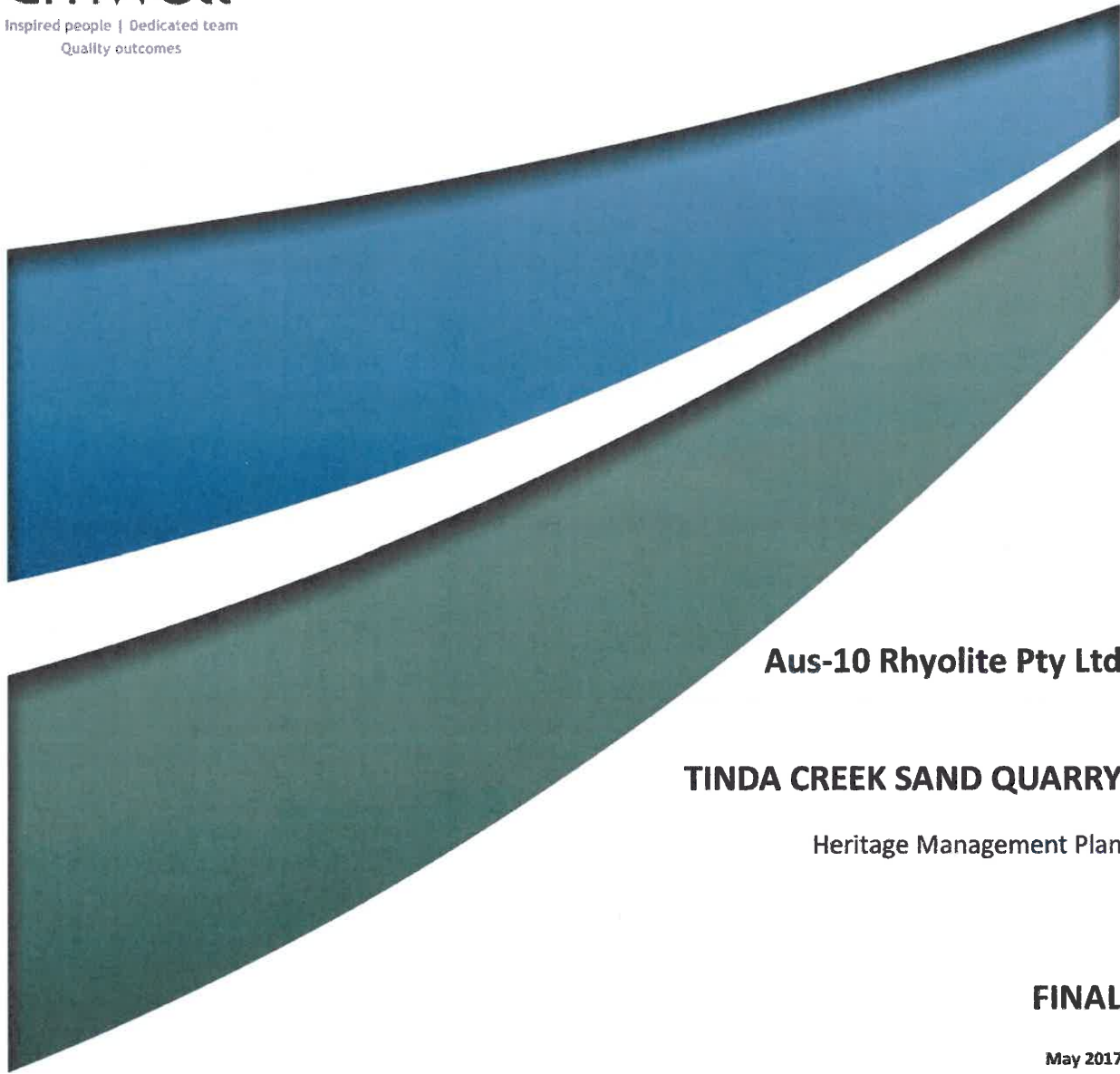


APPENDIX 4
Heritage Management Plan



Aus-10 Rhyolite Pty Ltd

TINDA CREEK SAND QUARRY

Heritage Management Plan

FINAL

May 2017

Aus-10 Rhyolite Pty Ltd

TINDA CREEK SAND QUARRY

Heritage Management Plan

FINAL

Prepared by
Umwelt (Australia) Pty Limited
on behalf of
Aus-10 Rhyolite Pty Ltd

Project Director: **Peter Jamieson**
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Report No. **1731/R36/FINAL**
Date: **May 2017**



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Quality
ISO 9001

This report was prepared using
Umwelt's ISO 9001 certified
Quality Management System.

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1.0 Introduction

Aus-10 Rhyolite Pty Ltd trading as Hy-Tec Concrete and Aggregates (Hy-Tec) operates Tinda Creek sand quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW (refer to **Figure 1.1**). The quarry is located within Lots 1, 2 and 3 DP 628806 which are bounded on the north, east and south by Yengo National Park and on the west by Putty Road, several agricultural land holdings and Wollemi National Park (**Figure 1.2**). Hy-Tec was granted Development Consent (SSD_4978) in April 2015.

This Cultural Heritage Management Plan (CHMP) has been prepared in accordance with Schedule 3, Condition 14 of SSD_4978 and addresses both Aboriginal cultural heritage and historical heritage conditions of approval. This CHMP satisfies the relevant requirements and serves to ensure that the ongoing management of cultural heritage at Tinda Creek is implemented in accordance with the development consent conditions, the Statement of Commitments and legislative requirements.

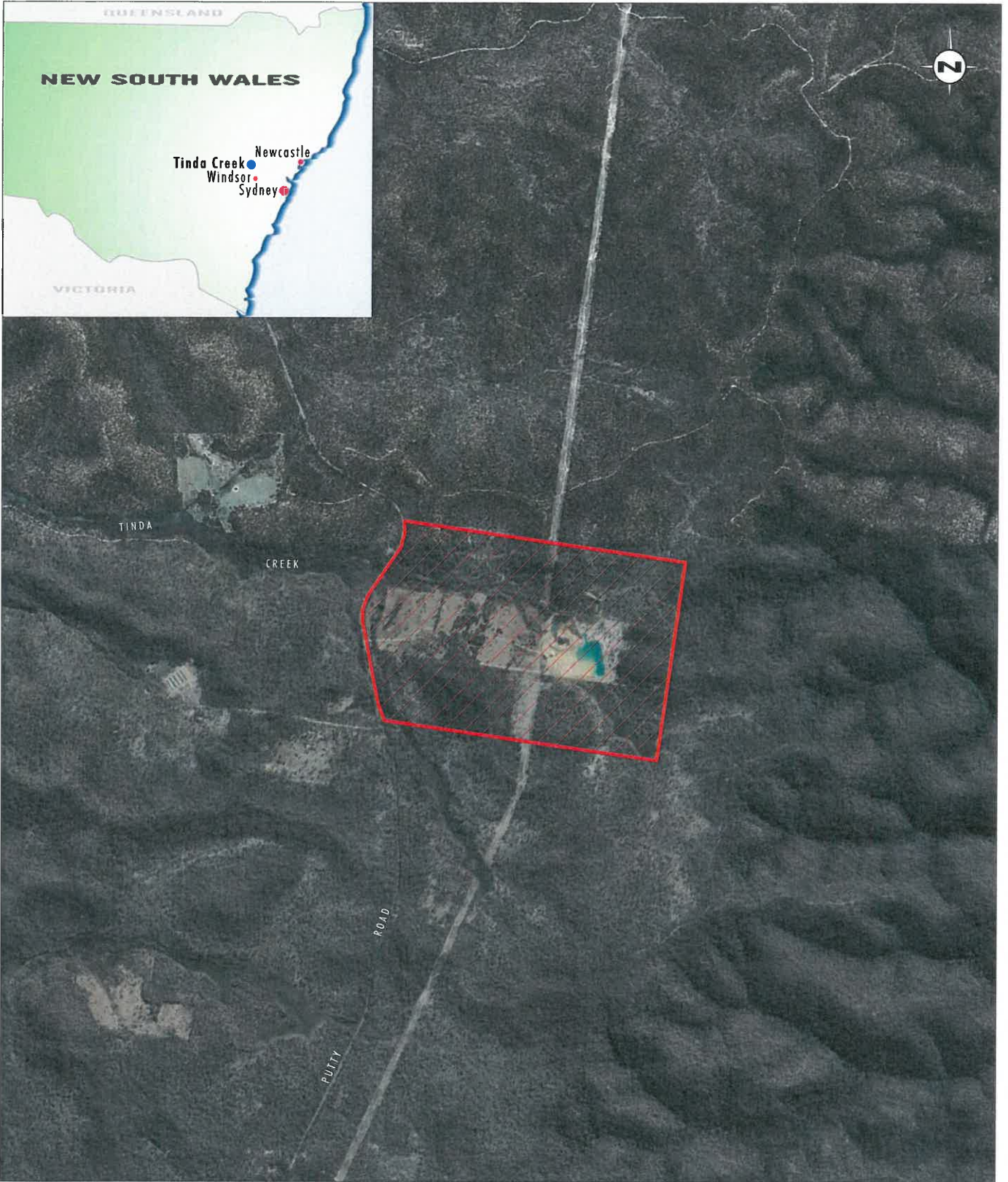
This CHMP applies to all activities undertaken within the Tinda Creek project area. Hy-Tec is responsible for implementing all aspects of the CHMP for the duration of the project and will do this in consultation with the relevant Aboriginal parties and a qualified archaeologist (where required).

