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Hydro Aluminium Kurri Kurri Pty Ltd

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KURRI KURRI ALUMINIUM SMELTER DECOMMISSIONING, DEMOLITION AND REMEDIATION ABORIGINAL HERITAGE MANAGEMENT PLAN

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Made by **B Sinclair/ T Jackson**
Checked by **S Taylor**
Approved by **F Robinson**
Description **Ramboll was engaged by Hydro Aluminium Kurri Kurri Pty Ltd to
prepare a Remediation Works Environmental Management Plan
(RWEMP) to describe how environmental management will be
undertaken at the former Hydro Aluminium Kurri Kurri aluminium
smelter at Hart Road Loxford, NSW and the surrounding land owned
by Hydro. This Aboriginal Heritage Management Plan forms a
component of the RWEMP.**

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Appendix 1

Due Diligence Flowchart (*Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, DECC 2010)

ACRONYMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
AHMP	Aboriginal Heritage Management Plan
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
Hydro	Hydro Aluminium Kurri Kurri Pty Ltd
OEH	Office of Environment and Heritage
WHS	Workplace Health and Safety
RAP	Registered Aboriginal Party/ Parties
RWEMP	Remediation Works Environmental Management Plan

GLOSSARY

Council	Cessnock City Council
Hydro	Hydro Aluminium Kurri Kurri Pty Ltd
Department	Department of Planning, Industry and Environment
Hydro Land	The land owned by Hydro Aluminium Kurri Kurri Pty Ltd which includes the Smelter and surrounding land.
Remediation	Remediation of contaminated land and soils at the Smelter and on Hydro Land, including the construction of a Containment Cell as addressed in the State Significant Development application to the Department of Planning and Environment SSD 6666.
Stage 1 Demolition	Demolition of Smelter buildings addressed in the development application 8/2015/399/1.
Stage 2 Demolition	Demolition of Smelter buildings, three concrete stacks, one water tower, subsurface structures to 1.5m below ground surface and operation of a concrete crushing plant addressed in the development application to Cessnock City Council 8/2018/46/1.
The Smelter	The former Hydro Aluminium Kurri Kurri Pty Ltd aluminium smelter at Hart Road, Loxford.

1. INTRODUCTION

1.1 Background

This Aboriginal Heritage Management Plan (AHMP) has been prepared by Ramboll Australia Pty Ltd on behalf of Hydro Aluminium Kurri Kurri Pty Ltd (Hydro) to support the Remediation Works Environmental Management Plan (RWEMP) which addresses the decommissioning, demolition and remediation activities at the former Hydro Aluminium Kurri Kurri Smelter (the Smelter) at Hart Road Loxford and the management of the surrounding land owned by Hydro (the Hydro Land).

1.2 Objectives

The objectives of this AHMP are to:

- Outline relevant legislation and guidelines.
- Identify known Aboriginal heritage items within the buffer lands.
- Identify measures to minimise impacts to Aboriginal heritage items within the buffer lands.
- Establish the roles and responsibilities of all parties involved in Aboriginal heritage management.
- Establish supervision, monitoring, auditing and reporting framework for the AHMP.

1.3 Purpose and Scope

The purpose of the AHMP is to specify procedures for management of Aboriginal heritage issues and impacts during activities at the Smelter and on the Hydro Land.

The AHMP has been developed with reference to the following legislation and guidelines:

- *Environmental Planning and Assessment Act 1979* (EP&A Act)
- *National Parks and Wildlife Act 1974*
- *Heritage Act 1977*
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010)

1.4 Regulatory Requirements

A list of the development consent conditions related to management of Aboriginal archaeology and where they are addressed in this document are outlined in **Table 1-1**.

Table 1-1: Project Approval Conditions

No.	Condition	Location in AHMP
SSD 6666		
ABORIGINAL HERITAGE		
B40	To prevent impacts to subsurface archaeological deposits, stockpiles in the area of high archaeological sensitivity, as shown in Figure 23 of the Aboriginal Cultural Heritage Assessment and titled <i>Archaeological Sensitivity Figure</i> , must be placed on geo-matting.	Section 2.22.1
Unexpected Finds Protocol		
B41	If any previously unidentified item or object of Aboriginal heritage significance is identified on site:	Section 4
B41(a)	all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;	Section 4
B41(b)	a 10 m wide buffer area around the suspected item or object must be cordoned off; and	Section 4
B41(c)	the OEH must be contacted immediately.	Section 4
B42	Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the <i>National Parks and Wildlife Act 1974</i> (NSW).	Section 4

