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Issue Date: 25/05/20	Review Date: March 2021
Writer: VGT Environmental Compliance Solutions	Authorised by: National Env Mgr



## TITLE: ABORIGINAL HERITAGE MANAGEMENT PLAN

Badgerys Creek Brick Manufacture and Quarry Operations  
235 Martin Road, Badgerys Creek, NSW, 2171

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**Figure One.**      **Location of BC\_01\_09**

**Figure Two.**      **Appendix 5 of Approval – Archaeological Deposit Avoidance Zone**

**Appendix A**      **Evidence of Consultation with RAP's**

**Appendix B**      **Evidence of Consultation with DPE**

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## 1.0 Introduction

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### 1.1. Purpose

This Aboriginal Heritage Management Plan (AHMP) has been prepared in consultation (see Appendix A) with Office of Environment and Heritage (OEH) and in consideration of feedback from the Aboriginal community (during the environmental assessment process) to:

- describe measures that will protect, monitor and manage identified Aboriginal objects and Aboriginal places on the site, including
  - any proposed archaeological investigation and salvage measures;
  - specific measures to ensure that the archaeological deposit adjacent to Badgerys Creek is not impacted during regeneration operations;
- manage the discovery of previously unidentified Aboriginal objects or Aboriginal places on the site;
- facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site;
- describe the protocol for ongoing consultation and involvement of the Registered Aboriginal Parties in the conservation and management of the Aboriginal cultural heritage on the site; and
- describe the protocol to be implemented in the event that skeletal remains are discovered during the project.

### 1.2. Scope and Application

The Boral Badgerys Creek Brickworks (Site) is located at 235 Martin Road, Badgerys Creek, 41 kilometres to the south west of Sydney, within the Liverpool City Council Local Government Area (LGA) (see *Figure One in the EMS*). Primary access to the site is provided through Martin Road at the north eastern corner of the site. Features of the existing site are shown on *Figure Two in the EMS*.

This AHMP has been updated from the previous plan (changes are in red text) and is applicable to the quarrying, rehabilitation, brickmaking, and product storage and dispatch of PGH Bricks & Pavers Pty Ltd (PGH) Badgerys Creek operations.

### 1.3. Interface with Environmental Management Strategy

In operational terms, the AHMP aims to minimise the risk of impacts to Aboriginal heritage from the quarrying and brickmaking activities at PGH's Badgerys Creek facility. In this way, the AHMP supports the Environmental Management Strategy (EMS) of Badgerys Creek Quarry and Brick Making Facility by helping minimise harm to the environment.

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## 1.4. Definitions and Abbreviations (from DECCW, 2010)

### Aboriginal Heritage Impact Permit

The statutory instrument that the Director General of DECCW issues under s.87 and/or s.90 of the NPW Act:

- s.87 Aboriginal Heritage Impact Permits – required to disturb or move an Aboriginal object or disturb or excavate land for the purposes of discovering an Aboriginal object;
- s.90 Aboriginal Heritage Impact Permits – required to destroy, damage or deface an Aboriginal object or Aboriginal place.

### Aboriginal object

A statutory term, meaning: ‘any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains’ (s.5 NPW Act).

### Aboriginal owners

Aboriginal owner is a term used under the Aboriginal Land Rights Act 1983 and the National Parks and Wildlife Act 1974. Aboriginal owners are defined as ‘persons whose names are entered on the Register of Aboriginal Owners because of the persons’ cultural association with particular land.’ (ALR Act 1983).

Registration as an Aboriginal owner under the Aboriginal Land Rights Act 1983 provides statutory recognition of an Aboriginal person’s cultural associations with land.

### Aboriginal place

A statutory term, meaning any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.

### RAP’s

Registered Aboriginal Parties

## 2.0 Aspects, Impacts and Risks

PGH is operating an existing quarry in Badgerys Creek, extracting clay resources and using these to manufacture bricks for the construction industry. These quarrying and brick making activities have been undertaken on the site for over 30 years. In May 2018, a modification (Mod 2) to the development approval was granted by the Minister for Planning to continue operations on the site, including extracting from existing and future new pits, exportation of raw materials and importation and storage of finished brick products. This modification included no changes to the extraction areas of earth-moving activities and therefore no additional impacts on the aboriginal heritage management of the operations.

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Mining is carried out in on a campaign basis with extracted clay stored in stockpiles for brick making operations which run the entire year, or exported by road to other brick making facilities. Finished products are stored within the site for dispatch by trucks. The site also receives other raw materials required for brick making and finished products for storage.

The prevailing climate and the availability of permanent water from South Creek and Badgerys Creek indicate that the study area is likely to have had sufficient resources to support medium sized groups of Aboriginal peoples. Evidence of such occupation is usually found in proximity to water sources. Additionally, the composition of current flora and fauna species is suggestive of Aboriginal occupation of the area.

The conditions of the approval require PGH to collect and record the isolated find (see Figure One) prior to any disturbance in the vicinity of Pit 5. Furthermore, PGH has committed to maintaining a buffer of at least 60 metres from Badgerys Creek to avoid any impact to potential archaeological deposits in the area.

