



# **APPENDIX B5**

## **Construction Heritage Management Plan Halfway Creek to Glenugie (Section 2) Pacific Highway Upgrade**

**MAY 2015**

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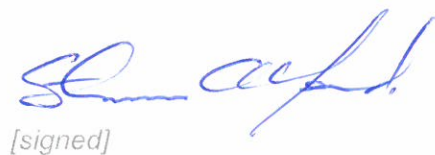
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representative

## Revision history

Revision	Date	Description	Approval
0	17 Mar 15	Initial for review	
1	07 Apr 15	For review	
2	22 Apr 15	Response to feedback	
3	5 May 15	Incorporating DoPE comments	

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- Appendix A** Aboriginal heritage interpretation strategy (Not used in this plan)
- Appendix B** Aboriginal heritage education and training package
- Appendix C** RMS Standard Management Procedure – Unexpected Archaeological Finds
- Appendix D** Heritage education and training package

## Glossary / Abbreviations

CAFMP	Construction Ancillary Facilities Management Plan
CEMP	Construction Environmental Management Plan
CHMP	Construction Heritage Management Plan
CMC	Civil Mining and Construction Pty Ltd
CoA	Condition of approval
DECC	Former Department of Environment and Climate Change (NSW) now NSW Office of Environment and Heritage.
DP&E	NSW Department of Planning and Environment
DP&I	The former Department of Planning and Infrastructure (now Planning and Environment)
EIS	Woolgoolga to Ballina Pacific Highway Upgrade Environmental Impact Statement (December, 2012)
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
EPL	NSW Environment Protection Licence under the Protection of the Environment Operations Act 1997.
EWMS	Environmental Work Method Statements
Minister, the	NSW Minister for Planning
NPW Act	<i>NSW National Parks and Wildlife Act 1974</i>
OEH	NSW Office of Environment and Heritage
PoEO Act	NSW Protection of the Environment Operations Act 1997
Project, the	Halfway Creek to Glenugie Section 2 Woolgoolga to Ballina Pacific Highway Upgrade Project
Roads and Maritime	NSW Roads and Maritime
RAP	Registered Aboriginal Parties
RPS	RPS Australia Asia Pacific, Cultural Heritage Consultants
SAP	Sensitive Area Plan
Secretary	Secretary of the Department of Planning and Environment
SPiR	Woolgoolga to Ballina Pacific Highway Upgrade Submissions Preferred Infrastructure Report (November, 2013)

# 1 Introduction

## 1.1 Context

This Construction Heritage Management Plan (CHMP) forms part of the Construction Environmental Management Plan (CEMP) for the upgrade of the Pacific Highway from Halfway Creek to Glenugie (the Project). The Project is Section 2 of the Woolgoolga to Ballina (W2B) Pacific Highway upgrade project, approved by the Minister for Planning in June 2014. This CHMP has been prepared to address the requirements of the Minister's Conditions of Approval (CoA) and the mitigation and management measures listed in the Woolgoolga to Ballina Pacific Highway Upgrade Environmental Impact Statement (December, 2012) (EIS) and all applicable legislation.

This CHMP has been prepared to address the requirements of the Minister's Conditions of Approval (CoA), updated mitigation and management measures listed in the Pacific Highway Upgrade Woolgoolga to Ballina Submissions / Preferred Infrastructure Report (Nov 2013) and all applicable legislation.

The existing Glenugie Upgrade project ties into the northern extent of this project. The Glenugie project was approved separately by the Minister for Planning in 2009. Relevant conditions of approval for this project have been referenced in the CEMP and plans as appropriate.

## 1.2 Background

The EIS assessed the impacts of construction and operation of the Project on Aboriginal and non-Aboriginal heritage.

As part of EIS development, detailed non-Aboriginal heritage and Aboriginal cultural heritage assessments were prepared to address the Environmental Assessment Requirements issued by the Department of Planning and Environment. The non-Aboriginal heritage assessment was included in the EIS as Working Paper: Historic (non-Aboriginal) Heritage Assessment. The Aboriginal cultural heritage assessment was included in the EIS as Working Paper: Aboriginal Cultural Heritage Assessment (Woolgoolga to Wells Crossing Section); Working Paper: Aboriginal Cultural Heritage Assessment (Wells Crossing to Iluka Road Section).

The EIS identified that three Aboriginal archaeological sites and one cultural place are likely to be directly or indirectly impacted by the Project and two other sites adjacent. The EIS also identified that there were three non-Aboriginal items of low heritage value and High Conservation Value Old Growth Forests of state significance that are likely to be directly or indirectly impacted by the Project. Table 1-1 lists both aboriginal and non-Aboriginal sites.

Additional management measures were provided within the Woolgoolga to Ballina Submissions / Preferred Infrastructure Report Nov 2013, with applicable management measures from that report included as part of this CHMP.

**Table 1-1 Heritage Sites Directly or Indirectly Impacted**

Name	Significance
<b>Aboriginal</b>	
WWC135 (13-4-0159): Site – Artefact scatter	Low-moderate
WWC138 (13-4-0158): Site – Isolated artefact	Low
WWC139 (13-4-0157): Site – Isolated artefact	Low
Kungala Rd 1 (adjacent)	Low

Lemon Tree 1 (adjacent)	Low
Halfway Ck Ceremonial site CP4 (adjacent)	High
<b>Non-Aboriginal</b>	
Service station complex	Local
Six Mile tick gate remains	Local
North Coast Railway Branch Tramway	Local
High Conservation Value Old Growth Forests	State

### 1.3 Environmental management systems overview

The overall Environmental Management System for the Project is described in the Construction Environmental Management Plan (CEMP).

The CHMP is part of the CMC environmental management framework for the Project, as described in Section 4 of the CEMP. In accordance with D26(d), this Plan has been developed in consultation with the NSW Office of Environment and Heritage (OEH) and Registered Aboriginal Parties (RAP) and has been provided to both for their input..

Management measures identified in this Plan will be incorporated into site or activity specific Environmental Work Method Statements (EWMS).

EWMS will be developed and signed off by environment and management representatives prior to associated works and construction personnel will be required to undertake works in accordance with the identified mitigation and management measures.

Used together, the CEMP, strategies, procedures and EWMS form management guides that clearly identify required environmental management actions for reference by CMC personnel and contractors.

The review and document control processes for this Plan are described in Chapter 9 and 10 of the CEMP.

## **2 Purpose and objectives**

### **2.1 Purpose**

The purpose of this Plan is to describe how Aboriginal and non-Aboriginal heritage will be protected and managed during construction of the Project.

### **2.2 Objectives**

The key objective of the CHMP is to ensure that impacts to Aboriginal and non-Aboriginal heritage are minimised and within the scope permitted by the planning approval. To achieve this objective, the following will be undertaken:

- Facilitate engagement with the local Aboriginal community in partnership to appropriately manage the Aboriginal cultural heritage values associated with the project.
- Ensure appropriate controls and procedures are implemented during construction activities to avoid or minimise potential adverse impacts to Aboriginal and non-Aboriginal heritage along the Project corridor.
- Ensure appropriate measures are implemented to address the relevant CoA outlined in Table 3.1 and the safeguards detailed in the EIS.
- Ensure appropriate measures are implemented to comply with all relevant legislation and other requirements as described in Section 3.1 of this Plan.

### **2.3 Targets**

The following targets have been established for the management of Aboriginal cultural heritage and non-Aboriginal heritage impacts during the project:

- Ensure full compliance with the relevant legislative requirements and CoA.
- Minimise or avoid impacts on known Aboriginal and non-Aboriginal heritage sites.
- Follow correct procedure and ensure notification of any Aboriginal or Non-aboriginal heritage objects/places uncovered during construction.
- Ensure Aboriginal and Non-Aboriginal Cultural Heritage Awareness Training is provided to all personnel in the form of inductions before they begin work on-site.



## 3 Environmental requirements

### 3.1 Relevant legislation and guidelines

#### 3.1.1 Legislation

Legislation relevant to heritage management includes:

- *Environmental Planning and Assessment Act 1979* (EP&A Act).
- *National Parks and Wildlife Act 1974* (NPW Act).
- *Heritage Act 1977* (Heritage Act).
- *Environment Protection and Biodiversity Conservation Act, 1999* (EPBC Act) (Commonwealth).
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth).

Relevant provisions of the above legislation are explained in the register of legal and other requirements included in Appendix A1 of the CEMP.

#### 3.1.2 Guidelines

The main guidelines, specifications and policy documents relevant to this Plan include:

- *RMS QA Specification G36 – Environmental Protection* (Management System).
- *RMS Standard Procedure – Unexpected Archaeological Finds* (November 2011).
- *Procedure for Aboriginal Cultural Heritage Consultation and Investigation* (RMS 2011).
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010) (for reference only).
- *Assessing Heritage Significance* (NSW Heritage Office 2001).
- *RTA Heritage Guidelines* (March 2004).
- *Archaeological Assessment Guidelines* (NSW Heritage Office and NSW Department of Urban Affairs and Planning 1996).
- NSW Government's *Aboriginal Participation in Construction Guidelines* (2007).
- *How to Prepare Archival Recording of Heritage Items* (Heritage Branch 1998).
- *Photographic Recording of Heritage Items Using Film or Digital Capture* (Heritage Branch 2006).

## 3.2 Minister's Conditions of Approval

The CoA relevant to this Plan are listed

Table 3-1. A cross reference is also included to indicate where the condition is addressed in this Plan or other Project management documents.

Note: Work where heritage, threatened species or suitable habitat, populations or endangered ecological communities would be affected is classified as construction, unless otherwise approved by the Secretary in consultation with the Environment Protection Authority or in accordance with an approved strategy, plan or program required by this approval.