1.1 Project Description

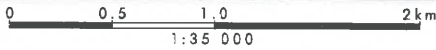
Quarrying activities have been undertaken at Tinda Creek for approximately the last 30 years. The material quarried is comprised of clayey sand that contains typically 18 per cent to 40 per cent silt and clay. The quarry operation involves the extraction of clayey sand from the quarry area using a cutter-suction dredge that floats on a dredge pond approximately 3 to 5 hectares in size. The sand is dredged from a depth of up to approximately 5 metres below the surface of the dredge pond. Sand, silt and clay is piped from the dredge pond to the sand processing plant where the sand is separated from the silt and clay. Product sand is stockpiled and subsequently transported off-site.

In 2013 Hy-Tec sought to expand quarrying into additional sand resources within Lots 1 and 3. The extraction areas are located on Lots 1 to 3, which are bounded the north, east and south by Yengo National Park and to the west by the Putty Road. Wollemi National Park is also located beyond Putty Road. The areas of Yengo National Park to the east and Wollemi National Park to the west also form part of the Greater Blue Mountains World Heritage Area.

One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area (Figure 1.3; Umwelt 2014).



Source: Google (2002)

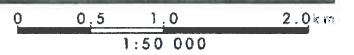


Legend
[Red hatched box] Project Area

FIGURE 1.1
Locality Map



Source: LPI NSW (2000), Google Earth (2010)



Legend

-  Project Area (DP 628806)
-  National Park

FIGURE 1.2
Project Area

1.2 Assessment Background

Umwelt (Australia) Pty Limited (Umwelt) was engaged by Hy-Tec to prepare an Environmental Impact Statement (EIS) for the project area. An Aboriginal cultural heritage and archaeological assessment was undertaken as part of the EIS to develop an understanding of the Aboriginal cultural heritage and archaeological values of the project area through consultation with Aboriginal parties, background research and archaeological survey.

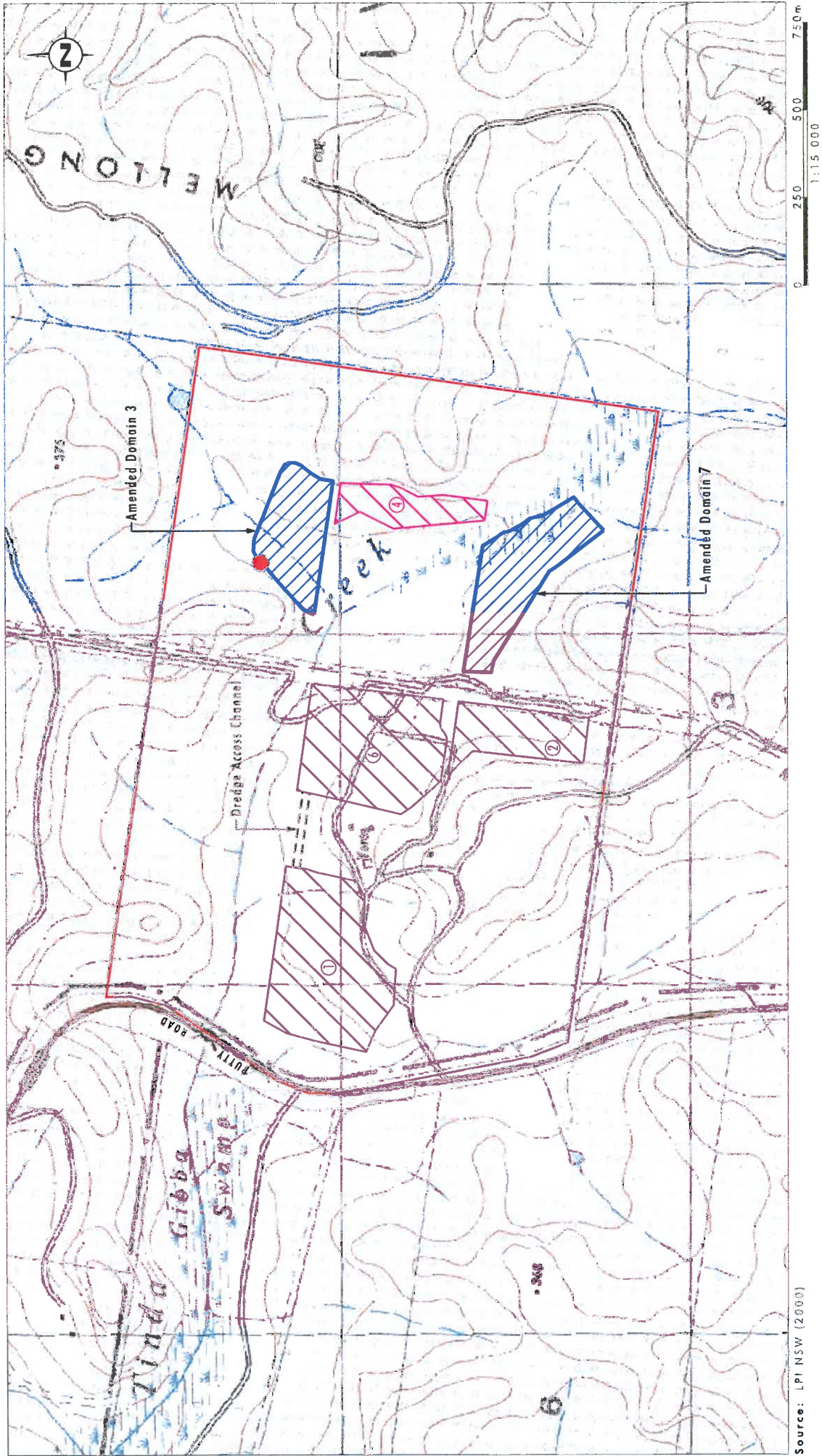
A survey of Extraction Areas 6 and 7 (refer to **Figure 1.3**) was undertaken in January 2011. A second survey was undertaken in mid 2013 that inspected additional proposed extraction areas. One artefact scatter, #45-2-2545, was identified during the surveys and no visible sandstone outcrops were identified. The management recommendations for site #45-2-2545 included surface collection of the site if the area was to be impacted.

1.3 Project Approval Conditions

The specific requirements of SSD_4978 (Schedule 3) that relate to this CHMP are provided in **Table 1.1** with reference to the applicable section of this CHMP. **Table 1.2** includes all obligations identified in the Statement of Commitments that are appendices to the project approval.

Table 1.1 Project Approval Conditions

Condition	Requirement	Relevant Section
14	The Applicant shall prepare and implement a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:	
	(a) be prepared in consultation with OEH and Aboriginal stakeholders for matters relating to Aboriginal heritage	Section 4.2 and Section 5.0
	(b) be submitted to the Secretary for approval within 6 months of the date of the consent, unless the Secretary agrees otherwise; and	Section 5.0
	(c) describe the measures that would be implemented for <ul style="list-style-type: none"> • managing identified heritage objects, previously unidentified heritage objects or discovery of any human remains on site; • ensuring ongoing consultation with Aboriginal stakeholders in the conservation and management of any Aboriginal cultural heritage values on site. 	Section 6.2 Section 4.2



Source: LPI NSW (2000)

- Legend**
- Project Area
 - Proposed Extraction Area
 - Amended Domains
 - Artefact Scatter

FIGURE 1.3

Known Archaeological Site

Table 1.2 Statement of Commitments

Condition	Requirement	Section
5.5.1	In consultation with the registered Aboriginal parties, preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) for the proposed Project. The ACHMP will allow for management (collection) of the artefacts located in the Tinda Creek Artefact Scatter 1 site in Domain 3 and to provide for future management of Aboriginal cultural heritage issues should they arise across the broader Project area. The ACHMP will form part of the revised EMP for the project.	Section 4.2
5.5.2	The artefacts located within the Tinda Creek Artefact Scatter 1 site are collected using the methodology set out in the protocols and procedures of the approved ACHMP.	Section 6.1
5.5.3	<p>The Environmental Management Strategy is to be updated to contain provisions to address management of the following issues, as detailed in the Aboriginal Cultural Heritage and Archaeological Assessment (Appendix 9):</p> <ul style="list-style-type: none"> • exposure of previously unrecorded artefactual material during ground disturbance works within the Project area; • exposure of human/possible human skeletal material is during ground disturbance works within the Project area; • exposure of sandstone with evidence of Aboriginal engravings or grinding grooves; and • development of an Aboriginal Cultural Heritage Training Package for all Hy-Tec employees/contractors working on the project to be provided as part of the quarry induction process. 	<p>Section 6.2.1</p> <p>Section 6.2.2</p> <p>Section 6.2.3</p> <p>Section 6.2.4</p>
5.6.1	In the unlikely event that unexpected archaeological remains or potential heritage items not identified as part of this assessment are discovered during the Project and are likely to be disturbed by the Project, all works in the immediate area should cease, the remains and potential impacts should be assessed by a qualified archaeologist or heritage consultant and, if necessary, the Heritage Branch, Department of Planning notified.	Section 6.3

2.0 Regulatory Requirements

Aboriginal cultural heritage is protected by several pieces of legislation within NSW. The primary legislation and planning instruments applicable to this ACHMP are the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *NSW National Parks and Wildlife Act 1974* (NPW Act).