## 2.1. Aspects and Impacts

The Badgerys Creek Quarry and Brickmaking facilities involve activities which may potentially impact Aboriginal heritage objects and places as shown in Table 1 below.

**Table 1. Aspects and Impacts of Badgerys Creek Quarrying and Brickmaking Waste Operations on Aboriginal Heritage**

Activity	Heritage Aspect	Potential Environmental Impacts
Removal of overburden (for Pits 3, 4 and 5)	Disturbance of ground which may contain previously unidentified Aboriginal items or sites	Damage to previously unidentified Aboriginal items or site
	Discovery of previously unidentified Aboriginal items or sites	
	Encroachment of earthmoving plant into exclusion zone along Badgerys Creek	Smothering or masking of previously unidentified Aboriginal items or site
	Stockpiling of overburden by small dozer and dump trucks	
Raw material extraction (from Pits 3,4 and 5)	Disturbance of ground which may contain previously unidentified Aboriginal items or sites	Failure to consult with local Aboriginal communities about the significance of a discovery leading to incomplete assessment of significance
	Stockpiling of raw material by smaller dozer and dump trucks	
Construction of Noise Berm	Disturbance of ground which may contain previously unidentified Aboriginal items or sites	

## 2.2. Risk Assessment

The proposed quarrying will disturb the ground and therefore has the potential to impact upon unknown Aboriginal sites. However, the potential to disturb unknown intact sites is reduced by the previous agricultural use of the land. Additionally, areas of highest Aboriginal archaeological sensitivity within the region have been identified as occurring adjacent to Badgerys Creek and South Creek. Given that the proposed quarry plan does not encroach within 60 m of these creeks, impacts are not considered likely.

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### 3.0 Requirements and Performance Criteria

#### 3.1. Relevant Legislation

- Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984
- National Parks and Wildlife Act 1974
- National Parks and Wildlife Regulation 2009
- Environmental Planning and Assessment Act 1979
- Heritage Act 1977
- Liverpool Local Environmental Plan 2008

#### 3.2. Standards and Guidelines

- Burra Charter
- Cultural Heritage Standards and Guidelines (NPWS, 1997)
- Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010), replacing the Interim Community Consultation Requirements for applicants (2004)
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010)
- NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects (NSW Minerals Council Ltd, 13 September 2010)

#### 3.3. Approval Requirements

**Table 2. Conditions of Approval**

Number	Consent Condition	Where Addressed
S3 C29	The Proponent must ensure that: (a) archaeological salvage of site BC-01-09 is undertaken in accordance with Recommendation 1, Section 6.0 of the Aboriginal Heritage Assessment – Addendum in the EA; and (b) regeneration works in the area of the archaeological deposit identified adjacent to Badgerys Creek (see Appendix 5) are either avoided, or else undertaken in a manner that will minimise harm to Aboriginal objects, to the satisfaction of the Secretary.	Section 5.2
S3 C 30	The Applicant must prepare an Aboriginal Heritage Management Plan for the project to the satisfaction of the Secretary. The plan must:	APP 130510
	(a) be prepared by suitably qualified and experienced persons;	Appendix A
	(b) be prepared in consultation with Registered Aboriginal Parties;	Appendix A
	(c) be submitted to the Secretary for approval within 6 months of the determination of Modification 2, unless otherwise agreed by the Secretary;	05.02.2019 Appendix B
	(d) include a description of the measures that would be implemented to: (i) protect, monitor and manage identified Aboriginal objects and Aboriginal places on the site (including any proposed archaeological investigations and salvage measures), including specific measures to ensure that the archaeological deposit adjacent to Badgerys Creek (see Appendix 5) is not impacted during regeneration operations;	Section 5.1 Rehabilitation Management Plan  Section 5.1

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Number	Consent Condition	Where Addressed
	(ii) manage the discovery of previously unidentified Aboriginal objects or Aboriginal places on the site; and (iii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and	Section 5.3
	(e) include a protocol to be implemented in the event that skeletal remains are discovered during the project.	Section 5.1
S3 C 31	If human remains are discovered on the site, then all work in the area surrounding the discovery must cease, and the area must be secured. The Proponent must immediately notify NSW Police Force and OEH, and work must not recommence in the area until authorised by NSW Police Force and OEH.	Section 5.1 Section 7.4
S3 C 32	If any potential Aboriginal object or Aboriginal place is identified on the site, or suspected to be on the site: (a) all work in the immediate vicinity of the object or place must cease immediately; (b) a 10 m buffer area around the object or place must be cordoned off; and (c) OEH must be contacted immediately.	Section 5.1 Section 7.4
S3 C 33	Work in the immediate vicinity may only recommence if: (a) the object or place is confirmed by OEH upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place; (b) the Aboriginal Cultural Heritage Management Plan is revised to include the object or place and appropriate measures in respect of it; or (c) the Secretary is satisfied with the measures to be implemented in respect of the object or place and makes a written direction in that regard.	Section 5.1 Section 7.4

### 3.4. Permits and Licence

- None required based on the heritage assessment.
- An Aboriginal Heritage Impact Permit (AHIP) may be required if harm to Aboriginal objects cannot be avoided:
  - s.87 Aboriginal Heritage Impact Permits – required to disturb or move an Aboriginal object or disturb or excavate land for the purposes of discovering an Aboriginal object.
  - s.90 Aboriginal Heritage Impact Permits – required to destroy, damage or deface an Aboriginal object or Aboriginal place.