**Table 3-1 Conditions of Approval relevant to the CHMP**

CoA No.	Condition Requirements	Document Reference
<b>Aboriginal Heritage</b>		
B46	Identified impacts to Aboriginal heritage, shall be minimised to the greatest extent practicable through both detailed design and construction, particularly with regard to the Aboriginal sites <del>Gittoes Jali and the Melino site, and the Aboriginal culturally significant places identified as Corindi Massacres (section 1), Burials (section 1), Halfway Creek Ceremonial Site, Birrigan and Mindi spiritual sites (sections 1, 2, 5 and 10), Pillar Valley men's and women's sites, Place H, Place I and Place J.</del> Where impacts are unavoidable, works shall be undertaken in accordance with the strategy outlined in the Construction Heritage Management Plan	Section 5.2 of this plan
B47	The Applicant shall not destroy, modify or otherwise physically affect Aboriginal sites <del>WWC5, WWC7, WWC26, WWC92, WWC115, WWC139, Tyndale 1, Scarred/engraved Tree (section 7), C3/2/2, Saw Pit Creek / New Italy, Gittoes Jali 2, Cooks Hill, Broadwater, Law PAD, Law Scarred Tree, MST 3, C21, Melino Scarred Tree 4, MST 2, MST1, Rudgeley Scarred Tree or Saezza 1.</del>	This plan Section 5.2 of this plan for Section 2. Table 6.1 and Sensitive Area Plans.
<b>Non Aboriginal Heritage</b>		
B51	The Applicant shall not destroy, modify or otherwise physically affect the heritage items listed in Table 5-1, <i>Historic (non-Aboriginal) Heritage Assessment Working Paper</i> and Table 3-38, <i>Submissions/Preferred Infrastructure Report</i> (RMS, November 2013).	Section 5.4 SAP
<b>Heritage – general</b>		

CoA No.	Condition Requirements	Document Reference
B52	<p>Identified impacts to heritage sites shall be minimised where feasible and reasonable through both detailed design and construction, particularly with regard to the historic site known as the North Coast Railway Branch Tramway, Glenugie.</p> <p>Where impacts are unavoidable, works shall be undertaken in accordance with the actions to manage heritage construction impacts required by condition D26(d) and under the guidance of an appropriately qualified heritage specialist.</p>	Section 5.4 of this plan and Table 6.1.
B53	This approval does not allow the Applicant to destroy, modify or otherwise physically affect human remains as part of the SSI.	Section 5.2 and 5.4 of this plan and Table 6.1.
B54	The Applicant shall not destroy, modify or otherwise physically affect any heritage items outside the SSI footprint, unless otherwise agreed by the Secretary in accordance with condition B78.	Section 5.2 and 5.4 of this plan and Table 6.1.
B55	The measures to protect heritage sites near or adjacent to the SSI during construction shall be detailed in the Construction Heritage Management Plan	Section 5.2 and 5.4 of this plan and Table 6.1.
B78	<p>The Applicant may undertake archaeological investigations at ancillary sites that do not meet the criterion set out in condition B73, where this is required to assess the potential Aboriginal and non-Aboriginal archaeological impacts of the ancillary facility on previously unidentified heritage sites, provided:</p> <ol style="list-style-type: none"> <li>a) any archaeological investigations undertaken under this condition shall be consistent with the requirements in condition B44 for Aboriginal heritage and condition B50 for non-Aboriginal heritage and with the Construction Heritage Management Plan or a methodology prepared to the satisfaction of the Secretary in consultation with OEH; and</li> <li>b) the results of any relevant archaeological investigations undertaken under this condition shall be consistent with the reporting requirements of condition B45 for Aboriginal heritage and condition B50 for non-Aboriginal heritage and be described in the assessment of the ancillary facility required under conditions B74 and B75.</li> </ol>	Appendix B8 CAFMP
D25	The Applicant shall prepare and implement (following approval) a Construction	Appendix B4

CoA No.	Condition Requirements	Document Reference
	<p>Environmental Management Plan for the SSI, prior to the commencement of construction, or as otherwise agreed by the Secretary. The Plan shall be prepared in consultation with the EPA, OEH, DPI (Fisheries), NOW and DoE and outline the environmental management practices and procedures that are to be followed during construction, and shall be prepared in consultation with the relevant government agencies and in accordance with the Guideline for the Preparation of Environmental Management Plans (Department of Infrastructure, Planning and Natural Resources, 2004). The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(d) an environmental risk analysis to identify the key environmental performance issues associated with the construction phase and details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions will be taken to address identified potential adverse environmental impacts (including any impacts arising from the staging of the construction of the SSI). In particular, the following environmental performance issues shall be addressed in the Plan: <ul style="list-style-type: none"> <li>(ix) measures to monitor and manage spoil, fill and materials stockpile sites including details of how spoil, fill or material would be handled, stockpiled, reused and disposed in a Stockpile Management Protocol. The Protocol shall include details of the locational criteria that would guide the placement of temporary stockpiles, and management measures that would be implemented to avoid/minimise amenity impacts to surrounding residents and environmental risks (including surrounding water courses). Stockpile sites that affect heritage, threatened species, populations or endangered ecological communities require the approval of the Secretary, in consultation with the EPA, OEH and DPI (Fisheries);</li> </ul> </li> </ul>	<p>CSWQMP, Appendix I Stockpile Management Protocol</p>
<p><i>D26 (d)</i></p>	<p>a <b>Construction Heritage Management Plan</b> to detail how construction impacts on Aboriginal and non-Aboriginal heritage will be minimised and managed. The plan shall be developed in consultation with the OEH, the NSW Heritage Council (for non-Aboriginal heritage) and RAPs (for Aboriginal heritage), and include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(i) in relation to Aboriginal Heritage: <ul style="list-style-type: none"> <li>a) details of further investigation and identification of Aboriginal cultural heritage sites within the SSI boundary;</li> </ul> </li> </ul>	<p>This plan Woolgoolga to Ballina Pacific Highway Upgrade, Woolgoolga to Illuka Road Archaeological Methodology and</p>

CoA No.	Condition Requirements	Document Reference
	<ul style="list-style-type: none"> <li>b) details of management measures to be carried out in relation to Aboriginal heritage, including a detailed methodology and strategies for protection, monitoring, salvage, and conservation, of sites and items associated with the SSI;</li> <li>c) procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a suitably qualified archaeologist in consultation with Department of Planning and Environment, OEH and RAPs and assessment of the consistency of any new Aboriginal heritage impacts against the approved impacts of the SSI, and registering of the new site in the OEH's Aboriginal Heritage Information Management System (AHIMS) register;</li> <li>d) procedures for dealing with human remains, including cessation of works in the vicinity and notification of Department of Planning and Environment, NSW Police Force, OEH and RAPs and not recommencing any works in the area unless authorised by the OEH and/or the NSW Police Force;</li> <li>e) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the conditions of this approval including site identification, protection and conservation of Aboriginal cultural heritage; and</li> <li>f) procedures for ongoing Aboriginal consultation and involvement for the duration of the SSI; and</li> </ul>	<p>Aboriginal Heritage Compliance Report (RPS 2014)</p> <p><i>Section 6</i></p>
	<ul style="list-style-type: none"> <li>(ii) in relation to non-Aboriginal Heritage: <ul style="list-style-type: none"> <li>a) identification of heritage Items directly and indirectly affected by the SSI;</li> <li>b) details of management measures to be implemented to prevent and minimise impacts on heritage items (including further heritage investigations, archival recordings and/or measures to protect unaffected sites during construction works in the vicinity);</li> <li>c) details of monitoring and reporting requirements for impacts on heritage</li> </ul> </li> </ul>	<p><i>Appendix C</i></p> <p><i>Appendix C</i></p> <p><i>Appendix B and Project Induction</i></p> <p><i>Section 5.2</i></p> <p><i>Section 6, SAP</i></p> <p><i>Section 6</i></p>

CoA No.	Condition Requirements	Document Reference
	<ul style="list-style-type: none"> <li>items;</li> <li>d) procedures for dealing with previously unidentified heritage objects, (including cessation of works in the vicinity, assessment of the significance of the item(s) and determination of appropriate mitigation measures including when works can re-commence by a suitably qualified and experienced archaeologist in consultation with the OEH, NSW Heritage Council and Department of Planning and Environment, and assessment of the consistency of any new heritage impacts against the approved impacts of the SSI; and</li> <li>e) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions and obligations under this approval including site identification, protection and conservation of non-Aboriginal cultural heritage; and</li> </ul>	<p><i>Appendix C</i></p>
	<ul style="list-style-type: none"> <li>(iii) mechanisms for the monitoring, review and amendment of this plan.</li> </ul>	<p><i>Appendix B and Project Induction</i></p> <p><i>Section 8</i></p>

## 4 Consultation

### 4.1 Aboriginal consultation undertaken to date

Consultation and collaboration with RAPs and with the agencies has been integral to the assessment and management of Aboriginal cultural heritage for the project. Consultation relevant to Section 2 is outlined in the EIS Chapters 7 and 12 and SPIR and has continued throughout the pre-construction period. Consultation relevant to Section 2 is summarised in Table 4-1 below.

**Table 4-1 Summary of consultation**

	Activity	Type
2014-2015	Planning approval granted by NSW Government. Representatives of relevant RAPs have been involved in all archaeological fieldwork in Section 2.	Fieldwork dates in Section 2: 29/9/2014-1/10/2014; 3/3/2015; 17/4/2015 AFG: 5/3/2015

Registered Aboriginal stakeholder organisations with an interest in Section 2 are as follows:

- Grafton-Ngerrie Local Aboriginal Land Council.
- Yarrawarra Aboriginal Corporation (incorporating the Gaabi Elders Group).

