

Please do not hesitate to contact me on my details below for any matters regarding the project or if you have any difficulties in downloading or reading the document.

Regards,

Ryan Desic

Associate Archaeologist – Heritage Team Leader

Bushfire, Ecology, Heritage and Spatial Solutions (BEHSS)



T 02 9493 9500

M 0411 329 712

D 02 9493 9541

 Connect with us

SYDNEY | Ground floor, 20 Chandos Street, St Leonards 2065



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--

Regards

**Basil Smith
Chairperson/CEO
GOBAH**

Contact Details:

Address:

**Unit 25 26-28
Native Way,
MORUYA HEADS
NSW 2537**

Mobile: 0405 995 725

Email: goobahchts@gmail.com

ABN: 67 517 874 760



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Ryan Desic

From: Murramarang <murramarangchts@gmail.com>
Sent: Saturday, 12 December 2020 12:15 PM
To: Ryan Desic
Subject: Re: Menangle Quarry Sand and Soil Quarry Extension Project: draft review of Aboriginal Heritage Management Plan

CAUTION: This email originated outside of the Organisation.

Menangle Sand and Soil Quarry Extension Project draft Aboriginal heritage management plan (AHMP)

This is to confirm that we support the Draft and wish to be kept informed of any further developments for the above project.

On Fri, Dec 11, 2020 at 3:25 PM Ryan Desic <rdesic@emmconsulting.com.au> wrote:

Dear Registered Party,

Thank you for your continued involvement in Aboriginal cultural heritage matters for the Menangle Sand and Soil Quarry Extension Project (the project) in Menangle NSW. Attached is the draft Aboriginal heritage management plan (AHMP) for the project. We are now up to the next stage of consultation for the project which is providing the draft AHMP to RAPs for their review and comments.

Notes for your review and comment on the draft ACHA

If you have specific comments for the draft AHMP document, please identify the section heading and page number so that we know specifically which part of the document to address. Our preference is for you to provide your comments in writing via email or letter. You will note that there are highlighted sections of the document that will be updated based on further consultation and amended for the final report.

Please note that appendices are in preparation and are not all are attached. But additional information about sites can be provided upon request.

When to respond by

If you wish to comment on the draft AHMP, please provide your consolidated comments within 28 days (ie by **8 January 2021**). This timeframe is in accordance with the NSW *Aboriginal consultation requirements for proponents* (DECCW 2010). If you are having trouble responding within this timeframe please let us know early so that we can consider alternative options.

Closing

Please do not hesitate to contact me on my details below for any matters regarding the project or if you have any difficulties in downloading or reading the document.

Regards,

Ryan Desic

Associate Archaeologist – Heritage Team Leader

Bushfire, Ecology, Heritage and Spatial Solutions (BEHSS)



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Kind Regards
Roxanne Smith
Cultural Heritage Officer
Murramarang

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Ryan Desic

From: Biamanga <biamangachts@gmail.com>
Sent: Saturday, 12 December 2020 12:44 PM
To: Ryan Desic
Subject: Re: Menangle Quarry Sand and Soil Quarry Extension Project: draft review of Aboriginal Heritage Management Plan

CAUTION: This email originated outside of the Organisation.

We confirm the draft Aboriginal heritage management plan (AHMP) for this project and please keep me in the loop for any further developments

On Fri, Dec 11, 2020 at 3:25 PM Ryan Desic <rdesic@emmconsulting.com.au> wrote:

Dear Registered Party,

Thank you for your continued involvement in Aboriginal cultural heritage matters for the Menangle Sand and Soil Quarry Extension Project (the project) in Menangle NSW. Attached is the draft Aboriginal heritage management plan (AHMP) for the project. We are now up to the next stage of consultation for the project which is providing the draft AHMP to RAPs for their review and comments.

Notes for your review and comment on the draft ACHA

If you have specific comments for the draft AHMP document, please identify the section heading and page number so that we know specifically which part of the document to address. Our preference is for you to provide your comments in writing via email or letter. You will note that there are highlighted sections of the document that will be updated based on further consultation and amended for the final report.

Please note that appendices are in preparation and are not all are attached. But additional information about sites can be provided upon request.

When to respond by

If you wish to comment on the draft AHMP, please provide your consolidated comments within 28 days (ie by **8 January 2021**). This timeframe is in accordance with the NSW *Aboriginal consultation requirements for proponents* (DECCW 2010). If you are having trouble responding within this timeframe please let us know early so that we can consider alternative options.

Closing

Please do not hesitate to contact me on my details below for any matters regarding the project or if you have any difficulties in downloading or reading the document.

Regards,

Ryan Desic

Associate Archaeologist – Heritage Team Leader

Bushfire, Ecology, Heritage and Spatial Solutions (BEHSS)



T 02 9493 9500

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D 02 9493 9541

 Connect with us

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Kind Regards
Janaya Smith
Chief Executive Officer
Biamanga

This email may contain privileged information. Privilege is not waived if it has been sent to you in error, or if you are not the intended recipient. Please immediately notify me and delete the email if you have received this in error.

