



**Picton WHSE-010 Picton Cultural
Heritage Management Sub-Plan
(Appendix D)**

Version No:	V01
Issued:	20 July 2023
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1. Purpose

1. Introduction

Introduction

This Cultural Heritage Management sub-plan (CHMP) responds to the specific requirements of the Consent Condition 5.4 (d) for Development Application DA-318-12-2004-I, as modified by Modification 3 approved on 30 November 2017.

It has been developed in order to address the potential impacts associated with the operation of the Allied Pinnacle Flour Mill in Maldon on the cultural heritage zones that have been established on this site.

The management principles outlined in this sub-plan and the resulting strategies and recommendations will serve to guide the relationship between cultural heritage and operations as well as provide long-term guidance to protect identified areas of Aboriginal archaeological and cultural value.

1.1 Requirements for this Plan

Consent condition 5.4(d) requires the CHMP to specifically address the requirements outlined in Table 1.

Table 1 also provides a reference to where the requirements have been addressed in this plan.

Table 1 - Requirements of consent condition 5.4(b) Requirement

Requirement	Reference to this plan
Measures to ensure that the two Heritage Conservation Zones are suitably managed during the life of the development.	Section 5
The Plan shall be prepared in consultation with the EPA, and Aboriginal community, and shall clearly demonstrate how the issues and requirements of these entities have been addressed.	Section 1.2 and 6
Where the Plan is not consistent with the requirements of these entities, then a full justification for that inconsistency must be provided.	Not applicable

1.2 Assessment of cultural heritage significance

An Aboriginal heritage assessment was undertaken by Austral Archaeology Pty Ltd on behalf of Kellogg Brown & Root Pty Ltd acting for Allied Pinnacle, in late 2004.

An additional assessment inclusive of the results from the original 2004 report was produced by Austral Archaeology Pty Ltd in May 2005. Combined, these assessments were two of several environmental studies undertaken to determine the capability of the Maldon site to support the flour mill proposal in light of the environmental, social and cultural constraints of the study area.

The archaeological and cultural heritage assessment involved determination of the known archaeological and environmental context of the area and assessment of the known and potential archaeological resource.

The 2005 assessment included the outcomes and recommendations resulting from liaison following preparation of the original report.

This consultation process involved Allied Pinnacle, the former NSW Department of Environment and Conservation (now Office of Environment and Heritage (OEH)), Wollondilly Shire Council, the Aboriginal stakeholder groups (Tharawal Local Aboriginal Land Council (TLALC) and Cubbitch Barta Native Title Claimants Aboriginal Corporation (CBNTCAC)) and Austral Archaeology Pty Ltd. Consultation was chiefly concerned with the mitigation and management of the Aboriginal archaeological and cultural values that had been identified on-site.

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The consultation between all parties at this stage resulted in the agreement on the establishment of two Aboriginal heritage conservation zones (AHCZs). The first zone (Aboriginal Heritage Conservation Zone A) incorporates all land extending 50 m from the northerly, southerly, and easterly banks of the reservoir situated in the north west corner of the property to the westerly property boundary.

The second (Aboriginal Heritage Conservation Zone B), extends for a diameter of 30 m with the scarred tree (AMP ST 1), which is situated roughly in the middle of the property, as the zone’s focal point. Figure 1 outlines the extent of the two heritage conservation zones.

The two Aboriginal heritage conservation zones form the focal point of the assessment on cultural heritage protection across the Allied Pinnacle site. On the basis of the desktop research, Aboriginal community consultation and the field survey, the study area as a whole was considered to be of moderate archaeological significance.



Figure 1.0 Allied Mills Maldon: Grain Milling Facility Aboriginal Heritage Conservation Zones

Figure 1 - Aboriginal Cultural Heritage Zones

- LEGEND:**
- Existing main road
 - Future line
 - Waterways
 - Aboriginal Sites - Non-Indigenous
 - Aboriginal Heritage Conservation Zone A
 - Aboriginal Heritage Conservation Zone B

2. Legislative requirements and guidelines

Key legislation and guidelines relevant to management of cultural heritage items and places is provided in Table 2.