## 4.0 Training and Resource Requirements

### 4.1. Training

The induction for all site personnel and contractors working on site will cover heritage protection and management procedures. In particular, workers/contractors shall be informed of their obligations under the NPW Act, namely that it is illegal to disturb, damage or destroy a relic without the prior approval of the Director General of the OEH.

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The HSE Manager will also familiarise with the relevant changes to Aboriginal heritage legislation in the light of recent and ongoing Aboriginal heritage law reform. These include recently released codes of practice that have been adopted under the NPW Regulation 2009.

## 4.2. Resource Requirements

The following contact details are provided for purposes of notifying unexpected finds:

- National Parks and Wildlife Service (for Aboriginal objects): (02) 9995 5000.
- Office of Environment and Heritage (OEH) Environmental Line (for human remains and or historical items): 131 555 or 02 9873 8500.
- Local police (for human remains): 02 9677 7499 (St Marys LAC, North West Metro Region).

## 5.0 Heritage Management

### 5.1. Management Measures

Action	Responsible Staff	When
Avoid regeneration works in the area of archaeological deposit identified adjacent to Badgerys Creek (Figure One), or otherwise minimise harm to Aboriginal objects.	Plant/Operations Manager	During regeneration work adjacent to Badgerys Creek
Implement relevant measures described in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (OEH, 2010) to ensure Aboriginal objects on the area adjacent to Badgerys Creek are not impacted during regeneration operations.	HSE personnel	During regeneration work adjacent to Badgerys Creek
Should any objects or place be uncovered during the course of the approved works, works shall cease in the immediate area and a 10m buffer cordoned off. In cases where historical items have been uncovered, the NSW DPE's Heritage Branch shall be advised or should indigenous items be uncovered OEH shall be contacted immediately.	All staff and contractors	At all times
Further to the above, if unanticipated Aboriginal objects or places are found, the site shall be assessed by an archaeologist in consultation with the RAP's. Reporting protocols detailed in the EMS and section 7.0 are to be followed.	HSE Personnel	At all times
Work in the immediate vicinity of a find may only recommence if: (a) the object or place is confirmed by OEH upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place; (b) the Aboriginal Cultural Heritage Management Plan is revised to include the object or place and appropriate measures in respect of it; or (c) the Secretary is satisfied with the measures to be implemented in respect of the object or place and makes a written direction in that regard.	HSE Personnel	At all times

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Action	Responsible Staff	When
Workers/contractors shall be informed of their obligations under the NPW Act 1974, namely that it is illegal to disturb, damage or destroy a relic without the prior approval of the Director General of OEH.	Plant Manager	At all times
Should human remains be found in, on, or under the land during operations, the responsible party shall: <ul style="list-style-type: none"> <li>Immediately cease all work at the particular location and secure the area;</li> <li>Contact the local police;</li> <li>Notify the OEH office as soon as practicable and provide any available details of the remains and their location;</li> <li>Not disturb or excavate the remains;</li> <li>Not recommence any work at the particular location until authorised in writing by the Police and OEH</li> </ul>	All Staff & Contractors	At all times
Collect Isolated Find BC-01-09 prior to Pit 5 works commencing, as per the procedure described in the section 5.2.	HSE Personnel / Archaeological Consultant	Prior to works commencing
Record, salvage and collect any Aboriginal objects that have been identified (BC-01-09) and may be encountered within the project area, as per the procedure described in the section 5.2.	HSE Personnel / Archaeological Consultant	At all times
Carry out consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites, as per the protocol described in the section 5.3.	HSE Personnel	As required

## 5.2. Artefact Salvage and Storage

Following the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010), salvaged heritage material will be returned to the location they originated from, using the following procedure:

- A full catalogue, including photographic and drawn records for diagnostic stone artefacts, must be made.
- The catalogue must be in printed form, but may also include an electronic database in the form of a table containing all records.
- All stone artefacts must be either individually bagged or bagged in appropriate and identifiable units (e.g. excavation or collection units) that can be referenced back to the catalogue.
- The stone artefacts must be stored in good quality, double-bagged plastic zip-lock bags.
- The bags must be externally labelled using permanent marker, and an 'independent' label on robust material (e.g. tyvek) written with permanent marker must be placed inside each bag.
- The collection must be placed in a suitable impervious and permanent container, which must be labelled as above, or engraved.
- A full record of the final location of the collection will be made, including:
  - grid coordinates derived as set out in Requirement 8 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (2010)
  - a site plan or mud map referring to permanent features

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- depth of burial, if buried
- full photographic record of the disposition.
- The record will be submitted to OEH for the Aboriginal Heritage Information Management System (AHIMS) with a site update record card for the site(s) in question.