Cubbitch Barta Native Title Claimants
Aboriginal Corporation
55 Nightingale Road,
PHEASANTS NEST. N.S.W. 2574.
6th January, 2021.

EMM
Ground Floor 20 Chandos Street,
ST. LEONARDS. N.S.W. 2065.

Dear Ryan,

MENANGLE QUARRY

Thank you for the opportunity of commenting on the AHMP for the Menangle Quarry. As you are aware I have a life long connection to this particular part of the river that will be fatally impacted by this project. I have very vivid childhood memories of this particular part of the river, and also to where mining is currently taking place. Those places will no longer exist for me to tell my great grandchildren about, because there simply will be nothing left. What is the good of access to a place after it is destroyed for intergenerational equity

In my opinion the destruction of this place in the name of a sand and soil quarry is a crime, not only to the Aboriginal Heritage, but also to the environment. There are trees that I believe could be over 500 years old, and also are part of an endangered ecological community. I remember those trees as giants even as a child, and even my father talks about the giants along the river bank when he was a child.

I cannot believe that this project was given government approval, especially in regards to the environment. The removal of all this soil, sand and trees has the potential to change the natural flow of the river completely, just as the current sand and soil removal area affected the flow of the river in the flood of 2016. Don't say I did not warn anybody in the future.

On one hand this document says that weed removal will be done by cutting and pasting, and then says that up to 500mm of topsoil will be removed in the restoration area. Kind of defeats the purpose of cutting and pasting and then removing 500mm of topsoil.

Just because there were no Aboriginal artefacts excavated, does not take away the cultural significance of the place. There should be no work take place within those unidentified areas until a further assessment has taken place in regards to the trees and possible shelters. How many scarred trees are Aboriginal people expected to put in keeping places now and into the future. They should be left insitu to live out their lives where they are not removed to a keeping place. Didn't anyone learn from the Victorian issue about culturally important trees to the Aboriginal Community. I do not agree that this project should go ahead at all.

Yours faithfully,



Glenda Chalker
Phone/Fax 0246841129 0427218425
kgchalker@bigpond.com

20 January 2021

Level 1, 146 Hunter Street
Newcastle NSW 2300

Glenda Chalker
Cubbitch Barta Native Title Claimants

T 02 4907 4800
E info@emmconsulting.com.au
www.emmconsulting.com.au

Re: Menangle Sand and Soil Extension Project

Dear Glenda,

Thank you for taking the time to prepare a submission in response to the draft Aboriginal Heritage Management Plan for the Menangle Sand and Soil Extension Project (the project). On behalf of EMM and Menangle Sand and Soil I would like to take the opportunity to respond to your issues and concerns.

I would firstly like to acknowledge that the main concern raised is a continuation of that provided during the project Aboriginal Cultural Heritage Assessment (ACHA) in 2016. Your previous submissions raised concerns about the environmental impact of the project and specifically mentioned old growth trees present in the project area. As these concerns were targeted at potential impacts to the ecosystem, EMM directed Cubbitch Barta to the ecology chapter of the project environmental assessment (EA) and the proposed management strategies in Section 9.4–10.5 of the EA (EMM 2016). EMM took this approach acknowledging that ecological sustainability and intergenerational equity are key concerns to the Aboriginal community, but that the trees in question were not attributed with specific Aboriginal cultural heritage values. As such, the ACHA had limited mechanisms to address impacts to these items within the provisions of Part 6 of the *National Parks and Wildlife Act 1974*, which only applies to Aboriginal objects and declared Aboriginal places. This statement does not aim to detract from the significance Cubbitch Barta places on the Nepean River and riparian corridor through historical family experiences, rather it highlights the ACHA limitations given that no declared places or known Aboriginal objects are currently proposed for project impacts.

Overall, trees will be removed as part of the project. However, management strategies will be employed across many disciplines to minimise environmental impacts. In particular, there will be no extraction within the river and the lower riverbank will be left in place. Rehabilitation of the Stage 8 area and adjacent restoration activities will remove exotic weeds, restore native vegetation and provide habitats for native fauna. Outcomes that we hope are aligned with Cubbitch Barta's desire to return the Nepean River in its natural state. It is acknowledged that Cubbitch Barta views that the quarry will result in vegetation losses before the rehabilitated areas become self-sustaining. We believe that the proposed rehabilitation and management measures will replace the existing weed-infested vegetation community with a high-quality sustainable vegetation community. While the largest the trees will take many years to reach maturity, when they do, they will be part of an improved vegetation community. To reduce the lag in equity, the extraction and rehabilitation process will be progressive along the Stage 8 area so that the rehabilitation can commence in certain areas while extraction continues in others.