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Table 2 - Key legislation and guidelines

Legislation / Guideline	Applicability
Environment Protection and Biodiversity Conservation Act 1999	This Act establishes the National Heritage List, which includes natural, Indigenous, and historic places that are of exceptional national heritage value. The Act also establishes the Commonwealth Heritage List, which comprises natural, Indigenous, and historic places on Commonwealth lands or under Australian Government control, and identified by the Minister for the Environment, Heritage and the Arts as having Commonwealth Heritage values.
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	This Federal Act administered by the Aboriginal and Torres Strait Islander Commission, provides blanket protection for Aboriginal heritage in circumstances where state level protection does not exist. This Act falls under Commonwealth jurisdiction and therefore it overrides state and territory provisions
New South Wales National Parks and Wildlife Act 1974	All Aboriginal objects, regardless of level of significance, are protected under Section 90 of this Act. Sites of traditional Aboriginal significance that do not necessarily contain archaeological items may be gazetted as Aboriginal places and are also protected under Section 90. Under Section 90, it is an offence for a person to destroy, deface, damage or desecrate an Aboriginal object or Aboriginal place without first being issued with a Heritage Impact Permit by the Director-General. The amended Act requires that due diligence must be taken to avoid any impacts on Aboriginal objects.
Environmental Planning and Assessment Act 1979	This Act requires that impacts on the environment including cultural heritage, are considered prior to land development. Local Environment Plans (LEPs) provide guidance on the extent of environmental assessment required. Consideration of potential impacts has been addressed in an Environmental Impact Statement (EIS), with a corresponding archaeological assessment provided by Austral Archaeology to add depth to the study of heritage-related issues. Aboriginal and non-Aboriginal cultural heritage are issues that require consideration under this Act.

3. Performance objectives

The objectives driving the establishment of the two Aboriginal heritage conservation zones are that:

- the archaeological and cultural value of all known and potential Aboriginal archaeological sites contained within their boundaries will be protected from the immediate impacts resulting from the operation of the site
- the long term impacts from subsequent use of the site will be managed and off-set

This will ensure that both the Aboriginal sites contained within these zones as well as the zones' inherent cultural value remain undisturbed during the continuing use of the site. These strategies will also provide protection and a basis for management advice for any future development that may potentially impact these zones.

To this end management measures have been developed in Section 5 of this sub-plan.

Management of cultural heritage objectives are centred around communication with relevant stakeholders and as such, a clear line of communication has been established.



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Allied Pinnacle Site Manager is the point of contact for the Aboriginal stakeholders, local Council, and the regulators, and is responsible for ensuring the cultural heritage management objectives are met.

4. Potential cultural heritage impacts

The items and areas of cultural significance have more than likely been exposed to years of vegetation clearance, stock grazing and the impacts associated with rail, road and dam construction.

This has the potential to destroy or relocate items of significance, and may also impact on the physical form of areas of significance.

The purpose of this sub-plan is to ensure that the condition of heritage resources within the two Aboriginal heritage conservation zones is maintained in a state that reflects conditions achieved prior to the commencement of milling operations.

Potential impacts include potential damage to the landform through unauthorised access to the heritage conservation areas. Unauthorised access may lead to erosion or the introduction of weeds and foreign flora species.

Contact from vehicles or machinery would have an even greater impact on the integrity of the zones, especially the areas of environmental sensitivity such as the scar tree in Zone B and the riparian zone surrounding the reservoir in Zone A.

The issue of willful damage to areas of Aboriginal heritage has also been discussed during previous consultations and provides another incentive to ensure the areas are secure from unauthorised access.

Attention must also be paid to the potential for impacts to heritage resources that have not yet been identified, and that may be damaged by operational activities.

The management of such items or areas is covered in greater detail in Section 5.

5. Cultural heritage management measures

The cultural values of the area can only be assessed by the local Aboriginal community and thus consultation with (TLALC) and (CBNTCAC) has been ongoing throughout the project.

Refer to Picton WHSE-Form-05 Implementation Checklist for the Cultural Heritage Management Plan (CHMP)


The formulation of conservation management guidelines to address these sites and landscapes has been performed in accordance with current legislative requirements and standard archaeological practice.

During initial fieldwork the representatives from the CBNTCAC and the TLALC Aboriginal stakeholder groups, expressed concern that the scarred tree in particular, should be avoided and that the creek line surrounds warranted further investigation.

As a result of consultation the land to the north west of the study area surrounding the reservoir was also identified to be one of particular importance to local Aboriginal people.

Consent Condition 2.29 relates directly to the concerns of the Aboriginal stakeholders and stipulates the management measures to be implemented for the two Aboriginal heritage conservation zones.