The *Heritage Act 1977* (NSW) and the EP&A Act are the primary statutory controls protecting historic/European heritage within New South Wales.

2.1 Environmental Planning and Assessment Act (1979)

The EP&A Act regulates development activity in NSW. For the purposes of the EP&A Act, a development may be a State Significant Development (SSD) if declared as such by the relevant State Environmental Planning Policy (SRD SEPP) or if otherwise called in by the Minister.

Section 89J of the EP&A Act specifies that the requirement for an Aboriginal heritage impact permit under Section 90 of the *National Parks and Wildlife Act 1974* does not apply to activities that form part of an approved SSD. SSDs are subject to conditions of approval issued by the Department of Planning and Environment and Aboriginal cultural heritage is addressed by appropriate conditions.

2.2 National Parks and Wildlife Act (1974)

The NPW Act is accompanied by the National Parks and Wildlife Regulation 2009 (the Regulation in accordance with Section 86(1) of the NPW Act, it is an offence to harm or desecrate a known Aboriginal object, whilst it is also an offence to harm an Aboriginal object under Section 86(2). Similarly, Section 86(4) states that a person must not harm or desecrate an Aboriginal place. Harm to an object or place is defined as any act or omission that:

- a) destroys, defaces or damages an object or place, or
- b) in relation to an object – moves the object from the land on which it had been situated, or
- c) is specified by the regulations, or
- d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c),

but does not include any act or omission that:

- e) desecrates the object or place (noting that desecration constitutes a separate offence to harm)
- f) is trivial or negligible, or
- g) is excluded from this definition by the regulations.

Section 87(1) of the NPW Act specifies that it is a defence to prosecution under Section 86(1) and Section 86(2) if the harm or desecration of an Aboriginal object was authorised by an AHIP and the activities were carried out in accordance with that permit. As discussed above, the provisions for SSD overrule the requirement for an AHIP under the NPW Act. All other provisions of the NPW Act remain applicable. These include the requirement under Section 89A of the NPW Act that a person who is aware of the location of an Aboriginal object must notify the Director-General of this within a reasonable timeframe.

2.3 Heritage Act (1977)

The *Heritage Act 1977* (NSW) and the *Environmental Planning and Assessment Act 1979* (EP&A Act) are the primary statutory controls protecting historic/European heritage within New South Wales. As the project is a SSD, the Minister for Planning is the consent authority and the relevant approval provisions of the *Heritage Act 1977* (NSW) and local planning instruments established under the EP&A Act do not apply.

Approval conditions relating to heritage have been issued by the DP&E in consultation with the Heritage Council of NSW and delegate officer of the Heritage Branch, Office of Environment and Heritage (OEH). As such, the Project will still be influenced by the approval requirements of the *Heritage Act 1977* (NSW) and any relevant planning instruments established under the EP&A Act.

3.0 Timeframes and Responsibilities

This CHMP will primarily be implemented by the Operations Manager for Hy-Tec or his/her specified delegate and environmental site representatives in consultation with the registered Aboriginal parties and a qualified archaeologist (where required). The responsibilities of Hy-Tec are outlined in Table 3.1 below:

Table 3.1 Roles and Responsibilities

Title	Company	Role and Responsibility
Quarry Manager	Aus-10 Rhyolite Pty Ltd	Responsible for providing adequate resources for the implementation of this CHMP.
Quarry Manager	Aus-10 Rhyolite Pty Ltd	Responsible for coordinating the day to day implementation of this CHMP in consultation with registered Aboriginal parties. Will ensure that personnel involved in monitoring of the Aboriginal sites and values are appropriately qualified/trained to undertake the task. Engage a suitably qualified archaeologist and Aboriginal party representatives to provide expertise and undertake work if required.

The tasks and timeframes relevant to this CHMP are outlined in Table 3.2 below with reference to the relevant sections of this CHMP.

Table 3.2 Tasks and Timeframes

Task	Relevant Section of CHMP	Timeframe
Prepare CHMP in consultation with OEH and registered Aboriginal parties	Whole document	To be submitted to the Secretary for approval within 6 months of the date of the approval of the plan
Collection of Tinda Creek Artefact Scatter 1 site using the methodology set out in the protocols and procedures of this CHMP.	Section 6.1	Prior to the extraction of Domain 3

Task	Relevant Section of CHMP	Timeframe
<p>The Environmental Management Strategy is to be updated to contain provisions to address management of the following issues:</p> <ul style="list-style-type: none"> • exposure of previously unrecorded artefactual material during ground disturbance works within the Project area; • exposure of human/possible human skeletal material is during ground disturbance works within the Project area; • exposure of sandstone with evidence of Aboriginal engravings or grinding grooves; and • development of an Aboriginal Cultural Heritage Training Package for all Hy-Tec employees/contractors working on the project to be provided as part of the quarry induction process. 	<p>Section 6.2.1</p> <p>Section 6.2.2</p> <p>Section 6.2.3</p> <p>Section 6.4</p>	<p>Within 6 months of the approval of the relevant plans</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Within 12 months of approval of plan</p>
<p>In the unlikely event that unexpected archaeological remains or potential heritage items not identified as part of this assessment are discovered during the Project and are likely to be disturbed by the Project, all works in the immediate area should cease, the remains and potential impacts should be assessed by a qualified archaeologist or heritage consultant and, if necessary, the Heritage Branch, Department of Planning notified.</p>	<p>Section 6.3</p>	<p>Ongoing</p>

4.0 Registered Aboriginal Party Consultation

Aboriginal people have rights and interests in their heritage and the involvement of Aboriginal people in the protection and management of their heritage is critical in maintaining the identity, health and well-being of Aboriginal people (Australian Heritage Commission 2002). Consultation with Aboriginal people is therefore a critical component of this document and of ongoing management of cultural heritage. The process of Aboriginal party consultation is outlined below. Importantly, this consultation also provides the opportunity for registered Aboriginal parties to comment on the Aboriginal cultural values of the area, as distinct from those specifically relating to archaeological information.

4.1 Aboriginal Consultation Context

Consultation with Aboriginal parties regarding the Tinda Creek project began in 2011 and has been ongoing since that time. As discussed previously, SSD_4978 was issued under Section 4 of the EP&A Act. Consultation was undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements (ACHCRs – DECCW 2010) at the outset of the Aboriginal heritage assessment process.

As a result of the consultation process, the following organisations registered to be involved in consultation for the project:

- Darug Aboriginal Cultural Heritage Assessments
- Darug Aboriginal Land Care
- Darug Custodial Aboriginal Corporation
- Darug Land Observations
- Darug Tribal Aboriginal Corporation
- Gunjeewong Cultural Heritage Aboriginal Corporation (GCHAC)
- Metropolitan Local Aboriginal Land Council (MLALC)
- Yarrawalk.

4.2 Ongoing Aboriginal Consultation

Since 2013 consultation has been ongoing with the registered Aboriginal parties. Consultation undertaken for the development of this CHMP with the registered Aboriginal parties is provided in **Appendix A** and detailed in **Table 4.1** below.

Table 4.1 Consultation with registered Aboriginal parties

Date	Type of Consultation	Parties Contacted	Outcome
17/6/2016	Draft CHMP sent out for comment	All the registered Aboriginal parties were mailed the CHMP	
4/7/2016	Received email requesting a digital copy of the CHMP	Gunjeewong Cultural Heritage Aboriginal Corporation	Emailed 4/7/2016
5/7/2016	Phone calls to the registered Aboriginal parties to discuss CHMP and request comment	Darug Aboriginal Cultural Heritage Assessments	Provided verbal comment via phone call 12/7/2016.
		Darug Aboriginal Land Care	Provided verbal comment via phone call 5/7/2016.
		Darug Custodial Aboriginal Corporation	Confirmed it had been passed to an organisation member for review
		Darug Land Observations	Provided some verbal comments via phone 5/7/2016 and written comment via email 11/7/2016
6/7/2016	Received email requesting a digital copy of the CHMP	Darug Tribal Aboriginal Corporation	Left message
		Metropolitan Local Aboriginal Land Council	Requested another copy be emailed directly to their sites officer, emailed 5/7/2016
		Yarrawalk (Tocomwall)	Left Message
		Darug Custodial Aboriginal Corporation	Emailed 6/7/2016

Date	Type of Consultation	Parties Contacted	Outcome
7/7/2016	Received phone call requesting another copy be emailed	Darug Tribal Aboriginal Corporation	Copy of CHMP emailed 7/7/2016
7/7/2016	Phone call to discuss CHMP and request comment	Gunjeewong Cultural Heritage Aboriginal Corporation	Left Message
12/7/2016	Phone call to discuss CHMP and request comment	Metropolitan Local Aboriginal Land Council Yarrawalk (Tocomwall)	Left Message Left Message
15/7/2016	Phone call to discuss CHMP and request comment	Gunjeewong Cultural Heritage Aboriginal Corporation	Left Message
18/7/2016	Received comment via email	Darug Custodial Aboriginal Corporation	Written comment received via email 18/7/2016
21/7/2016	Received comment via phone	Gunjeewong Cultural Heritage Aboriginal Corporation	Provided verbal comment via phone call 21/7/2016.