I would like to address the specific issues raised about the draft AHMP. Below I have provided excerpts from your letter followed by our responses:

1. *On one hand this document says that weed removal will be done by cutting and pasting, and then says that up to 500 mm of topsoil will be removed in the restoration area. Kind of defeats the purpose of cutting and pasting and then removing 500 m of topsoil.*

We would like to clarify that weed management involving non-invasive measures such as cutting vegetation and using weed control products will apply within protection buffer zones for the Aboriginal sites that require active protection and to the lower riverbank where soil removal could cause bank instability. Soil will be removed from the restoration areas to remove the weed seedbank as part of restoring these areas. No ground disturbance activities such as uprooting vegetation or topsoil removal is permitted in the protection buffer zones. Please refer to section 5.1.2 of the AHMP for further details.

2. *Just because there were no Aboriginal artefacts excavated, does not take away the cultural significance of the place. There should be no work take place within those unidentified areas until a further assessment has taken place in regards to the trees and possible shelters.*

Section 5.2 of the AHMP addresses this issue by stating that Additional archaeological survey is required to account for any unidentified Aboriginal scar trees and rockshelters in the project area due to the limitations of the project ACHA described in Section 4.4 of the AHMP. This will involve additional survey in the Stage 8 extraction area after the understorey is cleared and prior to the removal of mature trees to determine if any feature Aboriginal scarring or carving; and additional survey for rock shelters in the Stage 8 restoration area.

3. *How many scarred trees are Aboriginal people expected to put in keeping places now and into the future. They should be left in situ to live out their lives where they are not removed to a keeping place.*

No Aboriginal scarred or carved trees have been identified to date and the proposed additional survey is a conservative measure to account for the limitations of the archaeological survey completed during the ACHA. We acknowledge that the preference is to avoid any identified Aboriginal scarred or carved trees if identified. However, Menangle Sand and Soil require contingencies if avoidance is not feasible and avenues for tree removal need to be explored. Any proposal to impact Aboriginal objects in the project area would require an Aboriginal Heritage Impact Permit (AHIP) issued by Heritage NSW. Section 5.4.2 of the AHMP sets out the level of assessment that will be required to accompany an AHIP application, including an impact assessment and demonstration why any site(s) in question cannot be reasonably avoided.

In the event that an Aboriginal scar tree requires removal, further consultation would be undertaken during the AHIP application process to determine an appropriate keeping place or other arrangement that suits the local Aboriginal community.

I hope this letter clarifies and addresses the issues raised in your letter. We acknowledge that Cubbitch Barta opposes the project as per your letter; however, the measures proposed in the AHMP and other management plans aim to mitigate Aboriginal cultural heritage and ecological impacts to the best of our ability.

Please do not hesitate to contact me if you have any further questions about the AHMP.

Yours sincerely,



Ryan Desic

Associate Archaeologist - Heritage Team Leader

rdesic@emmconsulting.com.au



Appendix C

Regulatory consultation



C.1 Endorsement of author



Jeremy Slattery
EMM Consulting
PO Box 21
St Leonards NSW 1590

Via email: jslattery@emmconsulting.com.au

13/10/2020

Dear Mr Slattery

**Menangle Quarry (DA 85/2865)
Stage 8 Environmental Management Plans
Endorsement of Experts**

I refer to your letter dated 6 October 2020 seeking the Planning Secretary's endorsement of suitably qualified persons to prepare various reports and environmental management plans required to carry out Stage 8 of the above development.

The Department has reviewed the information provided and is satisfied that each of the nominated persons possesses the necessary qualifications and experience to prepare the relevant documents. Consequently, the Planning Secretary has endorsed the appointment of these experts as outlined below.

Document	Relevant Condition	Appointed Person
Native Vegetation Identification Report(s)	A10(b)(i) of Schedule 2	Dr Steven Ward
Ephemeral Creek Management Plan	B40(a) of Schedule 2	Chris Kuczera
Traffic Management Plan	B55(a) of Schedule 2	Abdullah Uddin
Aboriginal Cultural Heritage Management Plan	B62(a) of Schedule 2	Ryan Desic

Please note that any further post approval requests, including endorsement requests and the lodgement of plans for approval should be made via the Department's Major Projects website.

If you wish to discuss this matter further, please contact Lauren Evans at the details above.

Yours sincerely,

Matthew Spratt
Director
Resource Assessments
as nominee of the Planning Secretary

C.2 Consultation with Heritage NSW



Our ref: DOC21/285176-2

Ryan Desic
Associate Archaeologist – Heritage Team Leader
EMM Consulting Pty Ltd
email: rdesic@emmconsulting.com.au

Dear Mr Desic,

Menangle Sand and Soil Quarry Extension – draft Aboriginal Heritage Management Plan (DA85/2865 & LEC 2018/342158)

Thank you for providing Heritage NSW the opportunity to comment on the draft Aboriginal Heritage Management Plan (AHMP) for Stage 8 of the Menangle Sand and Soil Quarry Extension as approved under LEC 2018/342158 on 10 September 2020. Condition B62 of the LEC approval require Heritage NSW to be consulted as part of the preparation of the AHMP.