No.	Condition	Location in AHMP
DA 8/2015/399/1		
	No specific conditions pertaining to Aboriginal Archaeology.	N/A
DA 8/2018/46/1		
Advisory Note 4	<p>As required by the <i>National Parks and Wildlife Act 1974</i> and the <i>Heritage Act 1977</i>, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.</p> <p>In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the <i>Heritage Act 1977</i> to obtain the necessary approvals/permits from the Heritage Division of the OEH.</p>	Section 4

2. EXISTING ENVIRONMENT AND POTENTIAL IMPACTS

2.1 Existing Environment

An Aboriginal Cultural Heritage Assessment (AECOM, 2015) was undertaken to identify Aboriginal archaeological sites, areas of potential archaeological significance and any areas of cultural significance within the Smelter and the Hydro Land.

The assessment was undertaken in accordance with the NSW Office of Environment and Heritage *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC, 2005) and with reference to the NSW Office of Environment and Heritage's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011). Aboriginal community consultation for the assessment was conducted in accordance with OEH's *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010). A total of 32 Registered Aboriginal Parties were involved in the assessment.

Figure 2-1 shows the locations of recorded Aboriginal relics and areas of potential archaeological deposits within the Smelter and surrounds.

2.2 Potential Impacts

The majority of the Project Site has been significantly disturbed through development of the Smelter. However, there are areas of minimally to moderately disturbed terrain in the northern and western portions of the Project Site. One new Aboriginal archaeological site (an isolated stone artefact, Hydro-IA35-15) was identified during survey.

An area of high archaeological sensitivity is also located within the northern section of the proposed Containment Cell material stockpile area (**Figure 2-1**). This area of high archaeological sensitivity has been registered on the Aboriginal Heritage information System (AHIMS) as "Hydro PAD 1" with a Site ID of 17-6-3872. In the event this area was used for stockpiling materials, physical impacts to the integrity of natural soil profiles within this area could occur as a result of sediment deposition and removal activities (including associated heavy vehicle movements). This could in turn impact on Aboriginal archaeological relics present in this area.

Activities within the Hydro Land (such as contamination remediation) also have the potential to impact on previously unidentified Aboriginal heritage relics where the activity requires works in relatively undisturbed areas.



RAMBOLL AUSTRALIA - GIS MAP file : 3180003533_GIS_P001_RemediationEMP | F023_Abhter_V01 | 29/10/2020

Aerial photography by Nearmap, flown 15.06.2020

Legend

- Project site
- Artefact scatter
- Isolated find

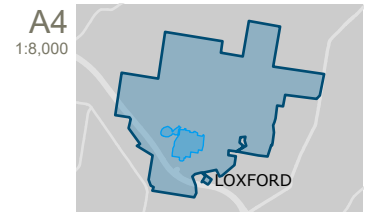


Figure 2-1 | Aboriginal Archaeological Sites - Smelter Site and Surrounds

3. IMPLEMENTATION

3.1 Roles and Responsibilities

Key personnel responsible for implementation of this AHMP are in **Table 3-1** and consistent with the overall RWEMP.

Table 3-1: Hydro Personnel and Environmental Management Responsibilities

Position	Responsibilities
OVERALL SITE MANAGEMENT	
Managing Director	<p>Make certain that the Hydro Team and contractors are implementing this plan and associated plans and procedures; and have attained and are complying with applicable development approvals and permits.</p> <p>Provide adequate resources and funding for the implementation of this plan.</p> <p>Review and approve RWEMP (including this AHMP).</p>
Principal Environmental Consultant	<p>Provide advice in relation to environmental management and performance.</p> <p>Review and modify the RWEMP (including this AHMP) as directed by the Managing Director/Project Manager.</p>
Principal Communications Consultant	<p>Manage the mechanisms available for the community to receive information and to make enquiries or complaints about activities</p>
SMELTER DECOMMISSIONING, DEMOLITION AND REMEDIATION ACTIVITIES	
Project Manager	<p>Make certain that any proposed works or changes to existing activities, that may have an impact on the environment or the community (including areas with known or potential Aboriginal heritage significance), have the necessary legislative approval prior to the commencement of works.</p> <p>Make certain that the environmental aspects and issues, associated with proposed works or changes to existing activities, are adequately addressed in the EMP and sub plans (including this AHMP).</p> <p>Review and approve the EMP and sub-plans on an annual basis or when changes to activities at the Smelter occur.</p> <p>Facilitate implementation of the RWEMP and sub-plans (including this AHMP).</p>
Construction Manager	<p>Verify that the work of contractors and Hydro personnel on the Project are undertaken in accordance with this RWEMP (including this AHMP).</p> <p>Provide appropriate training to contractors and Hydro personnel on the Project regarding environment and community requirements and responsibilities.</p> <p>Review and approve the contractors’ environmental management documentation prior to commencement of activities and inform contractors of changes to the RWEMP.</p>
Contract Administrator	<p>Provide relevant environmental legislative, regulatory and management requirements in tender documentation.</p> <p>Verify that the work of contractors is undertaken in accordance with the EMP (including this AHMP) and other relevant environmental procedures and standards.</p>
Workplace Health and Safety (WHS) Manager	<p>Provide Hydro personnel with the necessary tools and training to enable effective implementation of the RWEMP (including this AHMP).</p> <p>Implement and maintain an induction package to be provided to all personnel working at the Smelter and Hydro Land, which will include information relevant to the environmental and community management.</p>