### 5.3. Protocol for Ongoing Aboriginal Community Involvement

Prior to the assessment, recording, salvage and surface collection of any previously unidentified Aboriginal objects or places, Aboriginal consultations will be carried out in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010). Consultation will involve the following Aboriginal stakeholder groups which have been identified from the process of registration of interest from Aboriginal groups carried out as part of the environmental assessment process:

- Gandangara Local Aboriginal Land Council (GLALC);
- Darug Custodian Aboriginal Corporation (DCAC);
- Darug Tribal Aboriginal Corporation (DTAC);
- Darug Aboriginal Cultural Heritage Assessments (DACHA);
- Darug Land Observations (DLO); and
- Yarrawalk (YA).

In particular, the consultation of stakeholder groups will involve:

- providing them a draft copy of the field methodology for comment;
- providing them opportunities to participate in fieldwork and contribute information for the assessment of the cultural significance of Aboriginal objects found;
- seeking their views on potential management options; and
- documenting all feedback received for inclusion in a report on the assessment, recording, salvage and surface collection activity.

## 6.0 Monitoring

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Monitoring of the implementation of the AHMP will be undertaken as part of regular site inspections by HSE Personnel, in particular of activities involving ground disturbance. Procedures described in the EMS will be undertaken to ensure that excavation does not occur in areas outside of the approved extraction zones illustrated on Figure 2 of the EMS.

## 7.0 Review and Reporting

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Review and reporting procedures have been described in detail in the EMS.

### 7.1. Annual Review

Prior to recommencement of quarrying operations and brickmaking, and annually thereafter, PGH will review the environmental performance of the project. Details of inclusions are described in the EMS.

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## 7.2. Regeneration Works

In accordance with schedule 3 condition 29 b of the Conditions of Approval, a report will be provided to the Secretary demonstrating compliance with the said condition, i.e. regeneration works adjacent to Badgerys Creek have avoided or otherwise minimised harm to identified archaeological deposits in the zone.

## 7.3. Management Plan Review

The AHMP prepared for the project will be reviewed and revised as detailed in the EMS within three (3) months of the following:

- the submission of an Incident Report;
- the submission of an annual review;
- the submission of an audit report; and
- any modification to the conditions of approval (unless the condition requires otherwise).

## 7.4. Discovery of Human Remains Notification

If human remains are discovered on the site, then all work in the area surrounding the discovery will cease, and the area will be secured. PGH will immediately notify the NSW Police Force and OEH, and work will not recommence in the area until authorised by the NSW Police Force and OEH.

## 7.5. Unexpected Heritage Find Notification

If any potential Aboriginal object or Aboriginal place is identified on the site or suspected to be on the site, the actions in section 5.1 will be followed and OEH will be contacted immediately.

Work in the immediate vicinity of the find will only recommence if:

- a) the object or place is confirmed by OEH upon consultation with the Registered Aboriginal Parties not to be an Aboriginal object or Aboriginal Place;
- b) the AHMP is revised to include the object or place and appropriate measures in respect of it; or
- c) the Secretary is satisfied with the measures to be implemented in respect of the object or place and makes a written direction in that regard.

## 8.0 References

APP Corporation. (2013). *Aboriginal Heritage Management Plan*.  
 Element Environment. (2017). *Badgerys Creek Brick Making Facility Modification 2 Environmental Assessment*.

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## 9.0 Figures

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<b>Plan of:</b>	Heritage Management Plan for Badgerys Creek Brick Manufacture & Quarry Operations 2019 - Location	<b>Location:</b>	235 Martin Road, Badgerys Creek, NSW	<b>Source:</b>	AECOM - EA_Volume 1_Figure 15 - Proposed Works & Archaeological Site Location 03/11/2010	<b>Our Ref:</b>	6791_BB_HMP2019_C001_V0_F1.cdr
<b>Figure:</b>	ONE	<b>Council:</b>	Liverpool City Council	<b>Survey:</b>	N/A	<b>Plan By:</b>	JD
<b>Sheet:</b>	1 of 1	<b>Tenures:</b>	ML1771 (Act 1992)	<b>Projection:</b>	N/A	<b>Project Manager:</b>	LT
<b>Version/Date:</b>	V0 29/01/2019	<b>Client:</b>	PGH Bricks & Pavers Pty Ltd	<b>Contour Interval:</b>	N/A	<b>Office:</b>	Thornton

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Manager/Authorisation Holder PGH Bricks & Pavers Pty Ltd: Richard Mason  
Signed: *[Signature]*  
Date: 01/02/2019  
Project Manager VGT: Lisa Thomson  
Signed: *[Signature]*  
Date: 01/02/2019

## PROPOSED WORKS AND ARCHAEOLOGICAL SITE LOCATIONS

Environmental Assessment  
Boral Quarry and Brick Making Facility, Badgerys Creek