Darug Aboriginal Cultural Heritage Assessments (DACHA) agrees with the management strategies detailed in the CHMP. DACHA feels the Aboriginal cultural heritage awareness training program is important and would like to be contacted and participate in its development.

Darug Land Observations (DLO) supported the recommendation that artefacts be reburied on country as close to the site as possible outside areas of impact. DLO highlighted their concern about potential burials in the area and requested that the Aboriginal cultural heritage awareness training program includes information about potential burials.

Darug Custodial Aboriginal Corporation (DCAC) agreed with the reburial of Aboriginal objects on country and the recording of the reburial site as a new site on AHIMS. DCAC emphasised that they should be contacted in the event of any unexpected finds of Aboriginal objects on site.

Darug Aboriginal Land Care agreed with the recommendations in the CHMP and recommend the artefacts be reburied on country.

Gunjewong Cultural Heritage Aboriginal Corporation agreed with and supports the CHMP.

Hy-Tec will notify all registered Aboriginal parties of any proposed salvage works to be undertaken. A summary of all salvage works undertaken will be provided to all registered Aboriginal parties within two weeks of the completion of every program of works. Hy-Tec will notify registered Aboriginal parties of all cultural heritage works undertaken on site.

5.0 Agency Consultation

The Department of Planning and the Environment (DP&E) is the primary regulatory authority with responsibility for ensuring this CHMP is prepared and implemented in accordance with the project approval conditions. Consultation with DP&E is therefore also essential in developing this document. It is also noted that Development Consent Condition 14 (a) specifies that the CHMP will be prepared in consultation with OEH. OEH has reviewed the plan and have no comments (refer to **Appendix B**).

Condition 14(b) requires this CHMP to be submitted for approval within six months of the date of consent, unless the secretary agrees otherwise. Secretary subsequently agreed to the submission date being extended to 10 December 2015, by which date the plan was submitted.

This Plan has been prepared in accordance with OEH requirements as established during preparation of *Aboriginal Cultural Heritage and Archaeological Assessment Proposed Expansion of Tinda Creek Sand Quarry*, Umwelt 2014.

6.0 Cultural Heritage Management Strategy

The management strategies for cultural heritage at Tinda Creek are divided into three broad categories; those for known Aboriginal sites; those for new Aboriginal sites (that is, sites that are newly identified over the course of additional inspections/surveys); and those for the management for new historical heritage sites. These are discussed further below.

6.1 Management of Known Aboriginal Archaeological Sites

As outlined in **Tables 1.2** and **3.2** site #45-2-2545 Tinda Creek Artefact Scatter 1 is to be surface collected if Domain 3 is to be impacted. The methodology to be followed for the collection is as follows:

- the site will be inspected and all surface artefacts flagged
- once flagged, the artefact distribution will be photographed
- the GPS coordinate of each artefact/cluster of artefacts will be recorded with a hand-held GPS
- each artefact/cluster of artefacts will be placed in an appropriately labelled bag
- all salvaged artefacts will be relocated to a location agreed on with registered Aboriginal parties on site and Hy-Tec
- Aboriginal Site Impact Recording (ASIR) form will be completed for the site in accordance with current requirements. New OEH site recording forms will be completed for relocated artefacts.

6.2 Management of New Aboriginal Archaeological Sites

The following sections outline the management strategies to be adhered to in the event that any new sites are identified within the approved disturbance boundaries of the project area. Sites located outside the approved project disturbance area (but within lands owned/managed/subject to activities conducted by Hy-Tec) should be protected.

It is noted that all new sites (regardless of site type and whether or not they fall within the project area) will be recorded in accordance with OEH requirements, including submission of a site card to OEH in accordance with Section 89A of the NPW Act.

6.2.1 Artefact scatters and isolated artefacts

Artefact scatters and isolated artefacts are the most common site type associated with the project area.

Should a previously unknown artefact scatter or isolated artefact be identified, all works in the vicinity of the site should cease and the Hy-Tec Environmental Site Representative will be informed of the presence of the site. The opportunity will then be provided to an archaeologist and registered Aboriginal party representatives to inspect the newly identified artefact scatter/isolated find.

If the site has not been substantially subject to disturbance activities and is not required to be disturbed as a result of project activities, the location and extent of the site will be documented. Where a risk is identified that approved activities may have the potential to interact with the artefact scatters/isolated

artefacts; the site will be clearly demarcated prior to the commencement of works being undertaken in the vicinity. Demarcation will be undertaken in accordance with the methodology provided below.

- The known site area and immediate surrounds will be inspected and all surface artefacts are flagged to allow clear identification of artefact distribution.
- The distribution of surface artefacts will be considered in order to determine the minimum area around the site that should be fenced to ensure protection.
- Demarcations will be installed around/beyond the identified site boundary.
- Where demarcations are to remain in place following the cessation of works, fences will be signed as cultural heritage sites and contact details for appropriate Hy-Tec staff will be provided.

If the site has been substantially disturbed by project activities or will be subject to, the nature and significance of the site will be considered and one of the two approaches outlined below will be adopted:

- if the nature and significance of the new site is consistent with that of site #45-2-2545, salvage of the site will be conducted in accordance with the following methodology
 - the site will be inspected and all surface artefacts flagged
 - once flagged, the artefact distribution will be photographed
 - the GPS coordinate of each artefact/cluster of artefacts will be recorded with a hand-held GPS
 - each artefact/cluster of artefacts will be placed in an appropriately labelled bag
 - all salvaged artefacts will be relocated to a location agreed on with registered Aboriginal parties on site and Hy-Tec
 - Aboriginal Site Impact Recording (ASIR) forms will be completed for each site impacted by the project in accordance with current requirements. New OEH site recording forms will be completed for relocated artefacts.

If the nature and significance of the new site is not consistent with that of site #45-2-2545, Hy-Tec will consult with the registered Aboriginal parties to develop an appropriate management strategy for the site. As an interim management measure, the site will be subject to protection measures as described above.

6.2.2 Potential Human Skeletal Remains

In the unlikely event that a potential burial site or potential human skeletal material is exposed within the project area, the following procedure should be followed in accordance with the Policy Directive – Exhumation of Human Remains (NSW Department of Health 2008), Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the *Heritage Act 1977* (NSW Heritage Office 1998) and the Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1997):

- as soon as remains are exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management
- the Environmental Site Representative will be informed and will secure the site; contact local police, OEH and the Heritage Branch

- if the remains are suspected to be human, Hy-Tec must contact local police, OEH and the Heritage Branch. It may be necessary for a physical or forensic anthropologist to inspect the remains and make a determination of whether the remains are human and if so, the likely ancestry (Aboriginal or non-Aboriginal) and antiquity (pre-contact, historic or forensic)
 - if the remains are identified as forensic the area is deemed as crime scene
 - if the remains are identified as Aboriginal, the site is to be secured and OEH and all registered Aboriginal parties are to be notified in writing
- or
- if the remains are non-Aboriginal (historical) remains, the site is to be secured and the Heritage Branch is to be contacted.

The above process functions only to appropriately identify the remains and secure the site. From this time, the management of the remains is to be determined through liaison with the appropriate stakeholders (including the NSW Police Force, forensic anthropologist, OEH, Heritage Branch and registered Aboriginal parties) and in accordance with the *Public Health Act 1991*.

6.2.3 Other site types

Should a previously unknown site of any other type (such as scarred trees or grinding grooves) be identified, all works in the vicinity of the site should cease and the Hy-Tec Environmental Site Representative should be informed of the presence of the site. The opportunity will then be provided to an archaeologist and the registered Aboriginal parties to inspect the newly identified site.

Hy-Tec will then consult with the relevant Aboriginal parties, DP&E and OEH (if required) to develop an appropriate management strategy for the site with reference to its location within or outside the approved project disturbance boundary. As an interim management measure, if a risk is identified that approved activities may have the potential to interact with the site, it will be clearly demarcated prior to the commencement of works being undertaken in the vicinity. Demarcation will be undertaken in accordance with the methodology provided below:

- The known site area and immediate surrounds will be inspected in order to determine the minimum area around the site that should be fenced to ensure protection.
- Demarcations will be installed around/beyond the identified site boundary.
- Where demarcations are to remain in place following the cessation of works, fences will be signed as cultural heritage sites and contact details for appropriate Hy-Tec staff will be provided.