Regular consultation was undertaken with OEH/EPA to ensure alignment of values, approach and methodologies. Regular meetings were held to discuss the approach proposed, and requesting comments, particularly in regards to transitioning from previous requirements to current requirements (e.g., ACHCR, and the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales [OEH 2010]). The methodologies and research design for proposed investigations were discussed with OEH during these meetings, prior to their implementation. Meetings also discussed impacts to sites and places and appropriate ways to manage these.

RAPs have been consulted throughout the development, assessment, approvals and pre-construction activities for this project. It is intended that this CHMP be provided to the RAPs and guide consultation and engagement through the delivery of Section 2.

Specific concerns raised in relation to Section 2 are detailed below:

- Restrictions placed on pay rates by the Procedure for Aboriginal Cultural Heritage Consultation and Investigation (PACHCI) (Roads and Maritime 2011a).
- Importance and sensitivity of land forms in the area.
- Importance of Halfway Creek ceremonial site.
- Grinding grooves are not always visible on the surface.
- Ceremonial sites may have physical or non-physical evidence.
- Cultural heritage awareness training needs to be provided to all people who are working on Country, and delivered by a party acceptable to the local group.
- All recommendations made by Aboriginal sites officers should be taken into account as cultural knowledge may not be able to be interpreted by mainstream archaeologists.
- Meaningful employment opportunities for local Aboriginal people.

A draft copy of this CHMP has been provided to the RAPs for comment on 11 March 2015. Following consultation, the plan has been updated to include comments raised and also to document the consultation undertaken. The following parties were consulted and comments recorded

- EJ Williams (Yarrowarra Aboriginal Corporation incorporating the Gaabi Elders) – no comments (communicated via telephone on 24 March 2015, 27 March 2015, 7 April 2015).
- Mark Flanders (Garlambirla Guuyu Girrwa and Coffs Harbour and District Local Aboriginal Land Council) – no comments on 27 March 2015. It was noted to please contact each group to check availability before you schedule fieldwork.
- Chris Spencer (Coffs Harbour and District Local Aboriginal Land Council). A response on 7 April 2015 by telephone noted the known sites in Section 2 are out of Coffs Harbour and District LALC's area, but it is prudent that heritage inductions are undertaken and the unexpected finds procedure is followed.
- Brett Tibbett (Grafton Ngerrie Local Aboriginal Land Council) – Erin Williams (RPS Senior Manager – Cultural Heritage) left numerous messages at the LALC and on his mobile, unable to raise him (messages on 11 March 2015 (mobile, LALC, all email addresses), 27 March 2015 (mobile and LALC), 7 April 2015 (mobile, LALC)).

#### **4.1.1 Other.**

At 22 April 2015, the current project corridor has been subject to extensive surveys by archaeologists accompanied by sites officers representing the RAPs for Section 2. With the exception of Lemon Tree Road 1 and Kungala Road 1, all known archaeological sites within the project corridor have been subject to mitigation as detailed in the Ministers Conditions of Approval and in accordance with the approved archaeological methodology for Section 2.

Lemon Tree Road 1 was inspected on 30 September 2014 by RPS archaeologists and representatives of Grafton-Ngerrie LALC, Coffs Harbour and District LALC, and Yarrowarra Aboriginal Corporation. It was determined that the scar tree is so far beyond the project corridor that erecting exclusion fencing about the tree would likely draw unwanted attention to the tree. Sites officers requested that it not be fenced. CMC has no intention of undertaking works in the vicinity of this and has identified on the Sensitive Area Plan as a no go zone

Kungala Road 1 has not been and will not be progressed as an ancillary site and as such no mitigation has been undertaken on this site. No further ancillary sites have been subject to further assessment.

## **4.2 Non-Aboriginal Consultation**

Consultation undertaken in the assessment of this site included:

- A desk top review of background studies including thematic histories, field surveys and assessments undertaken during the four previous route development projects;
- Reviewing archaeological reports, historical heritage studies, local heritage studies, conservation management plans, and regional and local history documents and maps where available;
- Searching all available historical heritage registers for heritage items within or near the project boundary, including the Register of the National Estate, State Heritage Register, State Heritage Inventory, Roads and Maritime Section 170 Heritage and Conservation Register, local environmental plans, National Trust of Australia (NSW) list, Commonwealth Heritage List and National Heritage List, and;



- Direct consultation with the Clarence Valley Council and the Heritage Branch of the Office of Environment and Heritage regarding heritage significance and the curtilage of heritage-listed items was undertaken in the assessment.

The OEH, Heritage Council of NSW have provided input and advice in the development of this plan.

### 4.3 Existing environment

The following sections summarise what is known about Aboriginal and non-Aboriginal heritage within and adjacent to the project corridor.

The key reference documents are Chapters 12 and 13 of the EIS and Working Paper: Historic (non-Aboriginal) Heritage Assessment and Working Paper: Aboriginal Cultural Heritage Assessment.

### 4.4 Aboriginal cultural heritage

#### 4.4.1 Archaeological sites

The project would have direct, indirect and potential impacts on various identified archaeological sites, refer and Figure 4-1. Refer also to the Sensitive Area Maps included in Appendix A5 of the CEMP.

**Table 4-2 Archaeological and cultural sites**

Name	Scientific Significance	Aboriginal Significance
<b>Section 2</b>		
WWC135 (13-4-0159): Site – Artefact scatter	Low	Low-moderate
WWC138 (13-4-0158): Site – Isolated artefact	Low	Low
WWC139 (13-4-0157): Site – Isolated artefact	Low	Low
Kungala Rd 1	Not assessed	Low
Lemon Tree 1	Low	Low
Halfway Ck Ceremonial site CP4	Not able to be assessed	High

Direct, indirect and potential impacts are outlined in Table 5-1 below.

#### 4.4.2 Cultural sites

One cultural site was identified through the cultural assessment and consultation process undertaken for the EIS, which is well clear of but adjacent to the Project boundary (closest area is 50 metres from the boundary). Refer to the Sensitive Area Maps included in Appendix A5 of the CEMP.

Figure 4-1 Aboriginal heritage sites (Source EIS)



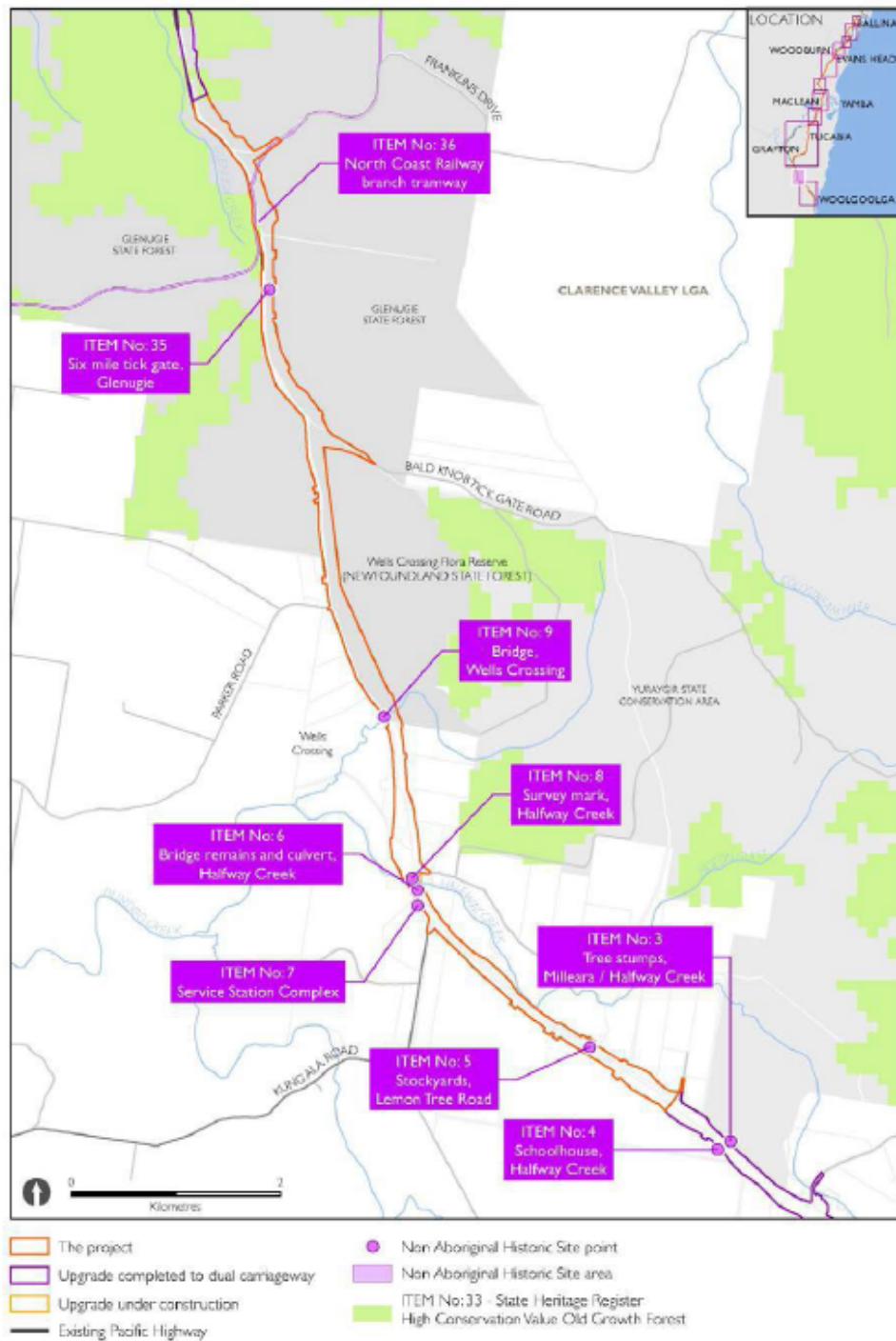
## 4.5 Non-Aboriginal heritage

Non-Aboriginal heritage items located within or adjacent to the project corridor that may be impacted are listed in Table 4-3. The location of these items is shown on the Sensitive Area Maps included in Appendix A5 of the CEMP. Figure 4-2 identifies these and other items identified adjacent to the project.