Figure 15

<b>Plan of:</b>	Heritage Management Plan for Badgerys Creek Brick Manufacture & Quarry Operations 2019 - Archaeological Deposit Avoidance Zone	<b>Location:</b>	235 Martin Road, Badgerys Creek, NSW	<b>Source:</b>	NSW Government Dept Planning & Environment - DA_10_0014 Mod 2 Appendix 5 - Archaeological Deposit Avoidance Zone	<b>Our Ref:</b>	6791_BB_HMP2019_C001_V0_F1.cdr
<b>Figure:</b>	TWO	<b>Council:</b>	Liverpool City Council	<b>Survey:</b>	N/A	<b>Plan By:</b>	JD
<b>Sheet:</b>	1 of 1	<b>Tenures:</b>	ML1771 (Act 1992)	<b>Projection:</b>	N/A	<b>Project Manager:</b>	LT
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## APPENDIX 5 ARCHAEOLOGICAL DEPOSIT AVOIDANCE ZONE



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## 10.0 Appendices

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## BRK-BAD-3 10 7-P01 Appendix A: Consultation Regarding Aboriginal Heritage Management Plan with RAP's

Reference No: 2163433V1      For Publ:n:FPP      FPP  
Daily Dates:1x 9oct09      Weekly Dates:  
Daily First: 9oct09      Daily Next: 9oct09  
Week First:      Week Next:  
Adtype: SD      Classification: CPUBNOT  
Size: 8.0 Cms X 2 Cols      Lines: 21  
Price:\$343.20      Weekly:\$ 0.00      Total:\$343.75

## **Aboriginal Stakeholder Consultation**

### **Badgerys Creek Quarry**

AECOM is seeking to identify Aboriginal persons or organisations who wish to be consulted in relation to a proposed archaeology assessment related to continuation and extension of existing quarrying areas at Badgerys Creek, approx.

2 km south of Elizabeth Drive. Interested

Aboriginal persons or stakeholders are requested to register their interest in writing to:

**Bradley Cole**

**AECOM**

**PO Box 726, PYMBLE NSW 2073**

**T: 02 8484 8999 F: 02 8484 8989**

**E: [bradly.cole@aecom.com](mailto:bradly.cole@aecom.com)**

Expressions of interest should include current contact details. The closing date for registration is COB 23rd October 2009.

*\* Registration does not guarantee employment during fieldwork.*

Aboriginal Consultation Process

Project: S3024807: Badgery's Creek Quarry Continuation and Extension

Advisory Requests Sent (Assessment)

	Contact	Date Sent	Comment
Local Newspaper Ad		06-Oct-09	Add placed in Penrith Press to run 09 October 2009.
DECC		12-Oct-09	
LALC		N/A	
Registrar Aboriginal Owners		12-Oct-09	
Native Title Services		12-Oct-09	
Local Council	Liverpool City Council	12-Oct-09	

Letters with Methodology sent to groups identified by agencies

Organisation	Contact person	Date	Comments
Gandagarra LALC	Mark Johnson	27-Oct-09	Sent letter and methodology seeking their interest.
Darug Tribal Aboriginal Corporation	Sandra Lee	27-Oct-09	Sent letter and methodology seeking their interest.
Darug Land Observations	Gordon Workman	27-Oct-09	Sent letter and methodology seeking their interest.
Darug Custodian Aboriginal Corporation	Leanne Watson	27-Oct-09	Sent letter and methodology seeking their interest.
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	27-Oct-09	Sent letter and methodology seeking their interest.
Yarrowalk	Scott Franks		

Registrations of Interest

Organisation	Contact person	Date	Comments
Darug Aboriginal Cultural Heritage Assessments	Celestine Everingham	29-Oct-09	Registered Interest. Tim will attend fieldwork.
Darug Land Observations	Gordon Workman	12-Nov-09	Registered Interest.
Yarrowalk	Scott Franks	12-Nov-09	Registered Interest.
DCAC	Leanne Watson	13-Nov-09	Registered Interest.
Darug Tribal Aboriginal Corporation	Sandra Lee	12-Nov-09	Registered Interest.
Gandangarra LALC	Kiera Edwards	13-Nov-09	Registered Interest.

Badgerys Creek Field Work Confirmation & Communication

Organisation	Contact person	Date	Comments
Darug Aboriginal Cultural Heritage Assessments	Celestine Everingham	23-Nov-09	Letter confirming fieldwork sent.
Darug Land Observations	Gordon Workman	23-Nov-09	Letter confirming fieldwork sent.
Yarrowalk	Scott Franks	23-Nov-09	Letter confirming fieldwork sent.
DCAC	Leanne Watson	23-Nov-09	Letter confirming fieldwork sent.
Darug Tribal Aboriginal Corporation	Sandra Lee	23-Nov-09	Letter confirming fieldwork sent.
Gandangarra LALC	Kiera Edwards	23-Nov-09	Letter confirming fieldwork sent.