Position	Responsibilities
CARE, MAINTENANCE AND HYDRO LAND MANAGEMENT ACTIVITIES	
Demolition Contractor	<p>Comply with the requirements of the AHMP as it applies to Smelter demolition activities.</p> <p>Implement the measures and actions as described in the AHMP through a Demolition EMP and supporting sub-plans and specific procedures that comply with this AHMP.</p> <p>Develop and implement procedures for self-checking environmental management compliance with the Demolition Contractor’s procedures and this AHMP.</p> <p>Report potential or actual environmental incidents associated with demolition activities at the Smelter, and assist as required in the investigation, implementation of corrective actions and recording of the incident.</p>
Remediation Contractor	<p>Comply with the requirements of the AHMP as it applies to Smelter and relevant Hydro Land remediation activities. Specifically, the appropriate management of the Hydro-IA35-15 and Hydro PAD 1 as identified in Section 2.1 of this AHMP.</p> <p>Implement the environmental measures and actions as described in the AHMP through a Remediation EMP and supporting sub-plans and specific procedures that comply with this AHMP.</p> <p>Develop and implement procedures for self-checking management compliance with the Remediation Contractor’s procedures and this AHMP.</p> <p>Report potential or actual environmental incidents associated with remediation activities at the Smelter and relevant Hydro Land, and assist as required in the investigation, implementation of corrective actions and recording of the incident.</p>
Environmental Officer/ Hydro Land Manager	<p>Verify that the work of contractors and Hydro personnel on Hydro Land are undertaken in accordance with this EMP (including this AHMP).</p> <p>Undertake a weekly inspection of activities on the Hydro Land that will occur for two weeks or more.</p>
ALL AREAS AND ACTIVITIES	
Contractors	<p>Comply with the requirements of the EMP (including this AHMP) as it applies to site environmental management and control.</p> <p>Implement the environmental measures and actions as described in the EMP and the relevant sub-plans (including this AHMP) through procedures and management plans that comply with this EMP and the relevant sub-plans.</p> <p>Develop and implement procedures for self-checking environmental management compliance with Contractor’s procedures and the EMP.</p> <p>Report potential or actual environmental incidents associated with activities at the Smelter or on Hydro Land, and assist as required in the investigation, implementation of corrective actions and recording of the incident.</p>
All Personnel	<p>Implementation of the relevant environmental measures described in the RWEMP (including this AHMP) applicable to their activities.</p> <p>Stop work in the event of an actual or potential environmental incident</p> <p>After ceasing the activity that is the known or potential source, report potential or actual environmental incidents associated with activities at the Smelter or on Hydro Land, and assist as required in the investigation, implementation of corrective actions and recording of the incident.</p>

3.2 Management Measures

Hydro will implement a number of controls to manage Aboriginal heritage impacts that may be generated from activities at the Smelter and the Hydro Land. The Aboriginal heritage management measures are outlined in **Table 3-2**.