6.3 Management of New Historical Heritage Sites

If during the course of works any previously unknown historical archaeological material or heritage sites/items are uncovered or identified, all work in the area of the item(s) shall cease immediately and a qualified heritage consultant/archaeologist consulted. If the archaeologist considers the material uncovered constitutes an archaeological 'relic' or a heritage item, the Heritage Division, OEH will be consulted, in accordance with Section 146 of the *Heritage Act 1977* (NSW), to determine an appropriate course of action prior to the recommencement of work in the area of the item.

A 'relic' under the Heritage Act is defined as any deposit, object or material evidence that:

- relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement and
- is of State or local heritage significance.

6.4 Aboriginal Cultural Heritage Awareness and Training Package

Hy-Tec, in consultation with the registered Aboriginal parties, will be responsible for organising the preparation of an Aboriginal Cultural Heritage Awareness Training package that will be included in future inductions for all new employees and visitors to the site.

The Training Package will include (but not necessarily be limited to) the following:

- a discussion of the Aboriginal cultural significance of the area and the rights and obligations of Aboriginal people to actively participate in the management of the landscape
- information related to the types of Aboriginal heritage sites, artefacts and landscape features of cultural value that are known within the broader area
- information related to the Aboriginal cultural heritage value and archaeological significance of the sites/artefacts/landscape features of cultural value
- procedures for contacting the Environmental Site Representative in the event a previously unknown site is located during ground disturbing activities associated with remediation activities and
- information related to the relevant legislation for the protection of Aboriginal sites (termed objects) and that prosecution may arise if sites are disturbed/destroyed/defaced.

A copy of the Aboriginal Cultural Awareness and Training package is provided in **Appendix C**.

7.0 Care of Salvaged Artefacts

Consultation was undertaken with the registered Aboriginal in relation to Care and Control of the artefacts located within the Tinda Creek.

Artefact Scatter 1 site and any other artefacts that may be recovered during quarrying.

At the time of the assessment, only one response was provided in relation to Care and Control of any artefacts recovered from the project area. Gordon Morton of Darug Aboriginal Cultural Heritage Assessments requested that any artefacts recovered from the project area be reburied within country and outside the proposed impact areas.

During the comment period for this CHMP Darug Land Observations and Darug Aboriginal Land Care also recommended any salvaged artefacts be buried on country outside any area of proposed impact. Darug Custodial Aboriginal Corporation also agreed with the reburial of Aboriginal objects on country and the recording of the reburial site as a new site on AHIMS.

It is proposed to salvage site #45-2-2545 prior to the extraction of Domain 3. It is proposed to relocate collected artefacts to an agreed upon location within the Tinda Creek project area away from proposed extraction areas.

8.0 Reporting and Reviews of CHMP

8.1 Reporting

If site#45-2-2545 is surface collected an Aboriginal Site Impact Recording (ASIR) form will be prepared and submitted to OEH. A new AHIMS site card will be prepared and submitted to OEH detailing the relocation of any collected sites.

If new Aboriginal archaeological sites are identified an OEH Site Card will be prepared and submitted to OEH. If collected, an ASIR card will be prepared.

8.2 Review

This CHMP will be reviewed within 12 months following approval of the CHMP.

The ACHMP will be subject to review at a minimum period of every three years. Additionally, more frequent review may be required if significant changes to operations occur.

9.0 References

Australian Heritage Commission 2002. *Ask First. A Guide to Respecting Indigenous Heritage Places and Values*. Australian Heritage Commission 2002.

DECCW (2010). *Aboriginal Cultural Heritage Consultation Requirements*.

National Parks and Wildlife Service 1997. *Aboriginal Cultural Heritage Standards and Guidelines Kit*.

New South Wales Government:

1974. *National Parks and Wildlife Act*

1977. *Heritage Act*.

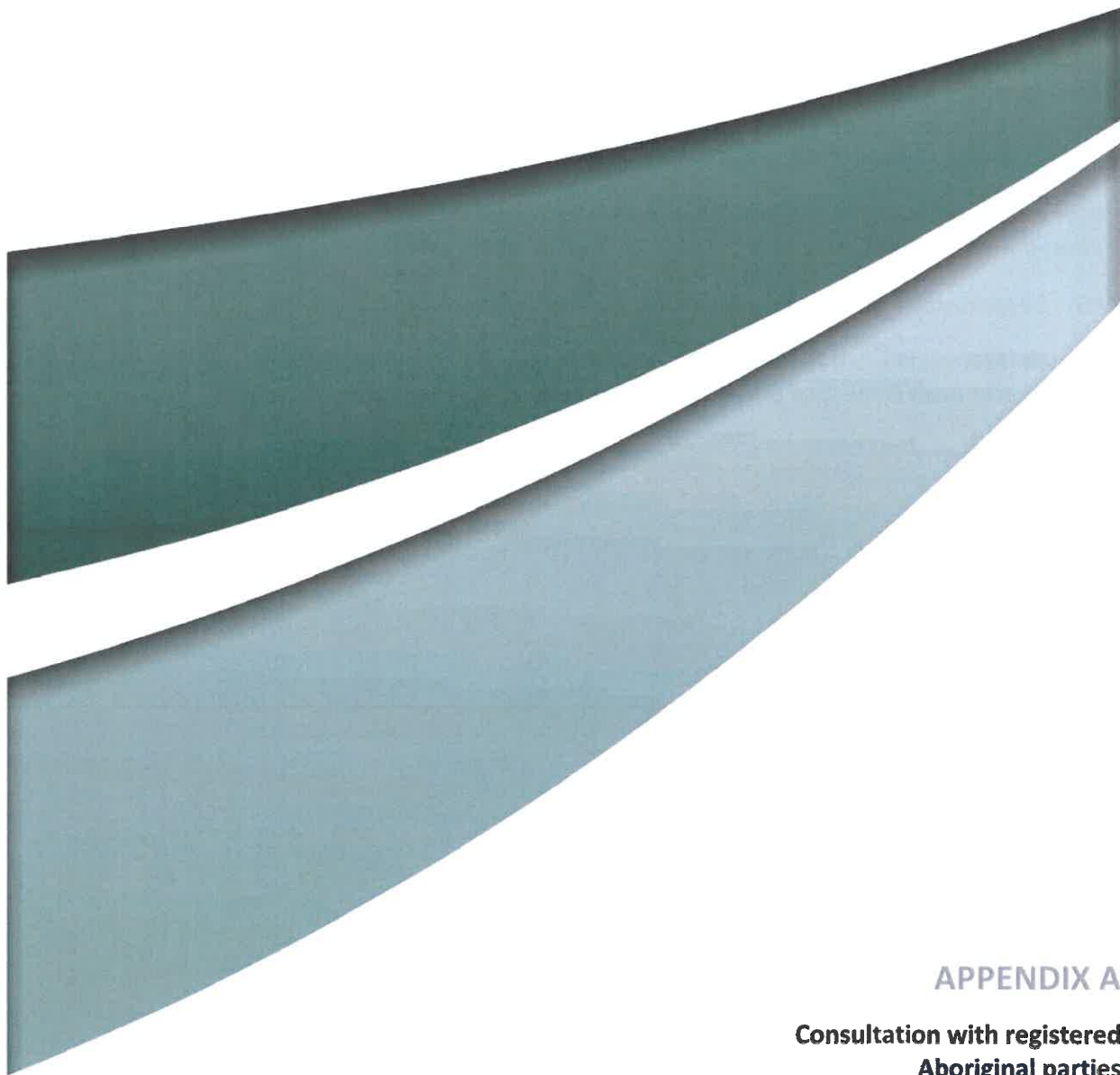
1979. *Environmental Planning and Assessment Act*

2009. *National Parks and Wildlife Regulation*

NSW Heritage Office 1998. *Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977*.

NSW Department of Health 2008. *Policy Directive –Exhumation of Human Remains*.

Umwelt (Australia) Pty Ltd 2014. *Aboriginal Cultural Heritage and Archaeological Assessment Proposed Expansion of Tinda Creek Sand Quarry*. Report prepared for Aus-10 Rhyolite Pty Ltd.



APPENDIX A

**Consultation with registered
Aboriginal parties**



Our Ref: 1731/R36/AL/17062016

17 June 2016

Darug Aboriginal Cultural Heritage Assessments
Gordon Morton
90 Hermitage Rd
Kurrajong Hills NSW 2758

Dear Gordon Morton

Re: Draft Tinda Creek Sand Quarry Heritage Management Plan

As you are aware, your organisation was a registered Aboriginal party for the Aboriginal cultural heritage and archaeological assessment completed for the Tinda Creek Sand Quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW. Surveys were undertaken as a part of that assessment in 2011 and 2013. One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area.