Heritage NSW has reviewed the draft AHMP and the LEC Notice of Orders and provide comments in relation to Aboriginal cultural heritage matters only. Detailed comments on the AHMP are provided in Attachment A.

We note that condition B61(b) requires an Aboriginal Heritage Impact Permit (AHIP) to be obtained if any Aboriginal objects are located and cannot be avoided by the project. Heritage NSW advises that the issuing of any AHIP will be subject to consideration of the section 90k factors set out under the *National Parks and Wildlife Act 1974*. While the draft AHMP describes a process and measures to assess and manage Aboriginal objects as part of project operations, Heritage NSW cannot provide certainty that an AHIP will be issued until an assessment of any AHIP application has been made.

Heritage NSW is available to discuss the comments and AHMP process further if required.

If you have any questions regarding the above advice please contact me on (02) 6229 7089 or via email at jackie.taylor@environment.nsw.gov.au.

Yours sincerely

Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
13 April 2021

Attachment A: Detailed Heritage NSW comments on draft Aboriginal Heritage Management Plan for Menangle Sand and Soil Quarry Extension

AHMP section	Issue/ Comment	Action required
Title page and Introduction 1.1	It is not clear from this section that the AHMP relates to Stage 8 works only.	Move section 1.6 'Area to which this plan applies' up to the front of the AHMP.
Table 3.1	Confirm whether the Tharawal Local Aboriginal Land Council are a Registered Aboriginal Party for this project.	Update Table if required.
Table 3.3	Spelling error in this sentence: <i>This is addressed in Appendix B. No Aboriginal scarred or carved trees have been identified in the project area, but the trees will eb subject to further survey once weeds are removed and they can be accessed.</i>	Revise spelling.
3.4.1	The AHMP outlines the proponent is responsible for consulting with RAPs with feedback required no later than two weeks from the date of correspondence.	Recommend allowances be made and specified for sorry business or holiday periods where a longer timeframe may be required for RAPs to consider and provide comments.
3.4.2	This section states: <i>the AHMP must maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area).</i> However, the first dot point states: <i>visitation access will be provided at the completion of the project (after extraction and rehabilitation is fully completed), in line with all safety and security requirements.</i> It is not clear when access will occur or to which area(s).	<ul style="list-style-type: none"> Clarify when access will be provided to RAPs. If the conditions of approval allow for access outside of the disturbance area - can visitation be provided before completion of the project. Clarify whether "completion of project" refers to completion of Stage 8 works only.
4.2	Due to the types of values raised by Cubbitch Barta are there other avenues or opportunities for these values to be recorded and protected – either through Cultural Values Assessment and/ or nomination of an Aboriginal Place?	Consider other opportunities and avenues to record and protect cultural values identified.
4.3, page 15, 7 th dot point.	Grammar error in this sentence: <i>The is some residual potential for Aboriginal scar trees to occur within the Stage 8 extraction area as there are mature native trees</i>	Revise grammar.

AHMP section	Issue/ Comment	Action required
	<i>that couldn't be accessed due to thick vegetation cover.</i>	
4.4, page 16, 2 nd para	Repeated wording in the 2 nd para, 2 nd sentence: <i>There were parts of the upper and lower terrace that could not be accessed across the project area that could not be accessed.</i>	Revise sentence.
4.4, page 17, 2 nd para	This para identifies the exotic weed removal has now been defined and includes removal of "up to 500 mm of topsoil in some areas". How will the 500mm of topsoil be removed?	Provide detail on how the topsoil will be removed.
5.1.2	What is the proposed buffer zone distance 10m based on and is this enough distance from works? Does there need to be a larger distance between proposed extraction and the rockshelters? Is the proposed weed management a one-off event or intended to be ongoing during the life of the works?	<ul style="list-style-type: none"> Justify the 10 m buffer zone. Clarify the timeframes for weed management.
5.2	This section deals with the survey for the Stage 8 extraction area. Does the AHMP also need to include a longer term 'unexpected finds' protocol if objects are also uncovered during extraction activities.	Consider including an additional section for 'unexpected finds' during the life of the project.
5.2.2, dot point 2	Is there a timeframe for the staged approach? If an AHIP is sought, longer timeframes may be needed to allow for the determination of an AHIP.	Consider including timeframes for the staged approach and the AHIP approval process.
5.2.2, dot point 5	What Do these reports need to be provided to AHIMS as a record of survey or consolidated in a larger report?	Clarify what will happen with the short survey reports prepared?
5.2.2, dot point 6	Spelling error in this sentence: <i>If no Aboriginal scarred or carved trees or other Aboriginal objects are identified in the relevant portion of the Stage 8 extraction surveyed are during each stint, the report will provide clearance for project works to proceed (subject to other relevant environmental approvals or requirements).</i>	Revise sentence.
5.2.3, i, 1 st para	Spelling error in this sentence: <i>Only small sections of the scarp were targeted during the archaeological investigation because they were previously</i>	Revise sentence.