Table 3-2: Aboriginal Heritage Management Measures

Management Measures	Action	Timing / Frequency	Responsibility	Further Detail
The known artefact and the identified area of high archaeological sensitivity are to be collected or protected prior to undertaking remediation activities that would have a direct impact	Surface collection and relocation of the identified isolated artefact Hydro-IA35-15.	Prior to remediation	Project Manager/ Principal Environmental Consultant Qualified Archaeologist and/or RAP field representative	Section 2.2 (potential impacts)
	Where possible, avoid the need to stockpile material in the area of high archaeological sensitivity. In the event that stockpiling in this area is required, geo-matting will be placed on the surface of the area prior to stockpiling.	Prior to activities	Environment Officer Remediation Contractor	Section 2.2 (potential impacts)
Prior to undertaking activities within the Hydro Land, the potential impacts on known Aboriginal heritage relics are to be considered.	Figure 2-1 will be reviewed to identify if any mapped Aboriginal heritage sites are within or adjoining the proposed activity location.	Prior to activities	Environment Officer	Figure 2-1
	The proposed activity methodology will avoid disturbance of Aboriginal heritage items. This includes review of the mapping and ground truthing recorded Aboriginal heritage items.	Prior to activities	Environment Officer Remediation Contractor	Section 2.2 (potential impacts)
	In the event that disturbance of an Aboriginal heritage item is required, the approval requirements for disturbance are to be identified and approval obtained.	Prior to activities	Environment Officer Remediation Contractor Principal Environmental Consultant	
Prior to undertaking activities within the Hydro Land, the potential to encounter previously unidentified Aboriginal heritage relics are to be considered.	An assessment is to be undertaken in accordance with <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (DECCW, 2010).	Prior to activities	Environment Officer	Refer to Appendix 1 and the known Aboriginal heritage sites and potential archaeological deposits shown in Figure 2-1
	In the event that the assessment identifies the potential for Aboriginal heritage relics to be disturbed, further investigations will be undertaken by a qualified archaeologist to determine if relics will or could be disturbed.	Prior to activities	Environment Officer Qualified Archaeologist	Refer to Appendix 1 and the known Aboriginal heritage sites and potential archaeological deposits shown in Figure 2-1

Management Measures	Action	Timing / Frequency	Responsibility	Further Detail
Previously unidentified Aboriginal heritage items encountered during activities are not to be damaged or disturbed.	In the event that disturbance of an Aboriginal heritage item is required, the approval requirements for disturbance are to be identified and approval obtained.	Prior to activities	Environment Officer Remediation Contractors Demolition Contractors Principal Environmental Consultant	Section 3.3.2 of the RWEMP (inductions and training)
	All personnel required to undertake earthworks within the Project Site outside of the Smelter will be informed during the site induction of Aboriginal cultural heritage issues.	Prior to and during activities	Project Manager Environmental Officer Remediation Contractor	
Management of any potential human skeletal remains identified during the Works.	In the event that a potential Aboriginal heritage item is unearthed, the unexpected finds procedure in Section 4 of this AHMP will be implemented.	As required	Project Manager Environmental Officer Remediation Contractor	Section 4
	Implement the standard procedure detailed in Section 4 of this AHMP.	As required	Project Manager Environmental Officer Remediation Contractors Demolition Contractors	Section 4
Record any incidents by Hydro or its contractors that cause impacts to Aboriginal heritage items and the action taken to resolve the situation.	Record Aboriginal heritage related incidents in the incident register and implement corrective actions.	As required	Environment Officer Remediation Contractors Demolition Contractors	Section 3.5.4 of the RWEMP (incidents) Section 5.4 of the RWEMP (corrective action)
	Report any disturbance of Aboriginal sites to the Office of Environment and Heritage	If required	Environment Officer	Section 5.4 of the RWEMP (corrective action)
Review corrective actions	Monthly	Environment Officer		

4. FINDS PROCEDURE

4.1 Skeletal Remains Finds

A standard procedure will be implemented for the management of any potential human skeletal remains identified throughout the demolition and remediation activities. In the event that potential human skeletal remains are identified the following procedure will be followed:

- 1) All work in the vicinity of the remains will cease immediately.
- 2) The location will be cordoned off and the NSW Police notified.
- 3) A physical or forensic anthropologist should be commissioned to inspect the remains *in situ* and make a determination of ancestry (Aboriginal or non-Aboriginal) and antiquity (pre-contact, historic or modern).

Following completion of task three, the applicable action/s listed below will be implemented:

- If the remains are identified as non-human, work can recommence immediately.
- If the remains are identified as modern and human, the area will become a crime scene under the jurisdiction of the NSW Police.
- If the remains are identified as pre-contact or historic Aboriginal, the site will be secured and OEH and all RAPs notified in writing. Where impacts to exposed Aboriginal skeletal remains cannot be avoided, remains will be retrieved via controlled archaeological excavation and reburied outside of the Disturbance Boundary in a manner and location determined by RAPs.

If the remains are identified as historic non-Aboriginal, the site will be secured, and the OEH contacted.

