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6th October 2019

The General Manager
Gwydir Shire Council
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Submission on Development Application 29/2019
Proposed Pearlman Quarry

As with the nearby 2018 Tikitere quarry DA 5/2018, I object to the proposed Pearlman quarry. The grounds of my objection are set out below and are based on my knowledge of the cultural and natural significance of the locality and on inadequacies of the Environmental Impact Statement:

1. Tikitere Bora Ground: Tikitere is the location from which several fallen carved trees were rescued from rotting away and brought to Toomelah. A local Aboriginal man who was working on the railway line in the 1970s showed community leaders these trees and they decided to put them at the Toomelah School.
 - In the Gamilaraay cultural area, such a group of carved trees are almost certain to be at a bora (initiation) ground. This is the most important type of sacred ceremonial site in the region.
 - So somewhere close to the proposed quarry there is a very important Aboriginal sacred site that is not mentioned in the EIS.
 - These carved trees and the locality from which they came are documented in a 1970s report from the Aboriginal Sacred Sites Survey, located in AHIMS.
 - The Parish name, Booraba, from the Gamilaraay, buurra (bora ceremony) with the suffix -baa (place of or domain of), adds to the idea that the locality has ceremonial significance.
2. Artefacts Known: Aboriginal stone artefacts have been seen by myself and members of the Toomelah community along Tackinbri Creek near Croppa Creek Road to the south-east of the proposed quarry. Artefacts are likely to be found across this landscape when ground visibility is high. Some district farmers are very likely to have collections of stone artefacts that were saved after being struck by the plough over many decades.
3. Possible Axe Quarry: Based on some known examples, small outcrops of hard basalt rock in this district such as the proposed quarry may have been quarried in pre-colonial times for stone axe heads which were an important tool and trade item. The proposed quarry site and any basalt parts of the larger hill to the east should be thoroughly inspected to determine whether they were an Aboriginal axe quarry.

4. Mitigation Relating to Cultural Heritage is Inadequate: The proposed mitigation measure in the event of finding artefacts during the quarrying is not convincing as it relies on staff and contractors recognising artefacts, which is most unlikely. A realistic mitigation strategy might at least involve regular visits throughout the period of quarry activity by a skilled local Aboriginal person to check and educate the staff in what to look for.
5. Aboriginal Consultation is Necessary: The Secretary's Environmental Assessment Requirement for consultation with the Aboriginal community regarding potential impacts on Aboriginal heritage has not been carried out. Failed attempts at contact with Local Aboriginal Land Councils do not constitute community consultation.
6. Commonwealth Legislation: It would appear that the proposal should be referred to the Commonwealth Minister under the Environment Protection and Biodiversity Conservation Act in relation to potential impact on Semi-evergreen Vine Thicket. If approved, there would be a significant loss of this nationally listed endangered ecological community with such a restricted distribution.
7. Vegetation Management Plan: If this DA were to be approved, it is essential that a Vegetation Management Plan be assessed and approved before development consent is granted, and that this Vegetation Management Plan is an enforceable condition of development.
8. Protect the EEC: It is requested that this DA be refused because of the loss of Semi-evergreen Vine Thicket caused by the operation of the nearby Tikitere quarry, apparently both before and after its approval. It would be reasonable for the remaining hectares of this extremely restricted Endangered Ecological Community on 'Tikitere' be placed under a permanent conservation management agreement to offset the the area being destroyed by the Tikitere quarry. It is recommended that the Aboriginal community have an opportunity to be involved in managing this vegetation management area.
9. Groundwater: Once the quarry operation ceases and rehabilitation is complete there is likely to be a diversion of rainfall away from surface waters and into groundwater as increased recharge to aquifers. The degree of this increased recharge and the consequences warrant further analysis.
10. Rehabilitation: The proposed amount of \$15,000 to be set aside for rehabilitation would seem to be inadequate and more is recommended.

In addition, this proposed development comes on top of the Tikitere quarry with only cursory consideration of the cumulative impacts. Both quarries are part of the inland rail development and should be assessed as cumulative parts of that major development, rather than as small stand-alone proposals.