**Table 4-3 Non-Aboriginal heritage items**

Name	Location	Significance
Service station complex	Halfway Creek	Local
Six Mile tick gate remains	Glenugie	Local
North Coast Railway Branch Tramway	Glenugie	Local
High Conservation Value Old Growth Forests	Glenugie	State

**Figure 4-2 Non-Aboriginal heritage sites (Source EIS)**



## 5 Environmental aspects and impacts

### 5.1 Construction activities

Key aspects of the project that could result in adverse impacts to Aboriginal and Non-Aboriginal heritage include:

- Early works including non-substantial construction activities such as services relocations.
- Planned salvage of Aboriginal heritage items.
- Initial clearing and/or grubbing of vegetation.
- Initial removal of topsoil.
- Construction of site compounds and spoil / mulch and / or equipment stockpile areas.
- Temporary access roads during construction.

Refer to Appendix A2 of the CEMP – Aspects and Impacts Register.

### 5.2 Aboriginal cultural heritage impacts

**Error! Reference source not found.** summarises identified impacts and management measures in relation to Aboriginal archaeological sites.

**Table 5-1 Aboriginal archaeology – impacts and management**

Name	Impact	Management
<b>Section 2</b>		
WWC135 (13-4-0159): Site – Artefact scatter	Direct impact	Inspection Collection
WWC138 (13-4-0158): Site – Isolated artefact	Direct impact	Inspection Collection
WWC139 (13-4-0157): Site – Isolated artefact	No direct or indirect impact	Exclusion zone
Kungala Rd 1	No direct or indirect impact	Inspection Collection
Lemon Tree 1	No direct or indirect impact	Exclusion Zone
Halfway Ck Ceremonial site CP4	No direct or indirect impact	Exclusion Zone

### 5.3 Commitments

In accordance with the requirements of the EIS, cultural heritage training will be undertaken for all personnel prior to involvement in the construction of the project.

CMC intend to employ a minimum of four Aboriginal trainees to work on the project, for the life of the project, not just the term of the traineeship, and will also give preference to skilled employees from local communities. CMC intends to engage all aboriginal employees via a local employment agency Complete Staffing Solutions (CSS) of Grafton. CSS has agreed to liaise with the Grafton-Ngerrie Local Aboriginal Land Council to ensure employment expectations are met.

CMC will also provide opportunity for indigenous businesses within the area to be involved in work on the project.

CMC and Roads and Maritime will undertake continued consultation with RAPs in accordance with the requirements of Part C of the Ministers Conditions of Approval for the project.

## 5.4 Non-Aboriginal heritage impacts

Table 5-2 Table summarises identified impacts and management measures in relation to Non-Aboriginal cultural heritage sites.

**Table 5-2 Table Non-Aboriginal heritage – impacts and mitigation**

Name	Impact	Management
<b>Section 2</b>		
Service station complex	Direct impact (motorway upgrade only)	Salvage Batter slope for the motorway upgrade not constructed within 8m of bar/restaurant building Fencing Photographic condition survey Architectural noise treatment developed in consultation with heritage specialist and detailed Statement of Heritage Impact prepared
Six Mile tick gate remains	Direct impact (initial upgrade)	Photographic recording undertaken previously. No further measures required
North Coast Railway Branch Tramway	Direct impact (initial upgrade)	Archival photographic recording
High Conservation Value Old Growth Forests	Direct impact (initial and class M upgrade)	Minimise impacts during detailed design Delineate areas to be cleared

## **6 Environmental mitigation and management measures**

A range of environmental requirements and control measures are identified in the various environmental documents, including the EIS, supplementary assessments, Conditions of Approval and other Roads and Maritime documents. Specific measures and requirements to address impacts on Aboriginal and non-Aboriginal heritage are outlined in Table 6-1.

**Table 6-1 Heritage management and mitigation measures**

ID	Measure / Requirement	Resources needed	When to implement	Responsibility	Reference
<b>GENERAL ABORIGINAL HERITAGE MANAGEMENT / MITIGATION MEASURES</b>					
<b>General impacts to Aboriginal archaeological sites</b>					
AH1	Where artefact concentrations per square metre (over all depths) encountered are 50 per cent greater than previously encountered, additional salvage excavation using hand tools would be undertaken. If these artefact concentrations are encountered during machine excavation, then machine excavation would stop within 20 metres of the artefact concentrations. Up to, but no more than, an additional six square metres would be excavated in this situation at that site, unless rare features are encountered, in which case discussions with the RAPs and NSW Office of Environment and Heritage would be undertaken to agree on a suitable approach.	Archaeologists, sites officers representing RAPs for Section 2	Pre-construction / Construction	Environment Manager / Project Archaeologist / Foreman	Submissions / PIR (AH1)
AH2	For areas avoided by construction, exclusion zones would be put in place to ensure archaeological deposits are not incidentally damaged. These would be fenced with parawebbing or some other similar fencing that would exclude entry by people or plant to avoid incidental impacts on the site.	Archaeologists, sites officers representing RAPs for Section 2. Not sure what this relates to.	Pre-construction Construction	Environment Manager / Foreman	Submissions / PIR (AH2)
AH3	If any part of the project (such as an ancillary facility) is located in an area which has not been subject to Aboriginal heritage field survey and assessment, an assessment by a will be undertaken by qualified archaeologists in conjunction with the RAPs before that part of the project proceeds.	Archaeologists, sites officers representing RAPs for Section 2	Pre-construction Construction	Environment Manager	Submissions / PIR (AH3)
AH4	Salvage excavation and systematic collection of previously recorded artefacts that would be impacted by the project, along with any other impacted sites that are identified prior to or during construction, to be undertaken by qualified archaeologists in conjunction	Archaeologists, sites officers representing RAPs for Section 2	Construction	Environment Manager / Project Archaeologist	Submissions / PIR (AH4)

ID	Measure / Requirement	Resources needed	When to implement	Responsibility	Reference
	<p>with the RAPs.</p> <ul style="list-style-type: none"> <li>The location of excavations would be within the area of the site to be impacted, and would be decided upon in the field by a qualified archaeologist and RAPS.</li> <li>If any datable material is located, a minimum of two samples (per archaeological site) would be subject to either radiocarbon, standard or accelerated mass spectrometry dating.</li> <li>For all salvaged material, suitable storage would be agreed upon with the RAPS prior to commencing salvage in those areas.</li> </ul>				
AH5	Curation of any collected heritage evidence in an appropriate manner, as determined in consultation with the RAPs and the NSW Office of Environment and Heritage and in accordance with the National Parks and Wildlife Act 1974, details of the material's nature and context would also be provided.	Archaeologists, sites officers representing RAPs for Section 2	Construction / Post-construction	Environment Manager / Project Archaeologist	Submissions / PIR (AH5)
AH6	Preparation of a detailed technical report documenting the results of the salvage excavations and the archaeological material analysis. Development of a summary report (to be made public) to accompany the technical report.	Archaeologists, sites officers representing RAPs for Section 2	Construction / Post-construction	Environment Manager / Project Archaeologist	Submissions / PIR (AH6)
AH7	Lodgement of site records with NSW Office of Environment and Heritage for any previously unrecorded Aboriginal heritage evidence that is identified and for any evidence that is salvaged.	Archaeologists, sites officers representing RAPs for Section 2	Construction and post-construction	Environment Manager / Project Archaeologist	Submissions / PIR (AH7)
<b>Human skeletal remains</b>					
AH8	<p>In the event that the project reveals possible human skeletal remains, the following procedure would be followed (in accordance with 'Roads and Maritime' Standard Management Procedures: Unexpected Archaeological Finds 2011 as provided in Appendix C):</p> <ul style="list-style-type: none"> <li>As soon as remains are exposed, all construction would halt at that location immediately and the</li> </ul>	RMS Standard Management Procedure – Unexpected Archaeological Finds (Refer Appendix C)	Construction	All personnel and subcontractors	Submissions / PIR (AH8)G36 Section 4.9



ID	Measure / Requirement	Resources needed	When to implement	Responsibility	Reference
	<p>onsite supervisor would be immediately notified to allow assessment and management.</p> <ul style="list-style-type: none"> <li>The on-site supervisor would notify the Environmental Representative, Roads and Maritime Project Manager and Roads and Maritime Senior Environmental Officer. Police, EPA (Environment Line on 131 555) and the Heritage Branch ((02) 9873 8500) would also be contacted.</li> <li>A physical or forensic anthropologist would inspect the remains in situ (organised by the police unless otherwise directed by the police) and make a determination of ancestry (Aboriginal or non-Aboriginal) and antiquity (pre-contact, historic or forensic).</li> <li>Should the remains be identified as a forensic matter (ie crime scene), liaison with the police would be undertaken.</li> <li>Should the remains be identified as Aboriginal, liaison with Roads and Maritime, the OEH, the Department of Planning and Environment (DP&amp;E) and RAPs would be undertaken.</li> <li>Should the remains be identified as non-Aboriginal (historical), liaison with Roads and Maritime, the Heritage Branch and the DP&amp;I would be undertaken.</li> <li>No construction is to recommence in the area until appropriate clearances have been given.</li> </ul>				
<b>Aboriginal stakeholder consultation</b>					
AH9	Aboriginal focus group consultation (through letters or meetings), would occur at least once every six months, prior to and during construction (unless management actions have been completed).	Archaeologists, sites officers representing RAPs for Section 2	Pre-construction / Construction	Environment Manager	Submissions / PIR (AH9)
AH10	Further consultation with the RAPs in relation to the project to provide them with the opportunity to be involved in the ongoing management of the Aboriginal heritage resource within the project boundary.	Archaeologists, sites officers representing RAPs for Section 2 Procedure for Aboriginal Cultural Heritage	Construction / Post-construction	Environment Manager	Submissions / PIR (AH10)

