSW Heritage Office (2006) [Photographic Recording of Heritage Items using Film or Digital Capture](#)

RPS HSO (2010). *Aboriginal and European Cultural Heritage Assessment for Bass Point Quarry*. Unpublished report for Hanson Construction Materials Pty Ltd

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Appendix A Consultation

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Aboriginal Consultation

The Consultation Log that precedes this can be found in the RPS HSO (2010) *Aboriginal and European Cultural Heritage Assessment for Bass Point Quarry*.

Date	Method	Consultation Description
24 Apr 2014	Email and Mail	Hardcopy mailed and a copy of CHMP was emailed to RAP
22 May 2014	Phone	Follow up phone call made, but Sharralyn Robinson was not available
30 May 2014	Phone	Sharralyn Robinson was not able to provide written feedback
30 August 2016	Phone and email	Phone call and email to Illawarra LALC requesting comment or input to updated CHMP – No Response received
8 August 2019	Email	Email to Illawarra LALC requesting comment or input to updated CHMP – No Response received
2 November 2020	Email	Email to Illawarra LALC requesting comment or input to updated CHMP – No Response received

Historic Consultation

Date	Method	Consultation Description
24 Apr 2014	Phone	Contact with Shellharbour City Council was attempted twice in regards dry stone wall management
19 May 2014	Email	Email reminder regarding feedback sent with due date of the 27th of May 2014 sent to Veronica Bird of Shellharbour City Council
27 May 2014	Phone	Unable to get through via phone
30 May 2014	Phone	Veronica Bird verbally agreed in principle with the CHMP but would request additional feedback from Illawarra LALC. Shellharbour City Council was unable to provide a written response – No Response received
30 August 2016	Phone and Email	Renee Acers of Shellharbour City Council received a call from Pip Cox and advised Pip to email Council about the revision of the Cultural Heritage Management Plan. Pip sent through an email with the management plan attached for comment and review. Council verbally advised that it had no comments on the revised document.
25 February 2021	Email	Shellharbour City Council was provided with a revised version of the management plan for review and comment via the Major Projects Portal. Based on the comments received via the portal Council was then contacted via email. Council provided comments which have been incorporated into this CHMP.

2021 Historic Consultation Details

Date	Method	Consultation details	Addressed in this report	Accepted by Council
3 February 2021	Major Projects Portal	"I have reviewed the updated document and consider the amendments as they relate to non-Aboriginal heritage to be satisfactory. As discussed with [C.F] via telephone, I would like any reference to a lack of response from [DETAILS WITHHELD] during the development of the original plan, removed from the document as I believe [DETAILS WITHHELD] responded when requested"	These changes have been made in Section 3.2	25 February 2021
25 February 2021	Email	"If the document could be amended to indicate that Shellharbour City Council verbally advised that it had no comments and nothing to add to the revised document, it would be appreciated."	These changes have been made in Section 3.2	25 February 2021

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2020 HNSW Consultation

Date	Method	Consultation Description
15 May 2020	Mail	Heritage NSW (AOM Director Operations) sent a letter titled <i>SHR Item: Bass Point Reserve – Boolwarroo Parade, Shell Cove</i> that suggested that Hanson property included a SHR item.
17 June 2020	Phone	In response to the letter, Hanson phoned HNSW to enquire why the Bass Point Reserve was being considered part of the Hanson property, and was advised that it was the heritage curtilage for the reserve that included a portion of Hanson property.
18 June 2020	Email	Hanson pursued the query through email correspondence requesting formal written confirmation of the relevant Hanson owned/managed lot(s) for which curtilage applies.
18-19 June 2020	Email/Mail	HNSW recommended applying for a s167 certificate for the relevant Hanson owned/managed lot(s) for which curtilage applies and provided forms which Hanson completed and submitted (Appendix C).
2 July 2020	Email	HNSW issued that the land was <i>not subject</i> to a conservation instrument, order or notice under the <i>Heritage Act 1977</i> , after noting that there was a boundary mapping error which previously resulted in the subject land being identified on the SHR. The error was corrected.

Appendix B
AHIMS Search [REDACTED]

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Appendix C
S167 Certificate [REDACTED]

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Appendix D
Planning Certificate – Section 10.7 EP&A Act, 1979
[REDACTED]

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