Fieldwork Conducted 26th November 2009

Organisation	Contact person	Date Rec'd	Comments

Darug Aboriginal Cultural Heritage Assessments	Tim Owen		26-Nov-09	Attended Fieldwork	
Darug Land Observations	Gordon Workman		26-Nov-09	Attended Fieldwork	
Yarrawalk	Scott Franks		26-Nov-09	Attended Fieldwork	
DCAC	Justine Copeland		26-Nov-09	Attended Fieldwork	
Darug Tribal Aboriginal Corporation	John Riley		26-Nov-09	Attended Fieldwork	
Gandangarra LALC	Ian Edwards		26-Nov-09	Attended Fieldwork	
<b>Draft Report Sent to Stakeholders</b>					
Organisation	Contact person	Date Sent	Comments		
Gandangarra LALC	Mark Johnson	20-Apr-10	No comments received.		
Darug Tribal Aboriginal Corporation	Sandra Lee	20-Apr-10	No comments received.		
Darug Land Observations	Gordon Workman	20-Apr-10	Comments received on 28th April 2010. Supports findings. However wants monitoring.		
Darug Custodian Aboriginal Corporation	Leanne Watson				
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	20-Apr-10	Comments received on 30th April 2010. Supports findings. However wants management plan for tree with a scar.		
Yarrawalk	Scott Franks	20-Apr-10	No comments received.		
		20-Apr-10	No comments received.		

Our Ref: DOC09/49229

Miranda Firman 9995 6836

21 OCT 2009

Attn: Bradley Cole  
AECOM  
PO Box 726  
PYMBLE NSW 2073

Dear Mr Cole,

**RE: DECC INTERIM COMMUNITY CONSULTATION REQUIREMENTS FOR APPLICANTS:  
Badgery's Creek Quarry, Badgery's Creek, Liverpool**

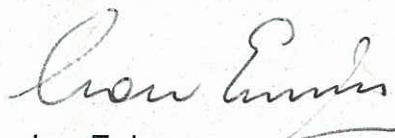
I refer to your letter dated 12/10/2009 to the Department of Environment, Climate Change and Water (DECCW) regarding the above matter.

Please find attached the list of Aboriginal stakeholders known to DECCW that may have an interest in the project.

Further, receipt of this information does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the Interim Requirements.

If you wish to discuss any of the above matters further please contact Miranda Firman, Aboriginal Heritage Planning Officer, on (02) 9995 6836.

Yours sincerely,

 19/10/09

Lou Ewins  
**Manager**  
**Planning and Aboriginal Heritage**  
**Environmental Protection & Regulation**



Organisation Name	Contact Person	Contact Details
Gandangara Local Aboriginal Land Council	Mark (Jack) Johnson	Address: PO Box 1038 Liverpool NSW 2170 Phone: (02) 96025280
Darug Custodial Aboriginal Corporation	Leanne Watson	Address: PO Box 81, Windsor NSW 2756 Phone: (02) 45775181
Darug Tribal Aboriginal Corporation	Sandra Lee	Address: PO Box 441, Blacktown NSW 2148 Phone: (02) 96224081
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	Address: 90 Hermitage Rd, Kurrajong Hills NSW 2758 Phone: (02) 45677421
Darug Land Observations	Gordon Workman	Address: PO Box 571, Plumpton, NSW 2761 Phone: 0415663763

**DARUG CUSTODIAN ABORIGINAL  
CORPORATION**

PO BOX 81 WINDSOR 2756

PH: 45775181 FAX: 45775098 MOB: 0415770163

ABN: 81935722930

[mulgokwi@aol.com](mailto:mulgokwi@aol.com)

12-11-09.

Attention: Geordie Oaks.

SUBJECT: Aboriginal Heritage Impact Assessment- Badgerys Creek.

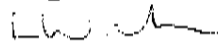
Dear Geordie,

The Darug Custodian Aboriginal Corporation would like to register their interest in the Badgerys Creek area as this is within Darug Boundaries.

We have received and read the methodology for Badgerys Creek Quarry site and support the proposed project.

Please contact us with any further enquiries on the above numbers.

Regards



Leanne Watson

AECOM  
PO Box 726 PYMBLE NSW 2073  
T+61 2 8484 8999 F+61 2 8484 8989 www.aecom.com

Lou Ewins  
Manager, Planning & Aboriginal Heritage Section  
Environmental Protection and Regulation Group – Metropolitan Branch  
Department of Environment, Climate Change and Water  
PO Box 668  
Parramatta NSW 2124

14 December 2009

Dear Lou,

**Re: Relevant Aboriginal Stakeholder Information Request: Badgery's Creek Quarry, Badgery's Creek, NSW**

As required by DECC's *Interim Community Consultation Requirements for Applicants* (2004) guidelines, AECOM is seeking to obtain information from you regarding relevant Aboriginal stakeholders within Liverpool region of NSW. The development includes the continuation and expansion of quarrying activities at Badgery's Creek Quarry approximately 2km south of Elizabeth Drive. AECOM is seeking to identify Aboriginal Stakeholders relevant for this area.

Please would you provide information to Bradley Cole (T: 02 8484 8999, F; 02 8484 8989, E: Bradley.cole@aecom.com) on the relevant Aboriginal stakeholders for this project as soon as possible.