AHMP section	Issue/ Comment	Action required
	<i>outside of proposed ground disturbance and also inaccessible due to dense vegetation.</i>	
5.2.3, i, 2 nd para	This section refers to the use of mechanical vegetation clearance. Will mechanical techniques have a greater impact on the area?	Describe the type of mechanical vegetation clearance proposed.
5.2.3, ii	This section states surveys of the haul road and conveyor alignments will be undertaken "if applicable".	Clarify when surveys will be "applicable"
5.2.4	This section doesn't explicitly state whether survey will occur of the conveyor alignments outside of the Stage 8 area.	Clarify where survey will occur.
5.3, page 22, dot point 1	Have sandstone features been encountered in previous stages of the quarry? If so, has this process of stopping worked?	Consider providing further detail of the stop work process.
5.3, page 22, dot point 2	Is training required for contractors to know how to identify grinding grooves and engravings?	Consider providing further detail of training for contractors.
5.4.2	Any further investigative measures in line with the 2010 <u>Code of Practice Archaeological Investigation of Aboriginal Objects in NSW</u> , such as test excavations, may require an AHIP application. Would the AHMP benefit from raising this early? Any AHIP application will require consultation on the proposed management measures.	<ul style="list-style-type: none"> • Provide additional detail that an AHIP may be required for test excavations, if required. • Provide detail on the AHIP process and timeframes. • Include an additional point that an AHIP is not guaranteed to be issued.
5.4.3	As extraction of the sand and soil resource will be undertaken by machinery – are there any specific measures that could be put in place as a warning sign of possible burial locations such as change in soil colour etc? Is there information known regarding the historical depths of burials in the area that may assist?	Outline any additional measures that could be used to identify burial features, if known.
5.6	Spelling error in this sentence: <i>All sites that occur within the project area, with the additional of Bulli Site 40 (AHIMS #52-2-3720 – rockshelter with art), that are designated for avoidance and active protection will be subject to monitoring inspections.</i>	Revise sentence.
6.3.5, 2 nd dot point	What allowances will be made to consult with RAPs as part of any further assessments?	Include the requirement for consultation with RAPs as part of any further assessment.

AHMP section	Issue/ Comment	Action required
6.3.5, 3 rd dot point	If a separate approval pathway is required is following Due Diligence an appropriate level of assessment.	Consider whether due diligence is an appropriate level of assessment.
References, page 35		Include <u>Code of Practice Archaeological Investigation of Aboriginal Objects in NSW</u> .
Abbreviations, page 36		Include AHIP and Aboriginal Heritage Impact Permit.
B.1 Consultation log	It is noted that Tharawal LALC is not listed in the last section under the heading Menangle AHMP – Draft AHMP .	Clarify whether Tharawal LALC sent a copy of the draft AHMP for comment.
Appendix B	The LEC Notice of Orders includes the requirements for a number of other environmental plans to be prepared. How do these other plans interact with the AHMP? Is there a need to broaden the AHMP assessment and further surveys to incorporate any of the onsite works that may be required to be undertaken for these plans?	Outline if and how the AHMP interacts with other environmental plans.
Consultation letter from Cubbitch Barta and EMM response	We note the concerns raised by Cubbitch Barta and the response from EMM.	<ul style="list-style-type: none"> • Recommend other considerations be made to record oral history and cultural values of the area during future assessments. • Can RAPs be involved in the rehabilitation works for the site as part of caring for country?

20 April 2021

Level 1, 146 Hunter Street
Newcastle NSW 2300

T 02 4907 4800

E info@emmconsulting.com.au

www.emmconsulting.com.au

Re: Menangle Sand and Soil Quarry Extension - draft Aboriginal Heritage Management Plan. Response to Heritage NSW submission.

The following table provides responses to Heritage NSW's comments on the draft Aboriginal Heritage Management Plan (AHMP) for Stage 8 of the Menangle Sand and Soil Quarry Extension as approved under LEC 2018/342158 on 10 September 2020. Heritage NSW's comments were provided on 13 April 2021.

Responses provided in the table below are also reflected in the updated draft AHMP version for DPIE's consideration.