ID	Measure / Requirement	Resources needed	When to implement	Responsibility	Reference
		Consultation and Investigation			
<b>Awareness of Aboriginal heritage</b>					
AH11	<p>Aboriginal culture awareness training for all relevant staff and contractors prior to commencing work on-site in accordance with the Aboriginal heritage and education training package provided in Appendix B.</p> <p>This could include information about the Aboriginal culture and history of the locality, nature of the identified and potential Aboriginal heritage evidence and cultural values within the project boundary, heritage management measures and protocols, and legal obligations. This service would be provided by suitably trained personnel from local Aboriginal organisations represented by the relevant registered stakeholders for that area.</p>	Heritage education and training package (refer Appendix B)	Pre-construction / Construction	Environment Manager	Submissions / PIR (AH11)G36 Sections 4.9
AH12	<p>Implement the Aboriginal heritage interpretation strategy provided in Appendix A.</p> <p>This Plan will identify how archaeological and cultural information can be sustainably communicated to different audiences, including the local Aboriginal community, the local general public and the broader group of people interested in Aboriginal heritage as part of the North Coast's history. Measures would include opportunities for promoting salvage and investigation, the recovery of information, permanent installations and ways of marking the presence of Aboriginal people in the landscape, including, signage, interpretation products such as written materials, and through place naming.</p>	Communication Manager	Pre-construction / Construction	Environment Manager	Submissions / PIR (AH12)
AH13	Compliance auditing of the cultural heritage management measures will be undertaken as part of the environmental management audit regime.	Audit process	Pre-construction / Construction	Environment Manager	Submissions / PIR (AH13)

#### **SITE SPECIFIC ABORIGINAL HERITAGE MANAGEMENT / MITIGATION MEASURES**

##### **Impacts on Aboriginal archaeological sites**

ID	Measure / Requirement	Resources needed	When to implement	Responsibility	Reference
AH14	Identified impacts to Aboriginal heritage, shall be minimised to the greatest extent practicable through both detailed design and construction, particularly with regard to the Aboriginal sites <del>Gittoes Jali and the Molino site,</del> and the Aboriginal culturally significant places identified as Corindi Massacres (section 1), Burials (section 1), Halfway Creek Ceremonial Site, Birrugan and Mindi spiritual sites (sections 4, 2, 5 and 10), Pillar Valley men's and women's sites, Place H, Place I and Place J. Where impacts are unavoidable, works shall be undertaken in accordance with the strategy outlined in the Construction Heritage Management Plan required by condition D25(d).	Archaeologists, sites officers representing RAPs for Section 2	Pre-construction, construction	Environment Manager	CoA B46
<b>GENERAL NON-ABORIGINAL HERITAGE MANAGEMENT / MITIGATION MEASURES</b>					
<b>Unidentified historical heritage materials, features and/or deposits</b>					
HH1	If at any time during construction associated with the project, unidentified historical heritage materials, features and/or deposits are found, the NSW Roads and Maritime Services' Standard Management Procedure: RMS Standard Management Procedure – Unexpected Heritage Items (March 2015) provided in Appendix C would be followed	RMS Standard Management Procedure – Unexpected Archaeological Finds (Refer Appendix C)	Construction	All personnel and subcontractors	Submissions / PIR (HH1)G36 Section 6.13 and 6.14
HH2	The contractor shall not destroy, modify or otherwise physically affect the heritage items listed in Table 5-2, Historic (non-Aboriginal) Heritage Assessment Working Paper and Table 3-38, Submissions/Preferred Infrastructure Report (RMS, November 2013).	This plan and Sensitive Area Plan	Pre-construction / Construction	All personnel and subcontractors	CoA B51
<b>Awareness of non-Aboriginal heritage items</b>					
HH3	Contractors would be given awareness training on non-Aboriginal historical heritage in accordance with the Heritage Education and Training Package provided in Appendix D prior to commencement of construction works to ensure understanding of potential heritage items and the procedure in the event of discovery of historical heritage materials, features or deposits, or the	Heritage education and training package (refer Appendix D)	Construction	Environment Manager	Submissions / PIR (HH2)G36 Sections 4.10

ID	Measure / Requirement	Resources needed	When to implement	Responsibility	Reference
	discovery of human remains.				
HH4	The Construction Heritage management plan has been developed in consultation with the Heritage Council of NSW.	Archaeologist	Construction	Environment Manager	Submissions / PIR (HH3) CoA B55, CoA D26(d)
HH5	Should the impact to any historic heritage item change during detailed design, further assessment of impacts on the items will be undertaken.	Archaeologists	Pre- construction	Roads and Maritime	Submissions / PIR (HH4)
HH6	Identified impacts to heritage sites shall be minimised where feasible and reasonable through both detailed design and construction, particularly with regard to the historic site known as the North Coast Railway Branch Tramway, Glenugie.  Where impacts are unavoidable, works shall be undertaken in accordance with the actions to manage heritage construction impacts required by condition D25(d) and under the guidance of an appropriately qualified heritage specialist.	Archaeologists	Pre-construction / Construction	Roads and Maritime / Environment manager	CoA B52
HH7	This approval does not allow the Applicant to destroy, modify or otherwise physically affect human remains as part of the SSI.  The Applicant shall not destroy, modify or otherwise physically affect any heritage items outside the SSI footprint, unless otherwise agreed by the Secretary in accordance with condition B54.	RMS Standard Management Procedure – Unexpected Archaeological Finds (Refer Appendix C)	Pre-construction / Construction	Environment manager	CoA B53, CoA B54
<b>Ancillary facilities</b>					
HH8	Where local or state significant heritage items not previously identified are identified on an ancillary site and use of the site will impact on the heritage significance of the item, the site will not be used for ancillary facilities.	RMS Standard Management Procedure – Unexpected Archaeological Finds (Refer Appendix C)	Pre-construction / Construction	Environment Manager / Project Archaeologist / Construction Manager	Submissions / PIR (HH7)
HH9	Where local or state significant heritage items are identified on an ancillary site and use of the site will not impact on the heritage significance of the item,	Fencing	Pre-construction / Construction	Environment Manager / Project Archaeologist / Superintendent /	Submissions / PIR (HH8)

ID	Measure / Requirement	Resources needed	When to implement	Responsibility	Reference
	<p>appropriate management measures (such as barrier fencing) will be put in place to clearly identify the heritage item and exclude use of the ancillary site within the heritage item's curtilage. Use of these ancillary facilities may commence:</p> <ul style="list-style-type: none"> <li>• When the appropriate protective measures have been implemented.</li> <li>• When the relevant records have been updated and/or completed.</li> </ul>			Foreman	
HH10	Any new ancillary facility and spoil placement locations not identified as part of this EIS will require a non-Aboriginal heritage assessment, with a database search and site walkover to identify any potential heritage items. If items are found, HH4, HH7-HH8 will be followed.	Archaeologists	Construction	Environment Manager / Project Archaeologist	Submissions / PIR (HH9)
<b>SITE-SPECIFIC NON-ABORIGINAL HERITAGE MANAGEMENT / MITIGATION MEASURES</b>					
<b>Impacts on item 7: Service station complex, Halfway Creek</b>					
HH11 (Section 2 – initial upgrade)	Salvage excavation (to salvage any subsurface artefacts from the coach way station and early coach road) would be undertaken in an area extending from the project boundary running along the front of the complex buildings to the edge of the existing highway before construction starts in the vicinity of the heritage item. Excavations would be undertaken in accordance with Heritage Branch guidelines and under the supervision of an appropriately qualified and experienced historical archaeologist. An appropriate research design and methodology would be prepared to best realise the research potential of this area of the site.	Archaeologists	Pre-construction / Construction	Environment Manager / Project Archaeologist	Submissions / PIR (HH12)
HH12 (Section 2 – initial upgrade)	The batter slope for the motorway upgrade would not be constructed within eight metres of the bar/restaurant building.	Design	Construction	Environment Manager / Superintendent / Foreman	Submissions / PIR (HH13)
HH13	A temporary fence would be erected between the	Fencing	Pre-construction /	Environment Manager /	Submissions / PIR

ID	Measure / Requirement	Resources needed	When to implement	Responsibility	Reference
(Section 2 – initial upgrade)	bar/restaurant building and the motorway upgrade construction before work starts in the vicinity of the heritage item. The fence would remain in place until construction is completed, at which time it would be removed.		Construction	Superintendent / Foreman	(HH14)
HH14 (Section 2 – initial upgrade)	A photographic condition survey would be undertaken of the current condition of the heritage items with any damage to the item from construction to be repaired once construction is complete.	Archaeologists	Pre-construction / Construction	Environment Manager / Project Archaeologist / Superintendent / Foreman	Submissions / PIR (HH15)
HH15 (Section 2 – initial upgrade)	Architectural noise treatment to the house will be investigated and provided where reasonable and feasible and in consultation with a qualified heritage consultant. Consideration will be given for the need to revise the SOHI for this item when the specific architectural noise treatment options are identified.	Engineer	Pre-construction	Environment Manager	Submissions / PIR (HH16)
<b>Impacts on item 36: North Coast Railway Branch Tramway</b>					
HH16 (Section 2 – initial upgrade)	Archival photographic recording would be undertaken in accordance with the Heritage Branch guidelines How To Prepare Archival Records Of Heritage Items (NSW Heritage Office, 1998) prior to its removal. Roads and Maritime will submit a copy of the archival recording for all structure within 6 months of completion to DP&E, Heritage Council of NSW, local libraries and Historical societies.	Archaeologists	Pre-construction	Environment Manager / Project Archaeologist	Submissions / PIR (HH17)
<b>Impacts on Item 33: High Conservation Value Old Growth Forest</b>					
HH17	Detailed design will consider the extent to which clearing High Conservation Value Old Growth Forest within the project boundary may be minimised.	Design	Pre-construction	Environment Manager / Design Manager	Submissions / PIR (HH51)
HH18	The area to be cleared would be clearly identified on-site. High Conservation Value Old Growth Forest adjacent to areas to be cleared would be delineated to avoid accidental disturbance on further areas.	Sensitive Area Plan, fencing	Construction	Environment Manager / Superintendent / Foreman	Submissions / PIR (HH52)

## 7 Compliance management

### 7.1 Roles and responsibilities

The CMC Project Team's organisational structure and overall roles and responsibilities are outlined in Section 4.2 of the CEMP. Specific responsibilities for the implementation of environmental controls are detailed in Section 7 of this Plan.