Kind Regards,

**AECOM Australia Pty Ltd**

**Bradley Cole**  
Environmental Scientist

Enclosures:

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AECOM  
PO Box 726 PYMBLE NSW 2073  
T+61 2 8484 8999 F+61 2 8484 8989 www.aecom.com

## Facsimile

---

**Deliver to:**

Name \_\_\_\_\_  
Firm: Native Title Services  
Fax number: 9310 4177  
Phone number: \_\_\_\_\_  
Project number: S3020407

---

**From:**

Name: Bradley Cole  
Direct line: +61 2 8484 8999  
Date transmitted: 14 December 2009  
Pages (including this one): 1

Subject: Relevant Aboriginal Stakeholder Information Request: Badgerys Creek Quarry, Badgery's Creek, NSW

---

Dear Sir/Madam,

As required by DECC's *Interim Community Consultation Requirements for Applicants* (2004) guidelines, AECOM is seeking to obtain information from you regarding relevant Aboriginal stakeholders within the Liverpool region of NSW. The development includes the continuation and expansion of quarrying activities at Badgery's Creek Quarry approximately 2km south of Elizabeth Drive. AECOM is seeking to identify Aboriginal Stakeholders relevant for this area.

Please would you provide information to Bradley Cole (T: 02 8484 8999, F: 02 8484 8989, E: Bradley.cole@aecom.com) on the relevant Aboriginal stakeholders for this project as soon as possible.

Yours faithfully,

**AECOM Australia Pty Ltd**

**Bradley Cole**  
Environmental Scientist

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PO Box 726 PYMBLE NSW 2073  
T+61 2 8484 8999 F+61 2 8484 8989 www.aecom.com

Office of the Registrar of Aboriginal Owners  
ALRA Tranby Aboriginal College  
11-13 Mansfield St  
Glebe NSW 2037

14 December 2009

Dear Sir/Madam,

**Re: Relevant Aboriginal Stakeholder Information Request: Badgery's Creek Quarry, Badgery's Creek, NSW**

As required by DECC's *Interim Community Consultation Requirements for Applicants* (2004) guidelines, AECOM is seeking to obtain information from you regarding relevant Aboriginal stakeholders within the Liverpool region of NSW. The development includes the continuation and expansion of quarrying activities at Badgery's Creek Quarry approximately 2km south of Elizabeth Drive. AECOM is seeking to identify Aboriginal Stakeholders relevant for this area.

Please would you provide information to Bradley Cole (T: 02 8484 8999, F: 02 8484 8989, E: Bradley.cole@aecom.com) on the relevant Aboriginal stakeholders for this project as soon as possible.

Yours faithfully,

**AECOM Australia Pty Ltd**

**Bradley Cole**  
Environmental Scientist

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AECOM  
PO Box 726 PYMBLE NSW 2073  
T+61 2 8484 8999 F+61 2 8484 8989 www.aecom.com

Liverpool City Council  
Cultural Heritage  
Locked Bag 7064  
Liverpool BC  
NSW 1871

14 December 2009

Dear Sir/Madam,

**Re: Relevant Aboriginal Stakeholder Information Request: Badgery's Creek Quarry, Badgery's Creek, NSW**

As required by DECC's *Interim Community Consultation Requirements for Applicants* (2004) guidelines, AECOM is seeking to obtain information from you regarding relevant Aboriginal stakeholders within the Liverpool region of NSW. The development includes the continuation and expansion of quarrying activities at Badgery's Creek Quarry approximately 2km south of Elizabeth Drive. AECOM is seeking to identify Aboriginal Stakeholders relevant for this area.

Please would you provide information to Bradley Cole (T: 02 8484 8999, F; 02 8484 8989, E: Bradley.cole@aecom.com) on the relevant Aboriginal stakeholders for this project as soon as possible.

Yours faithfully,

**AECOM Australia Pty Ltd**

**Bradley Cole**  
Environmental Scientist

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# DARUG - LAND - OBSERVATIONS



ABN: 87239202455  
E-MAIL: [gordow51@bigpond.net.au](mailto:gordow51@bigpond.net.au)  
PO BOX: 571 Plumpton. NSW 2761  
Phone: 029831 8868 or 0415 663 763



**28-4-2010**

**Mr. Neville Baker and Mr. Geordie Oakes**  
**AECOM Australia Pty Ltd**  
**Senior Project Archaeologist**

**Re: Boral Bricks Aboriginal Heritage Impact Assessment**

## **D.L.O has no concerns with these Conclusion**

Conclusion 4

D.L.O to have a rep to monitor all top soil removal on this site to preserve all artefact.

Conclusion 5

If any human remains are located in, on, or under the land during construction, the responsible party must:

- ☐ Contact the local police;
- ☐ Not disturb or excavate the remains;
- ☐ Immediately cease all work at the particular location;
- ☐ Notify the DECCW office as soon as practicable and provide any available details of the remains and their location; and
- ☐ Not recommence any work at the particular location until authorized in writing by the DECCW.

**Yours faithfully**

**Uncle**  
**Gordon Workman**  
**Darug Elder**

**Sites Officer**

DARUG CUSTODIAN ABORIGINAL  
CORPORATION

PO BOX 81 WINDSOR 2756

PH: 45775181 FAX: 45775098 MOB: 0415770163

ABN: 81935722930

[mulgokiwi@aol.com](mailto:mulgokiwi@aol.com)

30<sup>th</sup> April 2010.