4.2 Unexpected Finds Procedure

An unexpected finds procedure will be implemented in the event that a potential Aboriginal site was identified during demolition and remediation activities. This procedure will include:

- 1) All works would cease immediately in the area to prevent any further impacts to the site.
- 2) Notify the Hydro Environment Officer.
- 3) Engage a suitably qualified archaeologist and RAP representative to determine the nature, extent and significance of the Aboriginal site and provide appropriate management advice. Management action(s) would vary according to the type of evidence identified, its significance (both scientific and cultural) and the nature of potential impacts.
- 4) Prepare and submit an AHIMS site card for the Aboriginal site.

5. MONITORING AND REVIEW

5.1 Monitoring

Hydro will undertake regular monitoring to ensure the site activities are not causing a detrimental environmental or community impact and to maintain compliance with relevant approvals and licences.

All internal and external environmental reporting requirements will be undertaken in accordance with the RWEMP.

Reporting will also be undertaken in accordance with relevant legislation, guideline and notification requirements, as outlined in **Section 1.3**.

5.2 Non-conformances

The need for preventative or corrective action arises from the identification of non-conformance with environmental legal requirements, Hydro environmental requirements or the potential for non-conformances to occur.

Non-conformances will be resolved, reported and recorded in accordance with Section 3.5.5 of the RWEMP.

5.3 Complaints

Community Complaints are considered environmental incidents and are investigated and documented accordingly. This will include any complaints relating to Aboriginal heritage at the Smelter.

Investigations will be conducted by relevant personnel, including provision of feedback to the complainant. Corrective actions will be documented and regularly reviewed until completion and signed off.

Handling of complaints will be undertaken in accordance with Section 3.5.6 of the RWEMP.

5.4 Review and Improvement

Continual improvement of the AHMP will be achieved by the continual evaluation of environmental management performance against environmental policies, objectives and targets for the purpose of identifying opportunities for improvement.

The Managing Director is responsible for ensuring that a regular review of the RWEMP and specialist management plans (including this AHMP) is undertaken.

6. REFERENCES

AECOM. 2015. *Former Hydro Aluminium Smelter: Aboriginal Cultural Heritage Assessment.*

Hydro Aluminium. 2006. *Hydro Aluminium Kurri Kurri Property Management Plan.*

Ramboll. 2018. *Environmental Impact Statement: Former Hydro Aluminium Kurri Kurri Smelter Stage 2 Demolition.*

Ramboll. 2020. *Response to Submissions Report: Former Hydro Aluminium Kurri Kurri Smelter Remediation.*

Ramboll Environ. 2015. *Statement of Environmental Effects - Demolition of Former Aluminium Smelter Buildings at Kurri Kurri.*

Ramboll Environ. 2016. *Environmental Impact Statement: Former Hydro Aluminium Kurri Kurri Smelter Demolition and Remediation.*

SMEC. 2011. *Hydro Aluminium Kurri Kurri Property Management Plan Annual Report 2010.*

7. LIMITATIONS

Ramboll Australia Pty Ltd prepared this report in accordance with the scope of work as outlined in our proposal to Hydro Aluminium Pty Ltd dated 20 July 2018 and in accordance with our understanding and interpretation of current regulatory standards.

Site conditions may change over time. This report is based on conditions encountered at the site at the time of the report and Ramboll Australia Pty Ltd disclaims responsibility for any changes that may have occurred after this time.

The conclusions presented in this report represent Ramboll Australia Pty Ltd's professional judgment based on information made available during the course of this assignment and are true and correct to the best of Ramboll Australia Pty Ltd's knowledge as at the date of the assessment.

Ramboll Australia Pty Ltd did not independently verify all of the written or oral information provided to Ramboll Australia Pty Ltd during the course of this investigation. While Ramboll Australia Pty Ltd has no reason to doubt the accuracy of the information provided to it, the report is complete and accurate only to the extent that the information provided to Ramboll Australia Pty Ltd was itself complete and accurate.

This report does not purport to give legal advice. This advice can only be given by qualified legal advisors.

7.1 User Reliance

This report has been prepared exclusively for Hydro Aluminium Pty Ltd. It may not be relied upon by any other person or entity without Ramboll Australia Pty Ltd's express written permission.

APPENDIX 1
**DUE DILIGENCE FLOWCHART (*DUE DILIGENCE CODE OF PRACTICE FOR
THE PROTECTION OF ABORIGINAL OBJECTS IN NEW SOUTH WALES,
DECC 2010*)**

8 The generic due diligence process