### 7.2 Training

All employees, contractors and utility staff working on site will undergo site induction training relating to Aboriginal and non-Aboriginal heritage management issues. The induction training will address elements related to heritage management including:

- Existence and requirements of this sub-plan.
- Relevant legislation.
- Roles and responsibilities for heritage management.
- Location of identified heritage sites.
- Proposed heritage management and protection measures.
- Procedure to follow in the event of an unexpected heritage item find during construction works (**RMS Standard Management Procedure – Unexpected Heritage Items** (March 2015) (refer Appendix C)).
- Procedure to follow in the event of discovery of human remains during construction works (**RMS Standard Management Procedure – Unexpected Heritage Items** (March 2015) (refer Appendix C)).

Further details regarding staff induction and training are outlined in Section 5 of the CEMP.

The Aboriginal Heritage Education and Training Package for the project is included in Appendix B. The non-Aboriginal Heritage Education and Training Package for the project is included in Appendix D.

### 7.3 Monitoring and inspections

Inspections of sensitive areas and activities with the potential to impact Aboriginal and non-Aboriginal heritage will occur for the duration of the project. Some specific monitoring requirements in relation to some items have been documented in Table 6-1.

Requirements and responsibilities in relation to monitoring and inspections are documented in Sections 8.1 and 8.2 of the CEMP.

### 7.4 Incidents

Should an incident occur that is impacting or threatening to impact an item of heritage significance work is to stop immediately in the vicinity of the item, action should be taken to minimise or prevent further harm (if safe to do so) and report immediately to the Environment Manager. Where a previously unidentified heritage item is discovered follow the RMS Standard Management Procedure – Unexpected Archaeological Finds procedure in Appendix C.

Specific incident management details are described in appendix A6 of the CEMP.

## **7.5 Auditing**

Audits (both internal and external) will be undertaken to assess the effectiveness of environmental controls, compliance with this plan, CoA and other relevant approvals, licenses and guidelines.

Audit requirements are detailed in Section 8.3 of the CEMP.

## **7.6 Reporting**

Reporting requirements and responsibilities are documented in Section 8.3 of the CEMP.



## **8 Review and improvement**

### **8.1 Continuous improvement**

Continuous improvement of this plan will be achieved by the ongoing evaluation of environmental management performance against environmental policies, objectives and targets for the purpose of identifying opportunities for improvement.

The continuous improvement process will be designed to:

- Identify areas of opportunity for improvement of environmental management and performance.
- Determine the cause or causes of non-conformances and deficiencies.
- Develop and implement a plan of corrective and preventative action to address any non-conformances and deficiencies.
- Verify the effectiveness of the corrective and preventative actions.
- Document any changes in procedures resulting from process improvement.
- Make comparisons with objectives and targets.

### **8.2 CHMP update and amendment**

The processes described in Chapter 8 and Chapter 9 of the CEMP may result in the need to update or revise this Plan. This will occur as needed.

Any revisions to the CHMP will be in accordance with the process outlined in Section 1.6 of the CEMP.

A copy of the updated plan and changes will be distributed to all relevant stakeholders in accordance with the approved document control procedure – refer to Section 10.2 of the CEMP.

## **Appendix A**

Aboriginal heritage interpretation strategy (not used in this plan)

## **Appendix B**

Aboriginal heritage education and training package



# Aboriginal heritage

## Halfway Creek to Glenugie, Pacific Highway Upgrade



# Who is in the environment team?

You!!

Every one of us is required to manage our heritage impacts.  
You don't have to be an expert, but you do need to be aware.

Environment, HSE Manager

Mark Chilton

0448 015 018



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Version 1.0 27/02/2015

# Our Aboriginal heritage management responsibilities

We MUST:

- Meet the Aboriginal heritage conditions of the project
- Adhere to heritage legislation and guidelines
- Prevent heritage impacts
- Prevent heritage incidents – entry to no-go zones, accidental discovery protocols
- Respect the community we are working in

If in doubt, call the environment team

# Our obligations

Project Approval



Construction Environmental  
Management Plan (CEMP)



Legislation

Ministers Conditions of Approval



Construction Heritage  
Management Plan (CHMP)

# Construction heritage management plan

- Designed for this project and our activities
- Developed with Aboriginal stakeholders, RMS, project archaeologists
- Converts regulatory and approval conditions into site management requirements
- Held by CMC HSE Manager at all times while on site



# What does the CHMP contain?

## Instructions for:

- Site establishment – controls to install and inductions
- Construction activities – what to be aware of while on site
- Leaving site requirements – clean-up and site restoration
- What to do in the event of an incident
- Important contact details

## A map identifying:

- Access points
- No-go zones
- Controls to be installed

## Heritage protocols and procedures

## Section 2 heritage map

# Project phases

Site establishment	Preconstruction site inspections by environment team with site supervisors to provide appropriate advice Understand no-go zones
Construction	Training, induction, toolboxes Ongoing site management advice Daily and weekly inspections, audits
Leaving the site	Site handover inspection Inspections for removal of environmental controls

# No-go zones

Any known areas of significance will be identified as environmental no-go zones with signs and fencing/bunting.

No-go zones may have instructions for working, such as:

- area-specific instructions (even no access),
- additional inductions required, or
- strict installation requirements

If in doubt, keep out



# Finding heritage on site

## Surface stone artefacts:

- Are a different colour or texture to surrounding stones
- Have impact point where it was hit with another stone
- Have obvious edges (axe or knife) or a worn smooth side (grinding stone)



# Scarred trees, grinding grooves (less common)



# Bones / midden (rare)



# If identified:

- Stop work
- Exclusion zone
- Notify your supervisor and enviro rep
- Work continues only with environment team permission



# Compliance

Inspections: no-go zones and work sites

Incident Management: breaches of our approval conditions, legislation or other requirements e.g. unauthorised access to no-go zones

Discovering heritage items: follow our incident management procedures, STOP work and report the find

Penalties: can include hefty personal fines and jail time



Heritage incidents are managed as per the CHMP. Emergencies are managed in accordance with Emergency Response and Incident Management Plan



# Incident Management

Incident response:

1. **Stop work** immediately
2. **Respond/manage** to minimise harm if appropriate
3. **Report immediately to your supervisor** who will report to Environment team



Good planning is key – prevent incidents from happening



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# Managing change on site

If design or construction changes occur on site:

1. Stop work and check with the Environment rep
2. Explain the change (location, depth, access, machinery)
3. Further permission may be required
4. Include any recommendations from the Environment rep when continuing

This ensures our work remains compliant with the approvals.

# Cultural sensitivity on site

Our project site is someone's property.

- Be mindful of the noise you make, including language (shouting and swearing)
- Use port-a-loos
- Respect the no-go zones
- Keep within the boundary
- Report any unexpected finds



- Thank you
- Questions

## **Appendix C**

### **RMS Standard Management Procedure – Unexpected Archaeological Finds**

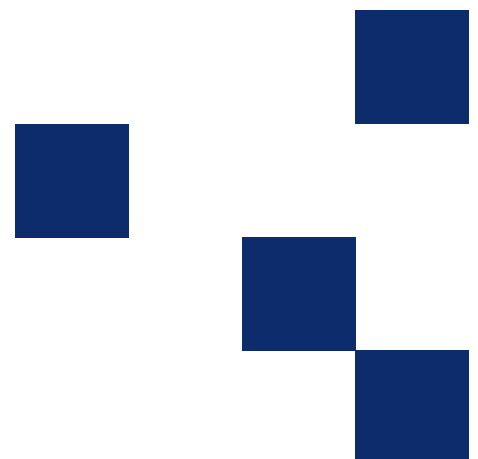


**Transport**  
Roads & Maritime  
Services

# **STANDARD MANAGEMENT PROCEDURE**

## **Unexpected Heritage Items**

**March 2015**



# About this release

<b>RMS/ISBN numbers</b>	RMS 12.003   ISBN 9781922040305
<b>Title</b>	Unexpected Heritage Items Procedure

Approval and authorisation		Name
Prepared by	Environmental Officer (Heritage)	Gretta Logue
Revised by	Environmental Officer (Heritage)	Daniel Percival
Approved by	Manager Environmental Policy	Michael Crowley

File location	File name
Objective - SF2013/153770	Unexpected heritage items procedure.doc

Document status	Date
Final	16 March 2015

Version	Date	Revision Description
Final	1 November 2011	First Draft
Revised	23 July 2012	Amended to reflect that (a) unexpected finds do not include items covered by a relevant approval; (b) Aboriginal people must be consulted where an unexpected find is likely to be an Aboriginal object; (c) the Department of Planning and Environment must be notified in accordance with Step 5 of this procedure for Part 3A and Part 5.1 projects.
Revised	09 October 2013	Amended to clarify that the procedure applies to all types of unexpected heritage items, not just archaeological items. The procedure introduces the term 'Historic Items' to cover both 'archaeological relics' and 'other historic items' such as works, structures, buildings and movable objects. The title of the document has been amended to better reflect this clarification.
Revised	16 March 2015	The procedure was streamlined to address all project types including maintenance works. The separate maintenance procedure (formerly Appendix B) was removed. Names and titles updated throughout.