Yours sincerely,

A handwritten signature in black ink, reading "Peter Thompson". The script is cursive and fluid, with the first name "Peter" and last name "Thompson" clearly distinguishable.

Peter Thompson

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Gwydir Shire Council
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Via email: mail@gwydir.nsw.gov.au

Dear Sir/Madam

RESPONSE TO LANDHOLDER SUBMISSION – DA29/2019 PEARLMAN QUARRY

Groundwork Plus act on behalf of Alan Pearlman (the proponent) in relation to the proposed Pearlman Quarry located at 1135 Croppa Creek Rd, North Star, New South Wales, formally described as Lot 5 and 17 DP755984.

It is understood that Coonabarabran resident Peter Thompson has provided council with a submission in relation to the DA 29/2019. In order to assist council in responding to the concerns raised we provide the following information.

Point 1. The AHIMS register was reviewed as part of the assessment titled *Aboriginal Cultural Heritage Assessment Pearlman Quarry 21 August 2019 Rev0* (cultural heritage assessment). During the field assessment the locations registered in the AHIMS database were reviewed in relation to the quarry footprint. A scar tree that was the only item of significance found within the quarry footprint which was modified as to ensure this location was avoided. Appropriate management measures have been adopted to ensure the scar tree will remain unharmed.

Point 2. The aboriginal cultural heritage field assessment was undertaken in conjunction with interested aboriginal parties. The aim of the field assessment was to determine if any heritage items of significance were present within the disturbance footprint of the quarry. The only heritage item of significance found during the assessment was the scar tree as described above. It is also noted that Tackinbri Creek is over 2.5km from the quarry development area and consists of a different landscape element which may be of higher cultural heritage value than the quarry development site.

Point 3. The Cultural Heritage Assessment has followed the relevant industry guideline which are included as follows;

- *The Burra Charter (The Australia ICOMOS charter for places of cultural significance);*
- *Guide to investigation, assessing and reporting on Aboriginal cultural heritage in NSW (OEH) 2011;*
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH) 2010;*
- *Code of Practice for Archaeological investigation of Aboriginal Objects in NSW (OEH) 2010; and*
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (OEH) 2010.*

Point 4. The unexpected finds protocol is an accepted practice across the state of NSW to enable development to comply with the *Due Diligence for the Protection of Aboriginal Objects in NSW*. Awareness raising of Cultural Heritage Values at the site is only one part of the Quarry's Environmental Management Plan. Other mitigation measures to be implemented at the site include exclusion zones, fencing and signage

for the scar tree site, hazard identification and reporting routine area inspections and pre-clearing inspections. When implemented systematically, these mitigation measures are sufficient to manage the cultural heritage values at the site.

Point 5. Refer to point 3. The Cultural Heritage Assessment has been prepared in accordance with relevant guidelines. Stages 1 - 4 *Aboriginal Cultural Heritage Consultation Requirements for Proponents (OEH) 2010*.

Point 6. Advitech Environmental have completed the *Biodiversity Development Assessment Report Pearlman's Quarry 2 August 2019 Rev 1* (BDAR) as part of the proposal. The BDAR has considered the relevant aspects of the biodiversity values of the site including a test of significance to determine referral requirements. The BDAR has been Accepted by the NSW Office of Environment and Heritage.

Point 7. The BDAR covers the approval requirements with respect to vegetation aspects.

Point 8. Refer to points 6 and 7 above.

Point 9. The proposed rehabilitation will include the placement of topsoil and revegetation of the disturbed areas of the quarry. As such groundwater recharge will not be accelerated in these areas.

Point 10. The cost provided for rehabilitation is explained in the EIS. Plant, equipment and labour costs are considered as in-kind costs that have been excluded from this estimate.

We look forward to working with the Gwydir Shire Council over the coming months. If you have any questions regarding the information included in this response, please do not hesitate to contact me on 07 3871 0411 or via email jlawler@groundwork.com.au.

Yours faithfully
Groundwork Plus



Jim Lawler
Project Director