Yours sincerely,



Ryan Desic

Associate Archaeologist - Heritage Team Leader

rdesic@emmconsulting.com.au

AHMP section	Issue/ Comment	Action required	Response
Title page and Introduction 1.1	It is not clear from this section that the AHMP relates to Stage 8 work only.	Move section 1.6 'Area to which this plan applies' up to the front of the AHMP.	<ul style="list-style-type: none"> Title page updated to include Stage 8 area Section 1.6 moved to Section 1.1 to clarify that the project area relates to Stage 8 only.
Table 3.1	Confirm whether the Tharawal Local Aboriginal Land Council area Registered Aboriginal Party for this project.	Update Table if required.	The Tharawal Local Aboriginal Land Council is not formally registered but consulted throughout process since July 2016. Table 3.1 has been updated to reflect this.
Table 3.3	Spelling error in this sentence: <i>This is addressed in Appendix B. No Aboriginal scarred or carved trees have been identified in the project area, but the trees will eb subject to further survey once weeds are removed and they can be accessed.</i>	Revise spelling.	Error corrected.
3.4.1	The AHMP outlines the proponent is responsible for consulting with RAPs with feedback required no later than two weeks from the date of correspondence.	Recommend allowances be made and specified for sorry business or holiday periods where a longer timeframe may be required for RAPs to consider and provide comments.	Section 3.4.1 has been updated to state "Notwithstanding, review and feedback timeframes will be extended during periods such as Sorry Business or holidays. These extensions will be commensurate with period where RAPs are unable to conduct other activities."

AHMP section	Issue/ Comment	Action required	Response
3.4.2	<p>This section states: <i>the AHMP must maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area).</i></p> <p>However, the first dot point states: <i>visitation access will be provided at the completion of the project (after extraction and rehabilitation is fully completed), in line with all safety and security requirements.</i></p> <p>It is not clear when access will occur or to which area(s).</p>	<p>Clarify when access will be provided to RAPs. If the conditions of approval allow for access outside of the disturbance area - can visitation be provided before completion of the project.</p> <p>Clarify whether “completion of project” refers to completion of Stage 8 works only.</p>	<p>First dot point in Section 3.4.2 has been amended to state: “given reasonable notice, visitation access to the Stage 8 area will be provided during quarry operating hours, in line with all safety and security requirements”.</p>
4.2	<p>Due to the types of values raised by Cubbitch Barta are there other avenues or opportunities for these values to be recorded and protected – either through Cultural Values Assessment and/ or nomination of an Aboriginal Place?</p>	<p>Consider other opportunities and avenues to record and protect cultural values identified.</p>	<p>Refer to Section 4.2 that discusses the identified Aboriginal socio-cultural and historical values of the Stage 8 area. The section identifies three types of values, the first and third values are the Nepean River in general and the family values of the Chalker family respectively. Both these values were identified as unlikely to meet the criteria to be nominated to become a successfully declared Aboriginal place.</p> <p>The second intangible value related to an area of spiritual significance nearby the Stage 8 area, but which would not be impacted by the project. EMM were not provided with detail about the place due to culturally sensitive information.</p> <p>As this area is outside of the Stage 8 area and will not be impacted, no further assessment is proposed.</p>

AHMP section	Issue/ Comment	Action required	Response
4.3, page 15, 7 th dot point.	Grammar error in this sentence: <i>The is some residual potential for Aboriginal scar trees to occur within the Stage 8 extraction areas there are mature native trees</i>	Revise grammar.	Error corrected.
4.4, page 16, 2 nd para	Repeated wording in the 2 nd para, 2 nd sentence: <i>There were parts of the upper and lower terrace that could not be accessed across the project area that could not be accessed.</i>	Revise sentence.	Error corrected.
4.4, page 17, 2 nd para	This para identifies the exotic weed removal has now been defined and includes removal of "up to 500 mm of topsoil in some areas". How will the 500mm of topsoil be removed?	Provide detail on how the topsoil will be removed.	<p>Note: the level of topsoil removal has been amended from 500 mm to 200–300 mm.</p> <p>In general, topsoil will be removed by machine but it will seek to avoid native trees and shrubs where practical to do so. This includes leaving suitable buffers around established native vegetation.</p> <p>Clearing and topsoil removal is described in Sections 3.1, 5.3 and 5.3 of the Biodiversity and Rehabilitation Management Plan (BRMP) (EMM 2021).</p> <p>Section 4.4 has been updated to reflect the amended soil removal depth.</p>
5.1.	What is the proposed buffer zone distance 10m based on and is this enough distance from works? Does there need to be a larger distance between proposed extraction and the rockshelters? Is the proposed weed management a one-off event or intended to be ongoing during the life of the works?	<p>Justify the 10 m buffer zone.</p> <p>Clarify the timeframes for weed management.</p>	<p>The 10 m buffer applies to topsoil stripping activities within the Stage 8 restoration area and not extraction activities. All of the rockshelters are outside of potential risk of impact from extraction as they all occur on terraced rock scarp landforms above the recently deposited alluvial sands below in the extraction area.</p> <p>Weed management will be implemented according to industry best management practice for the weed species present in accordance with relevant sections of Sections 6 and 7 of the Biodiversity and Rehabilitation Management Plan (BRMP) but tailored to an approach which will not involve ground disturbance from hand tool use. This will be an ongoing process during the life of the project.</p>