Prepared by  
Environment Branch



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**Please note**

This procedure applies to all development and activities concerning roads, road infrastructure and road related assets undertaken by Roads and Maritime.

For advice on how to manage unexpected heritage items as a result of activities related to maritime infrastructure projects, please contact the Senior Environmental Specialist (Heritage).

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# Unexpected heritage items procedure

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## 1. Purpose

This procedure has been developed to provide a consistent method for managing unexpected heritage items (both Aboriginal and non-Aboriginal) that are discovered during Roads and Maritime activities. This procedure includes Roads and Maritime's heritage notification obligations under the *Heritage Act 1977* (NSW), *National Parks and Wildlife Act 1974* (NSW), *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) and the *Coroner's Act 2009* (NSW).

This document provides relevant background information in Section 3, followed by the technical procedure in Sections 6 and 7. Associated guidance referred to in the procedure can be found in Appendices A-H.

## 2. Scope

This procedure assumes that an appropriate level of Aboriginal and non-Aboriginal heritage assessment has been undertaken prior to on site project work commencing. In some case, such as exempt development, detailed heritage assessment may not be required.

Despite appropriate and adequate investigation, unexpected heritage items may still be discovered during maintenance and construction works. When this happens, this procedure must be followed. This procedure provides direction on when to stop work, where to seek technical advice and how to notify the regulator, if required.

**This procedure applies to all Road and Maritime construction and maintenance activities**

This procedure **applies to**:

- The discovery of any unexpected heritage item (usually during construction), where Roads and Maritime does not have approval to disturb that item.
- All Roads and Maritime projects that are approved or determined under Part 3A (including Transitional Part 3A Projects), Part 4, Part 5 or Part 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), or any development that is exempt under the Act.

This procedure must be followed by Roads and Maritime staff, alliance partners (including local council staff working under Road Maintenance Council Contracts, [RMCC]), developers under works authorisation deeds or any person undertaking Part 5 assessment for Roads and Maritime.

This procedure **does not apply** to:

- The legal discovery and disturbance of heritage items as a result of investigations being undertaken in accordance with OEH's *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (2010); an Aboriginal Heritage Impact Permit (AHIP) issued under the *National Parks and Wildlife Act 1974*; or an approval issued under the *Heritage Act 1977*<sup>1</sup>.

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<sup>1</sup> RMS' heritage obligations are incorporated into the conditions of heritage approvals.

- The legal discovery and disturbance of heritage items as a result of investigations (or other activities) that are required to be carried out for the purpose of complying with any environmental assessment requirements under Part 3A (including Transitional Part 3A Projects) or Part 5.1 of the EP&A Act.
- The legal discovery and disturbance of heritage items as a result of construction related activities, where the disturbance is permissible in accordance with an AHIP<sup>2</sup>; an approval issued under the *Heritage Act 1977*; or the Minister for Planning's conditions of project approval.

All Construction Environment Management Plans (CEMPs) must make reference to and/or include this procedure (often included as a heritage sub-plan). Where approved CEMPs exist they must be followed in the first instance. Where there is a difference between approved CEMPs and this procedure, the approved CEMP must be followed. Where an approved CEMP does not provide sufficient detail on particular issues, this procedure should be used as additional guidance. When in doubt always seek environment and legal advice on varying approved CEMPs.

### 3. Types of unexpected heritage items and their legal protection

The roles of project, field and environmental staff are critical to the early identification and protection of unexpected heritage items. **Appendix A** illustrates the wide range of heritage discoveries found on Roads and Maritime projects and provides a useful photographic guide. Subsequent confirmation of heritage discoveries must then be identified and assessed by technical specialists (usually an archaeologist).

An 'unexpected heritage item' means any unanticipated discovery of an actual or potential heritage item, for which Roads and Maritime does not have approval to disturb<sup>3</sup> and/or have an existing management process in place.

These discoveries are categorised as either:

- (a) Aboriginal objects
- (b) Historic (non-Aboriginal) heritage items
- (c) Human skeletal remains.

The relevant legislation that applies to each of these categories is described below.

#### 3.1 Aboriginal objects

The *National Park and Wildlife Act 1974* protects *Aboriginal objects* which are defined as:

*“any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the*

<sup>2</sup> RMS *Procedure for Aboriginal cultural heritage consultation and investigation* (2011) recommends that Part 4 and Part 5 projects that are likely to impact Aboriginal objects during construction seek a whole-of-project AHIP. This type of AHIP generally allows a project to impact known and potential Aboriginal objects within the entire project area, without the need to stop works. It should be noted that an AHIP may exclude impact to certain objects and areas, such as burials or ceremonial sites. In such cases, the project must follow this procedure.

<sup>3</sup> Disturbance is considered to be any physical interference with the item that results in it being destroyed, defaced, damaged, harmed, impacted or altered in any way (this includes archaeological investigation activities).

*occupation of that area by persons of non Aboriginal extraction, and includes Aboriginal remains”<sup>4</sup>.*

Examples of Aboriginal objects include stone tool artefacts, shell middens, axe grinding grooves, pigment or engraved rock art, burials and scarred trees.

### **IMPORTANT!**

#### **All Aboriginal objects, regardless of significance, are protected under law.**

If any impact is expected to an Aboriginal object, an Aboriginal Heritage Impact Permit (AHIP) is usually required from the Office of Environment and Heritage (OEH)<sup>5</sup>. Also, when a person becomes aware of an Aboriginal object they must notify the Director-General of OEH about its location<sup>6</sup>. Assistance on how to do this is provided in Section 7 (Step 5).

## 3.2 Historic heritage items

Historic (non-Aboriginal) heritage items may include:

- Archaeological ‘relics’
- Other historic items (i.e. works, structures, buildings or movable objects).

### 3.2.1 Archaeological relics

The *Heritage Act 1977* protects *relics* which are defined as:

*“any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and is of State or local heritage significance”<sup>7</sup>.*

Relics are archaeological items of local or state significance which may relate to past domestic, industrial or agricultural activities in NSW, and can include bottles, remnants of clothing, pottery, building materials and general refuse.

### **IMPORTANT!**

#### **All relics are subject to statutory controls and protections.**

If a relic is likely to be disturbed, a heritage approval is usually required from the NSW Heritage Council<sup>8</sup>. Also, when a person discovers a relic they must notify the NSW Heritage Council of its location<sup>9</sup>. Advice on how to do this is provided in Section 7 (Step 5).

<sup>4</sup> Section 5(1) *National Park and Wildlife Act 1974*.

<sup>5</sup> Except when Part 3A, Division 4.1 of Part 4 or Part 5.1 of the *EP&A Act* applies.

<sup>6</sup> This is required under s89(A) of the *National Park and Wildlife Act 1974* and applies to **all projects** assessed under Part 3A, Part 4, Part 5 and Part 5.1 of the *EP&A Act*, including exempt development.

<sup>7</sup> Section 4(1) *Heritage Act 1977*.

<sup>8</sup> Except when Part 3A, Division 4.1 of Part 4 or Part 5.1 of the *EP&A Act* applies.

<sup>9</sup> This is required under s146 of the *Heritage Act 1977* and applies to **all projects** assessed under Part 3A, Part 4, Part 5 and Part 5.1 of the *EP&A Act*, including exempt development.

### 3.2.2 Other historic items

Some historic heritage items are not considered to be 'relics'; but are instead referred to as works, buildings, structures or movable objects. Examples of these items that Roads and Maritime may encounter include culverts, historic road formations, historic pavements, buried roads, retaining walls, tramlines, cisterns, fences, sheds, buildings and conduits. Although an approval under the *Heritage Act 1977* may not be required to disturb these items, their discovery must be managed in accordance with this procedure.

As a general rule, an archaeological relic requires discovery or examination through the act of excavation. An archaeological excavation permit under Section 140 of the *Heritage Act 1977* is required to do this. In contrast, 'other historic items' either exist above the ground's surface (e.g. a shed), or they are designed to operate and exist beneath the ground's surface (e.g. a culvert).

Despite this difference, it should be remembered that relics can often be associated with 'other heritage items', such as archaeological deposits within cisterns and underfloor deposits under buildings.

### 3.3 Human skeletal remains

Human skeletal remains can be identified as either an Aboriginal object or non-Aboriginal relic depending on ancestry of the individual (Aboriginal or non-Aboriginal) and burial context (archaeological or non-archaeological). Remains are considered to be archaeological when the time elapsed since death is suspected of being 100 years or more. Depending on ancestry and context, different legislation applies.

As a simple example, a pre-contact archaeological Aboriginal burial would be protected under the *National Park and Wildlife Act 1974*, while a historic (non-Aboriginal) archaeological burial within a cemetery would be protected under the *Heritage Act 1977*. For these cases, the relevant heritage approval and notification requirements described in the above sections 3.1 and 3.2 would apply. In addition to the *National Park and Wildlife Act 1974*, finding Aboriginal human remains also triggers notification requirements to the Commonwealth Minister for the Environment under s20(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

#### IMPORTANT!

**All human skeletal remains are subject to statutory controls and protections.**

All bones must be treated as potential human skeletal remains and work around them must stop while they are protected and investigated urgently.

However, where it is suspected that less than 100 years has elapsed since death, the human skeletal remains come under the jurisdiction of the State Coroner and the *Coroners Act 2009* (NSW). Such a case would be considered a 'reportable death' and under legal notification obligations set out in s35(2); a person must report the death to a police officer, a coroner or an assistant coroner as soon as possible. This applies to

all human remains less than 100 years old<sup>10</sup> regardless of ancestry (ie both Aboriginal and non-Aboriginal remains). Public health controls may also apply.