ATTENTION: Geordie Oakes.

SUBJECT: Boral Bricks Heritage Impact Assessment.

Dear Geordie,

The Darug Custodian Aboriginal Corporation have received and read the draft report prepared by AECOM for the Boral Bricks at Badgerys Creek.

Our group supports the findings and recommendations set out within this report, we recommend that a management plan be put in place for the scarred tree to ensure that it will not be destroyed by any future works.

Please contact us with any further enquiries on 0245775181 or 0415770163.

Regards

Leanne Watson

DOCUMENT CONTROL	
Doc No. BRK-BAD-3.10.7-P01	Version: V3.1
Reason for Revision: Reviewed for Mod 2	
Issue Date: 25/05/20	Review Date: March 2021
Writer: VGT Environmental Compliance Solutions	Authorised by: National Env Mgr



## BRK-BAD-3 10 7-P01 Appendix B: Consultation Regarding Aboriginal Heritage Management Plan with DPE

The following is an extract from correspondence from the DPE regarding the previous management plan version. Only those conditions relating to the AHMP have been included.

### ATTACHMENT A

#### Badgerys Creek Quarry (MP 10\_0014) – Post Approval Environmental Management Plans

#### General Comments:

- The EMS should include a table of conditions, which lists all conditions of consent and a reference to where they are addressed in the relevant plan/program;
- Ensure that all of the company's responsibilities under the Statement of Commitments are incorporated into the relevant management plans.
- Replace references to the 'Director-General' with the 'Secretary'.
- Update names of government agencies, e.g. DoPI (now DPE), DECCW (now OEH), NOW (now DPI Water).
- The plans should provide clear commitments, and avoid ambiguous or hypothetical language. For example, words such as 'would' or 'should' are to be avoided.

<b>Aboriginal Heritage Management Plan - condition 23, Schedule 3</b>	<b>Compliance (Yes/No)</b>	<b>Comment</b>	<b>Action Required</b>
The Proponent shall prepare and implement an Aboriginal Heritage Management Plan for the project to the satisfaction of the Director-General. The Plan must:			
(a) be prepared in consultation with OEH and the Aboriginal community;	TBC	Evidence of consultation to be provided in an Appendix.	To note the comments and amend the plan accordingly
(b) be submitted to the Director-General for approval by the end of August 2013; and	Yes	-	-

DOCUMENT CONTROL	
Doc No. BRK-BAD-3.10.7-P01	Version: V3.1
Reason for Revision: Reviewed for Mod 2	
Issue Date: 25/05/20	Review Date: March 2021
Writer: VGT Environmental Compliance Solutions	Authorised by: National Env Mgr



Aboriginal Heritage Management Plan - condition 23, Schedule 3	Compliance (Yes/No)	Comment	Action Required
(c) include a: <ul style="list-style-type: none"> <li>program for the recording, salvage and surface collection of any Aboriginal objects/sites that have been identified and may be encountered within the project area;</li> <li>describe measures that will be implemented to ensure Aboriginal objects in the area adjacent to Badgerys Creek are not impacted during regeneration operations;</li> <li>description of the measures that would be implemented if any Aboriginal skeletal remains are discovered during the project; and</li> </ul>	Yes	<ul style="list-style-type: none"> <li>See Section 5.3 Note the table in Section 5.2 incorrectly states that this procedure is outlined in Section 5.2.</li> <li>See Actions 1 &amp; 2 in Section 5.2</li> <li>See Action 6 in Section 5.2</li> </ul>	To note the comments and amend the plan accordingly
<ul style="list-style-type: none"> <li>protocol for the ongoing consultation and involvement of the Aboriginal community in the conservation and management of the Aboriginal heritage of the objects/sites.</li> </ul>		<ul style="list-style-type: none"> <li>See Section 5.4</li> </ul>	

DOCUMENT CONTROL	
Doc No. BRK-BAD-3.10.7-P01	Version: V3.1
Reason for Revision: Reviewed for Mod 2	
Issue Date: 25/05/20	Review Date: March 2021
Writer: VGT Environmental Compliance Solutions	Authorised by: National Env Mgr



Extension of time:



Debbie Cook  
National WHSE Manager  
PGH Bricks and Pavers Pty Ltd  
Locked Bag 1345  
North Ryde BC 1670

Dear Ms Cook,

**Badgerys Creek Quarry and Brick Making Project (MP 10\_0014)  
Submission of Management Plans**

I refer to your letter dated 5 November 2018, seeking an extension of time to submit the following management plans, as required under the above project approval:

- Aboriginal Heritage Management Plan (condition 30 of Schedule 3); and
- Environmental Management Strategy (condition 1 of Schedule 5).

The Secretary has granted the requested extension of time. The updated management plans must now be submitted by no later than 5 February 2019.

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

Yours sincerely

*J Evans 7/11/18*

Jessie Evans  
**Acting Director**  
**Resource Assessments**  
as the Secretary's nominee