AHMP section	Issue/ Comment	Action required	Response
5.2	<p>This section deals with the survey for the Stage 8 extraction area.</p> <p>Does the AHMP also need to include a longer term ‘unexpected finds’ protocol if objects are also uncovered during extraction activities.</p>	Consider including an additional section for ‘unexpected finds’ during the life of the project.	Section 5.4 already addresses unexpected finds protocols, but Section 5.4.1 has been updated to specify that the protocol applies during the life of the project.
5.2.2, dot point 2	Is there a timeframe for the staged approach? If an AHIP is sought, longer timeframes may be needed to allow for the determination of an AHIP.	Consider including timeframes for the staged approach and the AHIP approval process.	<p>The staging for survey requires flexibility and therefore no timing has been nominated. Section 5.2.2 has been updated to state:</p> <p>“Menangle Sand and Soil should stage approaches with consideration to potential AHIP timeframes as set out in Section 5.4.2 of the AHMP, given that any required AHIP may require an approximate 4-month timeframe and must precede project-related impacts”.</p>
5.2.2, dot point 5	What Do these reports need to be provided to AHIMS as a record of survey or consolidated in a larger report?	Clarify what will happen with the short survey reports prepared?	Section 5.2.2 has been updated to state the following “These reports will be issued to RAPs and Heritage NSW and kept by Menangle Sand and Soil for their internal records. If the Aboriginal sites are identified, the reports will be submitted as part of AHIMS site cards and lodged on the AHIMS register.”
5.2.2, dot point 6	<p>Spelling error in this sentence:</p> <p><i>If no Aboriginal scarred or carved trees or other Aboriginal objects are identified in the relevant portion of the Stage 8 extraction surveyed are during each stint, the report will provide clearance for project work to proceed (subject to other relevant environmental approval or requirements).</i></p>	Revise sentence.	Error corrected.
5.2.3, i, 1 st para	<p>Spelling error in this sentence: <i>Only small sections of the scarp were targeted during the archaeological investigation because they were previously outside of proposed ground disturbance and also inaccessible due to dense vegetation.</i></p>	Revise sentence.	Error corrected.

AHMP section	Issue/ Comment	Action required	Response
5.2.3, i, 2 nd para	This section refers to the use of mechanical vegetation clearance. Will mechanical techniques have a greater impact on the area?	Describe the type of mechanical vegetation clearance proposed.	This section has been updated to state “The type of mechanical vegetation will be consistent with the methods described in the Biodiversity and Rehabilitation Management Plan (BRMP) (including in Sections 5.2–5.3).”
5.2.3, ii	This section states surveys of the haul road and conveyor alignments will be undertaken “if applicable”.	Clarify when surveys will be “applicable”	Section 5.2.3, ii has been reworded to clarify that surveys in those areas will only be required if ground disturbance is proposed as part of the project scope. These surveys will be undertaken if additional ground disturbance or vegetation clearing is required for haul roads the conveyor. Noting, a) existing 4-m wide tracks will be used and that it is proposed the conveyor will not be used (instead, extending the distance the haul truck will travel on the existing tracks).
5.2.4	This section doesn’t explicitly state whether survey will occur of the conveyor alignments outside of the Stage 8 area.	Clarify where survey will occur.	This section has been updated to state that these areas will be surveyed if they are beyond previously surveyed areas. See comment above for further clarification.
5.3, page 22, dot point 1	Have sandstone features been encountered in previous stages of the quarry? If so, has this process of stopping worked?	Consider providing further detail of the stop work process.	No sandstone features have been encountered in the earlier quarry stages.
5.3, page 22, dot point 2	Is training required for contractors to know how to identify grinding grooves and engravings?	Consider providing further detail of training for contractors.	Section 6.1.3 (induction and permitting process) has had an additional bullet point added to assist contractors to identify potential sandstone-type sites.

AHMP section	Issue/ Comment	Action required	Response
5.4.2	Any further investigative measures in line with the 2010 <u>Code of Practice Archaeological Investigation of Aboriginal Objects in NSW</u> , such as test excavations, may require an AHIP application. Would the AHMP benefit from raising this early? Any AHIP application will require consultation on the proposed management measures.	Provide additional detail that an AHIP may be required for test excavations, if required. Provide detail on the AHIP process and timeframes. Include an additional point that an AHIP is not guaranteed to be issued.	Section 5.4.2 has been updated to address these points.
5.4.3	As extraction of the sand and soil resource will be undertaken by machinery – are there any specific measures that could be put in place as a warning sign of possible burial locations such as change in soil colour etc? Is there information known regarding the historical depths of burials in the area that may assist?	Outline any additional measures that could be used to identify burial features, if known.	The project ACHA concluded that the soils subject to extraction are all within the recent historical period whereby European artefacts were identified at depth until the current water table was reached. As such, as the machine test excavation program for the project included mechanical excavation to the water table, and no older stratum was identified, EMM does not have any evidence to suggest a potential burial-bearing deposit exists. Overall, it is proposed that the project will be extracting modern alluvial deposits on lower terraces, and modern alluvial deposits overlying older swamp stratum, not suitable for past Aboriginal occupation. As such, no additional measures have been nominated.
5.6	Spelling error in this sentence: <i>All sites that occur within the project area, with the additional of Bulli Site 40 (AHIMS #52-2-3720 – rockshelter with art), that are designated for avoidance and active protection will be subject to monitoring inspections.</i>	Revise sentence.	Error corrected.
6.3.5, 2 nd dotpoint	What allowances will be made to consult with RAPs as part of any further assessments?	Include the requirement for consultation with RAPs as part of any further assessment.	Section 3.4.1 states that RAP consultation is required: <ul style="list-style-type: none"> “when making changes to this plan, including the circumstances that trigger required changes to the plan; when additional Aboriginal heritage assessment, investigation, protection or mitigation is required for the project; and