The requirements for these zones have been satisfied and include but are not limited to:

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- Fully establishing and securing the Heritage Conservation Zone A in the north-western end of the site.
- Fully establishing and securing the Heritage Conservation Zone B incorporating the area surrounding the scarred tree with at least a diameter of 30 metres
- Implementing suitable drainage measures in the vicinity of the Heritage Conservation Zone B to ensure ponding or other impacts do not occur in a manner which would affect the root zone of the tree.

In May 2015 members of the Local Aboriginal Land Council were invited to site to review the current heritage protection arrangements.

As an outcome of the meeting, heritage management measures outlined in Table 3 were developed for the Heritage Conservation Zones.


Table 3 – Management measures

Heritage Conservation Zone	Management Measures
Applicable to both Zones	<ul style="list-style-type: none"> • Fence the heritage conservation zones to restrict unauthorised access • Contact both Aboriginal stakeholder groups should Allied Pinnacle need to perform a task in order to maintain the landscape values of either zone • Consult with both Aboriginal stakeholder groups to determine the best way to manage the issue whilst being respectful of the inherent cultural values of the heritage conservation zones • Storage of chemicals or substances used for equipment and vehicle maintenance must not be directly up-gradient of either of these zones • Avoid vehicle and plant movements in the fenced off areas protecting the Aboriginal heritage conservation zones, and care must be taken when operating any mowers in the vicinity of either zone • Conduct environmental inductions and awareness training for all site staff • Monitor the extent of operational activities. • Stop work immediately in the area surrounding any unexpected find of Aboriginal item or places, until an assessment of the most appropriate course of action has been made. An archaeologist may be required, and subsequent consultation with OEH, may also occur
Applicable to Zone A	<ul style="list-style-type: none"> • Regularly remove noxious and environmental weeds such as, but not limited to, St Johns Wort, Blackberry, Box Thorn, Privet, Wild Olives. • Remove weeds from the reservoir. • Time weed removal to avoid water bird breeding season. • Conduct cultural burn for weed removal as required in consultation with OEH, both Aboriginal stakeholder groups, Council and Rural Fire Service
Applicable to Zone B	<ul style="list-style-type: none"> • Avoid damage to the trunk or root system of the scar tree while mowing in the vicinity of the scar tree. • Trimming of branches of the scar tree located within Zone B is prohibited. Branches must be allowed to naturally fall inside the perimeter fencing

6. Cultural heritage monitoring strategy

6.1 Notification

The Office of Environment and Heritage (OEH), as the statutory body, are ultimately responsible for all Aboriginal sites and places within NSW. They are to be consulted should:

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- any future development be proposed in proximity to the Aboriginal heritage conservation zones
- any actions that may interfere with the identified cultural and archaeological values associated with either Aboriginal heritage conservation zone
- any issues or conflicts arise between the local stakeholders in relation to the management and protection of these conservation zones during operations

The TLALC and CBNTCAC Aboriginal stakeholder groups shall be consulted immediately should any issues arise as to the protection and management of the two Aboriginal heritage conservation zones.

Key contact details are provided in Table 4.

Table 4 – Key contacts

Stakeholder	Nature of involvement in Project	Relevant Stakeholder contact	When Consulted	Person responsible for consultation
Cubbitch Barta Native Title Claimants	Aboriginal Heritage Stakeholders	Glenda Chalker Ph: 4684 1129	As required for Aboriginal heritage issues	Site Manager
Tharawal Local Aboriginal Land Council	Aboriginal Heritage Stakeholders	Megan Ely Ph. 4681 0059	As required for Aboriginal heritage issues	Site Manager
Office of Environment and Heritage	Incident management Parramatta office	Ph: 9995 5000	Notification if heritage items are identified	Site Manager

6.1 Recording incidents

All incidents and complaints will be entered into the Allied Pinnacle Incident Reporting Database as a complaint or incident.

Corrective actions will be managed through the Allied Pinnacle Incident Reporting Database and Section 5.6 of the OEMP.

Refer to WHSE-005 Incident Reporting, Investigation and Injury Management and Return to work and Picton WHSE-006 Picton Operational Environment Management Plan

Related Documents

- **WHSE-005 Incident Reporting, Investigation and Injury Management and Return to work**
- **Picton WHSE-006 Picton Operational Environment Management Plan**
- **Picton WHSE-Form-05 Implementation Checklist for the Cultural Heritage Management Plan (CHMP)**

DOCUMENT APPROVAL and CHANGE HISTORY

APPROVAL			
Action	Position Title	Name (s)	Date
New Document Approval Version V01 to update to new format and Control under WHSE System	National WHSE Manager	Maria Hooker	20/7/2023



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