As a part of the project approval for the quarry it is required to develop a Heritage Management Plan for the Tinda Creek project area that includes the management of Aboriginal cultural heritage. Please find enclosed a draft Heritage Management Plan for your review and input. This draft was developed from comments provided during the Aboriginal cultural heritage and archaeological assessment process.

Please note that this report is in draft form and includes sections specifically detailing the proposed management of Aboriginal archaeological sites (**Section 6.0**), the Aboriginal Cultural Heritage Training package (**Section 6.4**) and Care of Salvaged artefacts (**Section 7.0**). We ask that you carefully review the enclosed draft Heritage Management Plan and ensure that your group provides clear feedback on the draft. In accordance with OEH consultation requirements, please provide feedback within 28 days, that is, by no later than **18 July 2016**. As always, if you wish to discuss any aspect of the report, please do not hesitate to contact me on (02) 4950 5322.

Yours sincerely

Alison Lamond
Archaeologist

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Dedicated Team.
Quality Outcomes.

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Our Ref: 1731/R36/AL/17062016

17 June 2016

Darug Aboriginal Land Care
Des Dyer
18a Perigee Close
Doonside NSW 2767

desmond4552@hotmail.com

Dear Des Dyer

Re: Draft Tinda Creek Sand Quarry Heritage Management Plan

As you are aware, your organisation was a registered Aboriginal party for the Aboriginal cultural heritage and archaeological assessment completed for the Tinda Creek Sand Quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW. Surveys were undertaken as a part of that assessment in 2011 and 2013. One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area.

As a part of the project approval for the quarry it is required to develop a Heritage Management Plan for the Tinda Creek project area that includes the management of Aboriginal cultural heritage. Please find enclosed a draft Heritage Management Plan for your review and input. This draft was developed from comments provided during the Aboriginal cultural heritage and archaeological assessment process.

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Our Ref: 1731/R36/AL/17062016

17 June 2016

Darug Custodial Aboriginal Corporation
Leanne Watson
PO Box 81
Windsor NSW 2756

mulgokiwi@bigpond.com

Dear Leanne Watson

Re: Draft Tinda Creek Sand Quarry Heritage Management Plan

As you are aware, your organisation was a registered Aboriginal party for the Aboriginal cultural heritage and archaeological assessment completed for the Tinda Creek Sand Quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW. Surveys were undertaken as a part of that assessment in 2011 and 2013. One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area.

As a part of the project approval for the quarry it is required to develop a Heritage Management Plan for the Tinda Creek project area that includes the management of Aboriginal cultural heritage. Please find enclosed a draft Heritage Management Plan for your review and input. This draft was developed from comments provided during the Aboriginal cultural heritage and archaeological assessment process.

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Our Ref: 1731/R36/AL/17062016

17 June 2016

Darug Land Observations
Gordon Workman
PO Box 571
Plumpton NSW 2761

gordow51@bigpond.net.au

Dear Gordon Workman

Re: Draft Tinda Creek Sand Quarry Heritage Management Plan

As you are aware, your organisation was a registered Aboriginal party for the Aboriginal cultural heritage and archaeological assessment completed for the Tinda Creek Sand Quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW. Surveys were undertaken as a part of that assessment in 2011 and 2013. One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area.

As a part of the project approval for the quarry it is required to develop a Heritage Management Plan for the Tinda Creek project area that includes the management of Aboriginal cultural heritage. Please find enclosed a draft Heritage Management Plan for your review and input. This draft was developed from comments provided during the Aboriginal cultural heritage and archaeological assessment process.

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Our Ref: 1731/R36/AL/17062016

17 June 2016

Darug Tribal Aboriginal Corporation
Sandra Lee
PO Box 441
Blacktown NSW 2148

Dear Sandra Lee

Re: Draft Tinda Creek Sand Quarry Heritage Management Plan

As you are aware, your organisation was a registered Aboriginal party for the Aboriginal cultural heritage and archaeological assessment completed for the Tinda Creek Sand Quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW. Surveys were undertaken as a part of that assessment in 2011 and 2013. One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area.

As a part of the project approval for the quarry it is required to develop a Heritage Management Plan for the Tinda Creek project area that includes the management of Aboriginal cultural heritage. Please find enclosed a draft Heritage Management Plan for your review and input. This draft was developed from comments provided during the Aboriginal cultural heritage and archaeological assessment process.

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Yours sincerely

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Our Ref: 1731/R36/AL/17062016

17 June 2016

Gunjeewong Cultural Heritage Aboriginal Corporation
Cherie Carroll Turrise
1 Bellvue Place
Portland NSW 2847

B.MTurrise@bigpond.com.au

Dear Cherie Carroll Turrise

Re: Draft Tinda Creek Sand Quarry Heritage Management Plan

As you are aware, your organisation was a registered Aboriginal party for the Aboriginal cultural heritage and archaeological assessment completed for the Tinda Creek Sand Quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW. Surveys were undertaken as a part of that assessment in 2011 and 2013. One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area.

As a part of the project approval for the quarry it is required to develop a Heritage Management Plan for the Tinda Creek project area that includes the management of Aboriginal cultural heritage. Please find enclosed a draft Heritage Management Plan for your review and input. This draft was developed from comments provided during the Aboriginal cultural heritage and archaeological assessment process.

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Yours sincerely

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Archaeologist

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Our Ref: 1731/R36/AL/17062016

17 June 2016

Metropolitan Local Aboriginal Land Council
Paul Morris
PO Box 1103
Strawberry Hills NSW 2012

Dear Paul Morris

Re: Draft Tinda Creek Sand Quarry Heritage Management Plan

As you are aware, your organisation was a registered Aboriginal party for the Aboriginal cultural heritage and archaeological assessment completed for the Tinda Creek Sand Quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW. Surveys were undertaken as a part of that assessment in 2011 and 2013. One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area.

As a part of the project approval for the quarry it is required to develop a Heritage Management Plan for the Tinda Creek project area that includes the management of Aboriginal cultural heritage. Please find enclosed a draft Heritage Management Plan for your review and input. This draft was developed from comments provided during the Aboriginal cultural heritage and archaeological assessment process.

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Our Ref: 1731/R36/AL/17062016

17 June 2016

Tocomwall Pty Ltd
Danny Franks/ Jakub Vzastka
PO Box 76
Caringbah NSW 1495

danny@tocomwall.com.au / Jakub@tocomwall.com.au

Dear Danny Franks/ Jakub Vzastka

Re: Draft Tinda Creek Sand Quarry Heritage Management Plan

As you are aware, your organisation was a registered Aboriginal party for the Aboriginal cultural heritage and archaeological assessment completed for the Tinda Creek Sand Quarry which is located approximately 67 kilometres north of Windsor along Putty Road, approximately 23 kilometres north of Colo Heights, NSW. Surveys were undertaken as a part of that assessment in 2011 and 2013. One Aboriginal archaeological site, AHIMS #45-2-2545 Tinda Creek Artefact Scatter 1, has been recorded within the Tinda Creek project area.

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Yours sincerely

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Archaeologist

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DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0415770163 Leanne Watson
0414962766 Justine Coplin
EMAIL: mulgokiwi@bigpond.com / justinecoplin@optusnet.com.au

Attention: Umwelt

Subject: ACHMP for Tinda Creek

Dear Alison

Our group is a non-profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

The *Aboriginal cultural heritage consultation requirements for proponents* Section 4.1.8 refers to "Aboriginal organisations representing Aboriginal people who hold cultural knowledge". Recent consultation meetings have revealed that many of these Aboriginal organisations and individuals do not hold cultural knowledge of the Western Sydney area. The increasing involvement of such parties in cultural heritage management means that genuine local Aboriginal organisations are unable to properly care for our cultural heritage.

Many Aboriginal organisations listed in the OEH response letter do not contribute to the Aboriginal community of Western Sydney. Individuals listed in the OEH response letter do not represent the community and while they may be consulted with, should not be employed for their own personal financial benefit.

Our organisation is committed to providing benefits back to our local Aboriginal community through such measures as funding the local Aboriginal juniors' touch football team, painting classes for the local children and donating money to various charities. Employment in cultural heritage activities is source of income that organisations such as ours can use to contribute to beneficial activities and support within the community.

Darug custodian Aboriginal Corporation's site officers have knowledge of Darug land, Darug Culture, Oral histories, landforms, sites, Darug history, wildlife, flora and legislative requirements. We have worked with consultants and developers for many years in Western Sydney (Darug Land) for conservation, site works, developments and interpretation/education strategies

Darug Custodian Aboriginal Corporation have received and reviewed the report for ACHMP for Tinda Creek.

Darug custodians agree with DACHA that all artefacts collected should be reburied and a new site recorded.

Any unexpected finds should be discussed with traditional owners before works resume.

We support the recommendations set out in this report.

Please contact us with all further enquiries on the above contacts.