AHMP section	Issue/ Comment	Action required	Response
			<ul style="list-style-type: none"> when new Aboriginal sites and/or potential ancestral remains are discovered and input on their management is required.
6.3.5, 3 rd dotpoint	If a separate approval pathway is required is following Due Diligence an appropriate level of assessment.	Consider whether due diligence is an appropriate level of assessment.	This section has been updated to refer more generally to the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales</i> (DECCW 2010c) which provides the process and requirements for Aboriginal heritage assessments in NSW.
References,page 35		Include <u>Code of Practice Archaeological Investigation of Aboriginal Objects in NSW</u> .	Section updated with this reference.
Abbreviations,page 36		Include AHIP and Aboriginal Heritage Impact Permit.	Section updated with this reference
B.1 Consultationlog	It is noted that Tharawal LALC is not listed in the last section underthe heading Menangle AHMP – Draft AHMP.	Clarify whether Tharawal LALC sent a copy of the draft AHMP for comment.	The Tharawal LALC were sent a copy of the draft AHMP for comment on the same date as all other RAPs. This was a typographical error.
Appendix B	The LEC Notice of Orders includesthe requirements for a number of other environmental plans to be prepared. How do these other plans interact with the AHMP? Is there a need to broaden the AHMPassessment and further surveys toincorporate any of the onsite works	Outline if and how the AHMP interacts with other environmentalplans.	<p>The AHMP primarily interacts with the Biodiversity and Rehabilitation Management Plan (BRMP) as it will involve vegetation removal and soil disturbance within the Stage 8 restoration area. The AHMP will also apply to any other ground disturbance proposed under other plans if such activities have the potential to harm Aboriginal objects.</p> <p>Note that management plans that detail ground disturbance in the Stage 8 extraction area require to adhere to unexpected finds protocols.</p>

AHMP section	Issue/ Comment	Action required	Response
	that may be required to be undertaken for these plans?		Note that management plans that detail ground disturbance in the Stage 8 restoration area must consider whether the additional survey requirements and active management measures have been completed prior to that activity proceeding.
Consultation letter from Cubbitch Barta and EMM response	We note the concerns raised by Cubbitch Barta and the response from EMM.	Recommend other considerations be made to record oral history and cultural values of the area during future assessments. Can RAPs be involved in the rehabilitation works for the site as part of caring for country?	Refer to comment against 4.2 in this table regarding consulting with Cubbitch Barta about the identified place of significance that may be suitable for an Aboriginal place nomination. If Cubbitch Barta determine the identified place is appropriate to be nominated as a declared Aboriginal place, then Menangle Sand and Soil may seek to record oral histories as part of this application process. The quarry will employ a full-time rehabilitation specialist who will undertake most of the rehabilitation work. It is not possible to determine whether contractors (including RAPs) may be required for rehabilitation works at this stage.



Appendix D

Plan approval





Mr Mark Hutcheson
Operations Planning Support Manager
Benedict Recycling Pty Ltd
11 Narabang Way
Belrose NSW 2085

22/04/2021

Dear Mr Hutcheson

**Menangle Sand and Soil Quarry (DA85/2865)
Aboriginal Cultural Heritage Management Plan**

I refer to the Aboriginal Cultural Heritage Management Plan which was submitted in accordance with condition B62 of Schedule 2 of the development consent for the Menangle Sand and Soil Quarry (DA85/2865).

The Department has carefully reviewed the document and is satisfied that it is consistent with the relevant conditions of consent.

Accordingly, the Planning Secretary has approved the Aboriginal Cultural Heritage Management Plan (Revision 2, dated 20 April 2021). Please ensure that the approved plan is placed on the project website at your earliest convenience.

If you wish to discuss the matter further, please contact Callum Firth at callum.firth@dpie.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'LE', written over a light blue horizontal line.

Lauren Evans
A/Director
Resource Assessments (Coal & Quarries)

As nominee of the Planning Secretary