Regards



Justine Coplin



**DARUG LAND
OBSERVATIONS PTY LTD
ABN 27 602 765 453**

**EMAIL: DARUGLANDOBSERVATIONS@GMAIL.COM
PO BOX 571 PLUMPTON NSW 2761
MOBILE: 0420 591 138**

11th July 2016

Alison Lamond
Umwelt (Australia) Pty Limited
75 York Street
TERALBA NSW 2284

Dear Alison,

RE: Tinda Creek Sand Quarry

Heritage Management Plan - Draft

Darug Land Observations Pty Ltd has reviewed the proposed Heritage Management Plan and supports the Draft Management Plan for the proposed expansion of the quarry into additional sand resources, within Lots 1, 2 and 3 DP 628806, located at Tinda Creek Sand Quarry, bounded on the north, east and south by Yengo National Park, and on the west by Putty Road, several agricultural land holdings and Wollemi National Park.

In relation to the long-term storage of recovered artefacts, if any, Darug Land Observations Pty Ltd strongly believes that the recovered artefacts should be re-buried on Country (the study area).

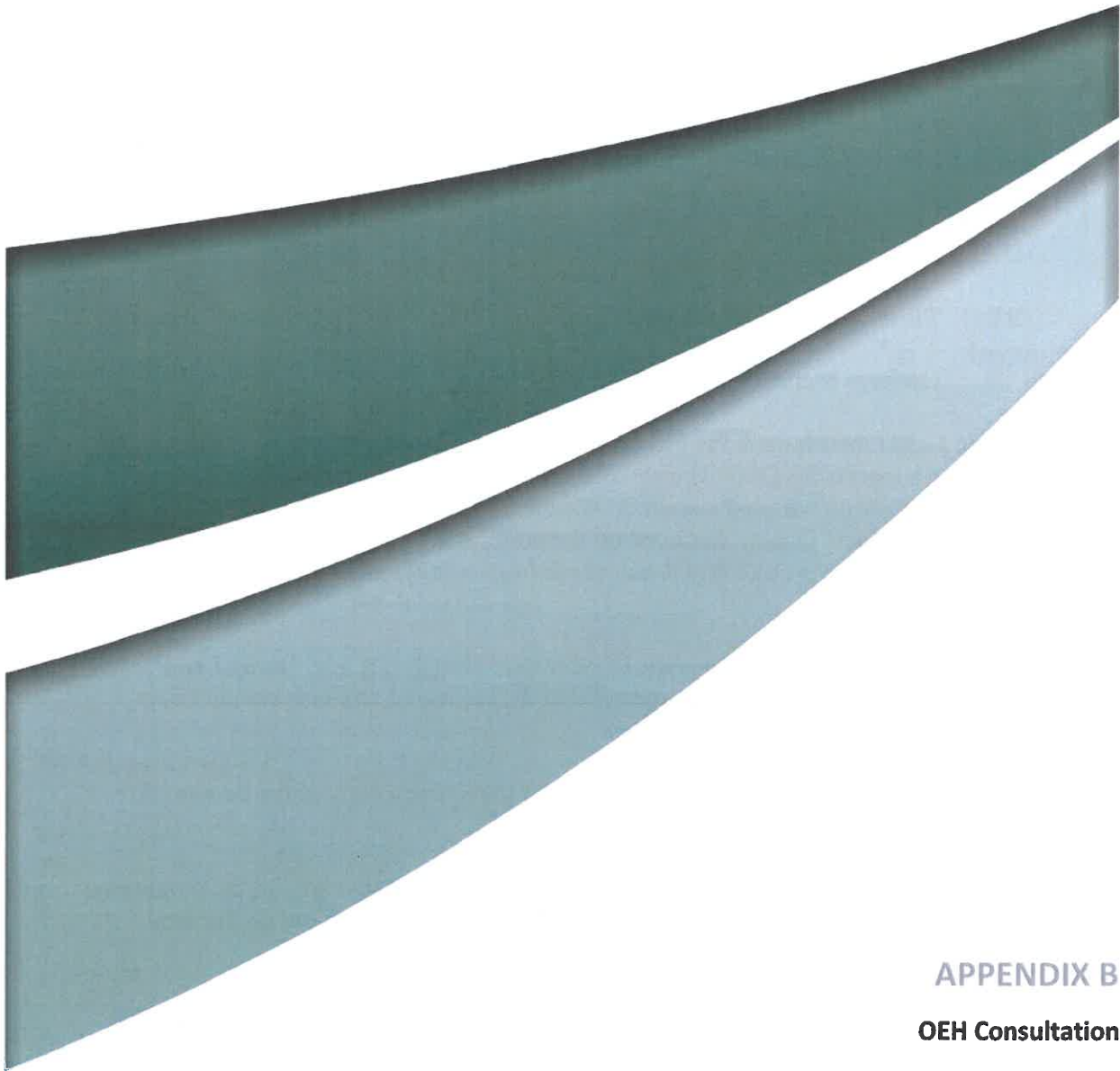
Darug Land Observations Pty Ltd would like to receive a copy of the Section 90 Aboriginal Heritage Impact Permit (AHIP).

Furthermore, Darug Land Observations Pty Ltd would be involved in the monitoring of the topsoil removal and all other form of works to be carried out on the site.

Yours sincerely,

Jamie Workman
Darug Land Observations Pty Ltd

Uncle Gordon Workman
Darug Elder



APPENDIX B
OEH Consultation

Frances Davies

From: Richard Bonner <Richard.Bonner@environment.nsw.gov.au>
Sent: Thursday, 4 May 2017 12:19 PM
To: Peter Jamieson
Subject: RE: HPE CM: FW: 1731C-Heritage Management Plan

Hi Peter,

OEH has reviewed the **Tinda Creek Sand Quarry Heritage Management Plan (February 2017)** and have no comments to make.

Regards

Richard Bonner

Conservation Planning Officer
Greater Sydney Branch
Regional Operations Division
Office of Environment and Heritage
T: 02 9995 6917

From: Peter Jamieson [<mailto:pjamieson@umwelt.com.au>]
Sent: Tuesday, 2 May 2017 2:37 PM
To: Susan Harrison <Susan.Harrison@environment.nsw.gov.au>
Cc: Richard Bonner <Richard.Bonner@environment.nsw.gov.au>
Subject: HPE CM: FW: 1731C-Heritage Management Plan

Susan,

Condition 14 of Schedule 3 of SSD4978 for Tinda Creek Sand Quarry requires that a Heritage Management Plan be developed for the operation in consultation with OEH.

Heritage Management Plan

14. The Applicant shall prepare and implement a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
- (a) be prepared in consultation with OEH, and Aboriginal stakeholders for matters relating to Aboriginal heritage values;

Attached is a copy of the Heritage Management Plan that has been prepared in consultation with Aboriginal stakeholders for your consideration and review.

The staff member that prepared this plan has subsequently moved on and I haven't been able to ascertain if this or a previous version was forwarded to OEH so I'm sending it now.

Please don't hesitate to contact me if you would like to discuss this further.

Regards
Peter Jamieson
Director

Umwelt (Australia) Pty Limited
75 York Street
Teralba, NSW 2284

Phone: (02) 4950 5322
Mobile: 0417 675 377

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**Newcastle ph. 02 4950 5322 | Perth ph. 08 6260 0700 | Canberra ph. 02 6262 9484 | Sydney ph. 1300 793 267 |
Brisbane ph. 1300 793 267**

Please Note:

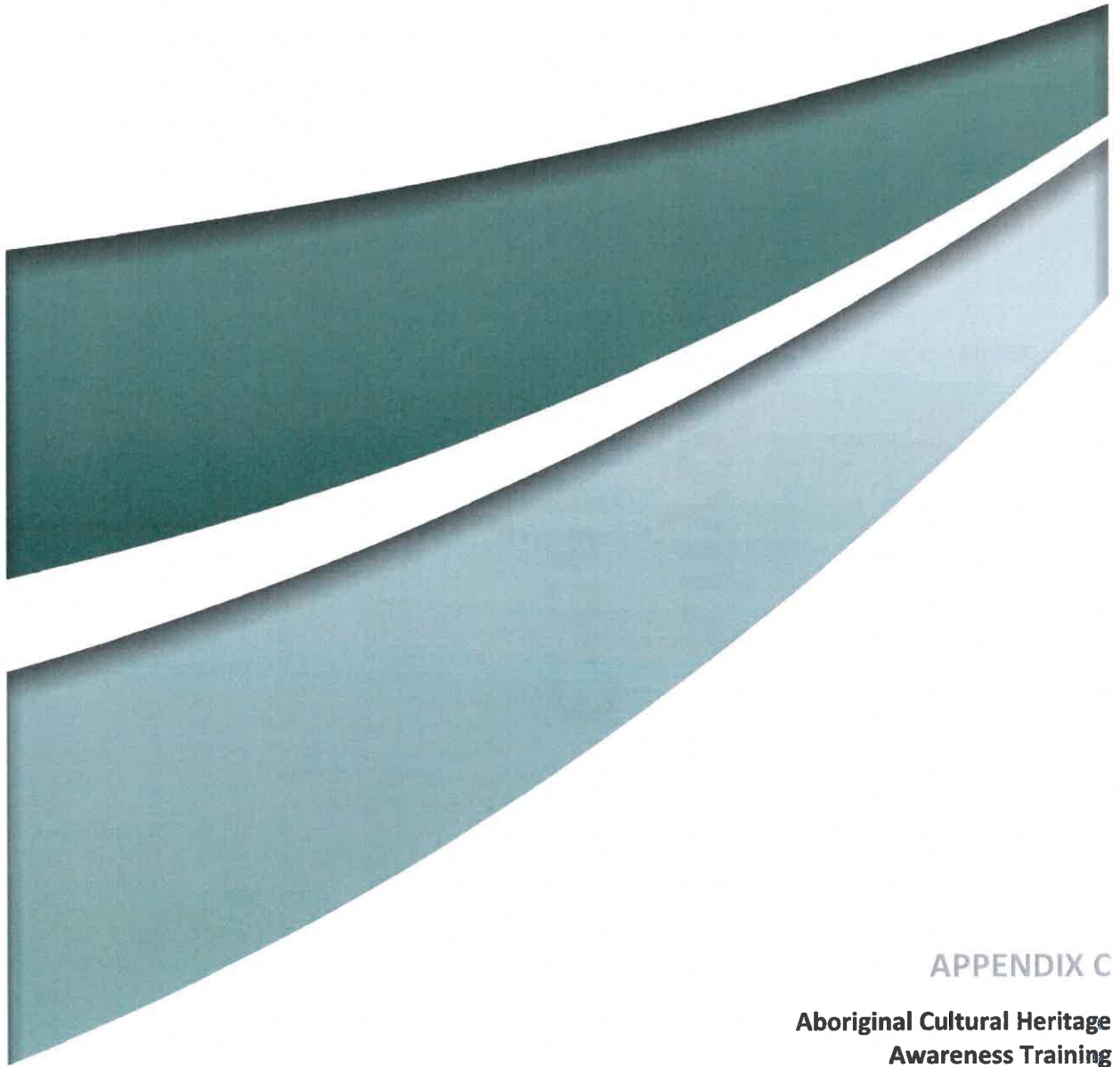
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Please consider the environment before printing this email

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Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

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APPENDIX C

**Aboriginal Cultural Heritage
Awareness Training**

Aus-10 Rhyolite Pty Ltd

Tinda Creek Operations

Aboriginal Cultural Heritage
Awareness Training

Acknowledgement

Aus-10 Rhyolite Pty Ltd would like to acknowledge the Traditional Owners of the Tinda Creek area – the Darug Peoples – and pay respect to their cultural heritage, beliefs and continuing connection to country.

Statement of Aboriginal Cultural Significance

Statement of Cultural Significance of the area - the Darug Traditional Owners

This area is highly significant to the Darug people due to the evidence of continued occupation, within close proximity to this project site there is a complex of highly significant sites. Sites are significant to us for the information that they hold and the connection to Darug people. As Darug people moved through the land there were no impacts left, although there was evidence of movement and lifestyle, the people moved through areas with knowledge of their areas and followed signs that were left in the landscape. Darug people knew which areas were not to be entered and respected the areas that were sacred.

Yengo – Wollemi National parks are of extremely high significance due to the sites and dreaming that this area holds, our group has spent time in these areas documenting sites and stories and the significance is all over this area.

Leanne Watson -Darug Custodial Aboriginal Corporation (DCAC) 2013.

Aboriginal Archaeological Sites

The following Aboriginal site-types have been identified in the area surrounding the Tinda Creek operation:

- Occupation sites (Artefact Scatters/ Isolated Finds)
- Engraving Rock Art Sites
- Rockshelters
- Stone Arrangements
- Scarred Trees
- Grinding Grooves
- Potential Archaeological Deposit (PAD)
- Burial sites
- Rock Art Sites
- Ochre Quarry

All Aboriginal sites in NSW are protected by law

Occupation Sites

- are formed through the discard of stone- tools or debris from the stone-tool manufacturing process;
- can indicate Aboriginal camp sites or activities such as a tool making areas or a food preparation sites;



Potential Archaeological Deposits

Potential Archaeological Deposits:

- are areas where artefacts are predicted to occur below the current ground surface;
- can be associated with visible artefacts but may also have no surface indication;



Grinding Grooves

Grinding Grooves are:

- man-made elongated narrow depressions in soft abrasive rocks (particularly sandstone);
- generally associated with water-courses as a steady supply of water is required to lubricate the grinding process.



Scarred Trees

Scarred trees are trees that have been modified by Aboriginal people.

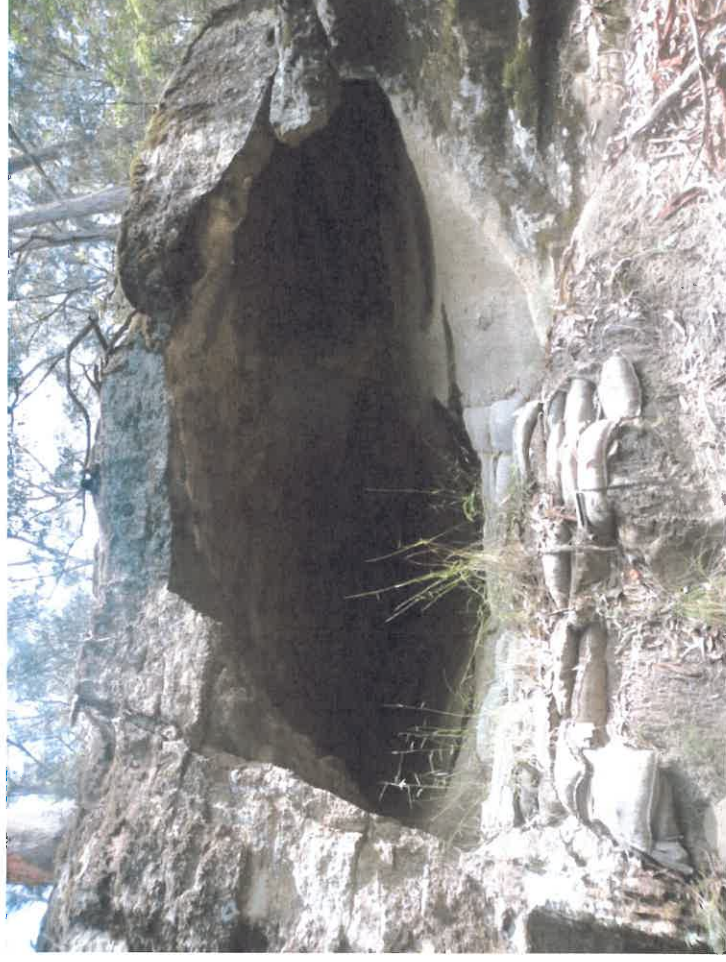
Scarring may include:

- Bark removal to manufacture canoes, carrying dishes, shields or shelters;
- Notches cut into tree trunks to assist climbing to obtain resources such as honey or small animals;
- Holes cut into tree trunks to extract small animals such as possums.



Rockshelter sites

Rockshelters are shelters and rock overhangs that may contain evidence of Aboriginal occupation such as stone artefacts and/or bones and/or plant remains (from meals eaten at the site) and/or hearths (fireplaces).



Other Sites

Engraving sites:

- are places where Aboriginal people have incised (using techniques such as pecking or abrasion) some form of motif into rock.

Stone arrangements:

- may take the form of single or multiple cairns, upright standing stones, lines, rings, pathways or arcs of stones or even stones arranged into figurative designs such as snakes or turtles.

Aboriginal Skeletal Remains/Burials:

- refers to Aboriginal skeletal material which is deposited in a variety of contexts

Ochre quarries are:

- places where Aboriginal people sourced ochre (pigment) which they used for body decoration, implement decoration and rock art.

Current Heritage Legislation in NSW

Legislation in NSW ensures that Aboriginal heritage must be considered as part of land management. There are a number of relevant pieces of legislation but the main act is:

National Parks & Wildlife Act 1974 (Amended 2010)

- All **Aboriginal** objects are protected by law regardless of their significance or land tenure.
- **Section 86** of the NPW Act states: a person must not harm, deface, damage or desecrate an Aboriginal Object or Aboriginal place without the prior approval of OEH.
- Penalties for breaches of the Act can apply to both individuals or corporations. The maximum penalty for individuals is a fine of \$550,000 or 2 years imprisonment

Tinda Creek Project Area: Identification of Aboriginal Cultural Material

- If any potential Aboriginal cultural material is identified during excavation works within any part of the Tinda Creek Project area all works in that area will cease and the Hy-Tec Quarry Manager will be informed of the presence of the site.
- The Quarry Manager is then responsible for contacting an archaeologist and Aboriginal parties and ensuring the site is managed in accordance with the Aboriginal Cultural Heritage Management Plan