Guidance on what to do when suspected human remains are found is provided in **Appendix E**.

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<sup>10</sup> Under s19 of the *Coroners Act 2009*, the coroner has no jurisdiction to conduct an inquest into reportable death unless it appears to the coroner that (or that there is reasonable cause to suspect that) the death or suspected death occurred within the last 100 years.

## 4. Responsibilities

The following roles and responsibilities are relevant to this procedure.

<b>Role</b>	<b>Definition/responsibility</b>
Aboriginal Cultural Heritage Advisor (ACHA)	Provides Aboriginal cultural heritage advice to project teams. Acts as Aboriginal community liaison for projects on cultural heritage matters. Engages and consults with the Aboriginal community as per the Roads and Maritime <i>Procedure for Aboriginal Cultural Heritage Consultation and Investigation</i> .
Aboriginal Sites Officer (ASO)	Is an appropriately trained and skilled Aboriginal person whose role is to identify and assess Aboriginal objects and cultural values. For details on engaging Aboriginal Sites Officers, refer to Roads and Maritime <i>Procedure for Aboriginal Cultural Heritage Consultation and Investigation</i> .
Archaeologist (A)	Professional consultant, contracted on a case-by-case basis to provide heritage and archaeological advice and technical services (such as reports, heritage approval documentation etc). Major projects with complex heritage issues often have an on call Project archaeologist.
Project Manager (PM)	Ensures all aspects of this procedure are implemented. The PM can delegate specific tasks to a construction environment manager, Roads and Maritime site representatives or regional environment staff, where appropriate.
Regional Environment Staff (RES)	Provides advice on this procedure to project teams. Ensuring this procedure is implemented consistently by supporting the PM. Supporting project teams during the uncovering of unexpected finds. Reviewing archaeological management plans and liaising with heritage staff and archaeological consultants as needed.
Registered Aboriginal Parties (RAPs)	RAPs are Aboriginal people who have registered with Roads and Maritime to be consulted about a proposed Roads and Maritime project or activity in accordance with OEH's Aboriginal cultural heritage consultation requirements for proponents (2010).
Senior Environmental Specialist (Heritage) (SES(H))	Provides technical assistance on this procedure and archaeological technical matters, as required. Reviewing the archaeological management plans and facilitating heritage approval applications, where required. Assists with regulator engagement, where required.
Team Leader - Regional Maintenance Delivery (TL-RMD)	Ensures Regional Maintenance Delivery staff stop work in the vicinity of an unexpected heritage item. Completes Unexpected Heritage Item Recording Form 418 and notifies WS-RMD.
Technical Specialist	Professional consultant contracted to provide specific technical advice that relates to the specific type of



	unexpected heritage find (eg a forensic or physical anthropologist who can identify and analyse human skeletal remains).
Works Supervisor - Regional Maintenance Delivery (WS-RMD)	Ensures Regional Maintenance Delivery staff are aware of this procedure. Supports the Team Leader - Regional Maintenance Delivery during the implementation of this procedure and ensures reporting of unexpected heritage items through environment management systems.

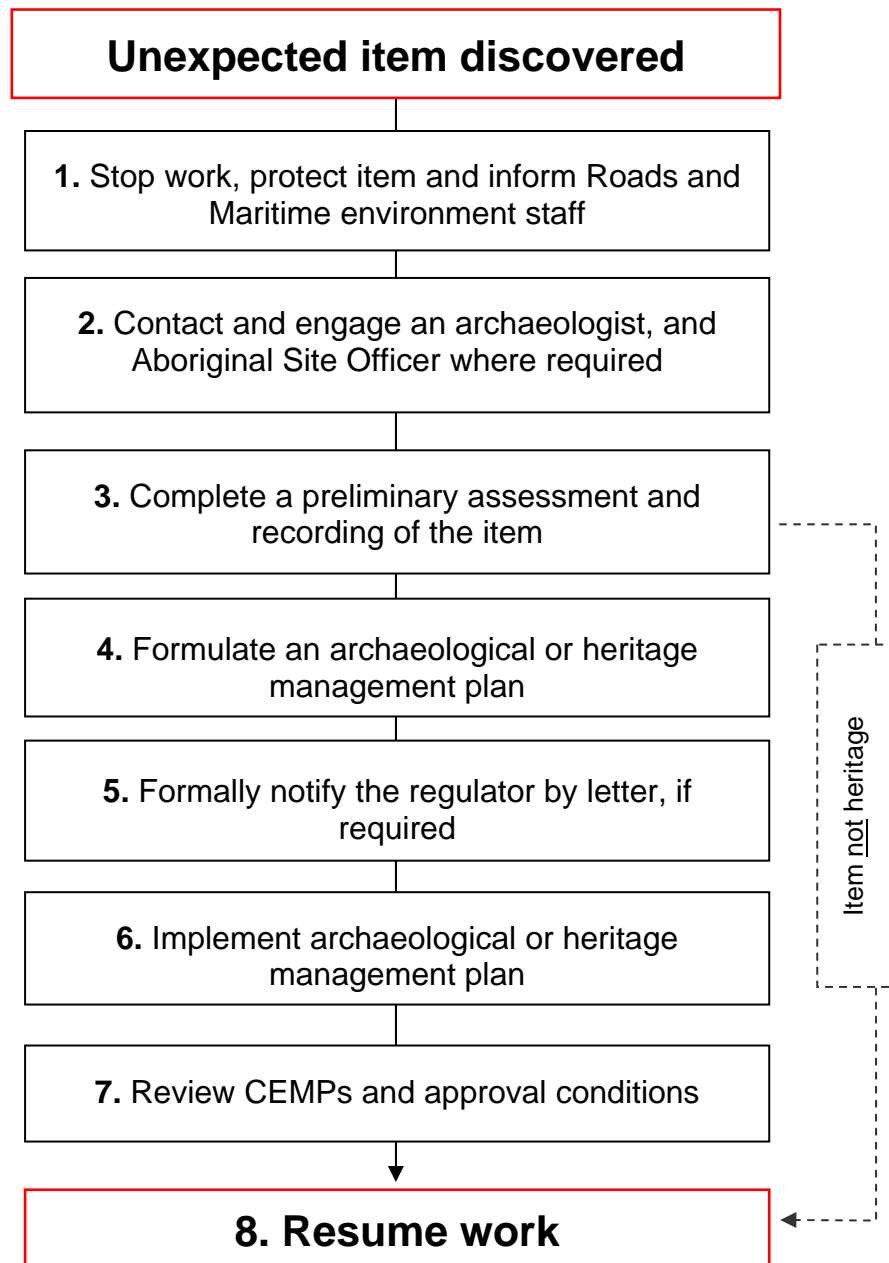
## 5. Acronyms

The following acronyms are relevant to this procedure.

<b>Acronym</b>	<b>Meaning</b>
A	Archaeologist
ACHA	Aboriginal Cultural Heritage Advisor
AHIP	Aboriginal Heritage Impact Permit
ASO	Aboriginal Site Officer
CEMP	Construction Environment Management Plan
OEH	Office of Environment and Heritage.
PACHCI	Procedure for Aboriginal Cultural Heritage Consultation and Investigation
PM	Project Manager
RAP	Registered Aboriginal Parties
RES	Regional Environmental Staff
SES(H)	Senior Environmental Specialist (Heritage)
TL-RMD	Team Leader – Regional Maintenance Division
RMD	Regional Maintenance Delivery
RMS	Roads and Maritime
WS-RMD	Works Supervisor - Regional Maintenance Division

## 6. Overview of the procedure

On discovering something that could be an unexpected heritage item ('the item'), the following procedure must be followed. There are eight steps in the procedure. These steps are summarised in **Figure 1** below and explained in detail in Section 7.



**Figure 1:** Overview of steps to be undertaken on the discovery of an unexpected heritage item.

### **IMPORTANT!**

RMS may have approval to impact on certain heritage items during construction. If you discover a heritage item and you are unsure whether an approval is in place or not, STOP works and follow this procedure.

## 7. Unexpected heritage items procedure

**Table 1:** Specific tasks to be implemented following the discovery of an unexpected heritage item.

*Aboriginal Cultural Heritage Advisor (ACHA); Aboriginal Sites Officer (ASO); Archaeologist (A); Project Manager (PM); Regional Environment Staff (RES); Registered Aboriginal Parties (RAPs); Senior Environmental Specialist (Heritage) (SES(H)); Team leader – Roads and Maintenance Division (TL - RMD); Works supervisor – Roads and Maintenance Division (WS - RMD).*

Step	Task	Responsibility	Guidance & Tools
<b>1</b>	<b>Stop work, protect item and inform Roads and Maritime environment staff</b>		
1.1	Stop all work in the immediate area of the item and notify the Project Manager or Team Leader-RMD. (For maintenance activities, the Team Leader is to also notify the Works Supervisor-RMD)	All	<b>Appendix A</b> (Identifying Unexpected Heritage items)
1.2	Establish a 'no-go zone' around the item. Use high visibility fencing, where practical.	PM or TL-RMD	
1.3	Inform all site personnel about the no-go zone. No further interference, including works, ground disturbance, touching or moving the item must occur within the no-go zone.	PM or TL-RMD	
1.4	Inspect, document and photograph the item.	PM or TL-RMD	<b>Appendix B</b> (Unexpected Heritage Item Recording Form 418) <b>Appendix C</b> (Photographing Unexpected Heritage items)

Step	Task	Responsibility	Guidance & Tools
1.5	<p>Is the item likely to be bone?</p> <p>If <b>yes</b>, follow the steps in Appendix E – ‘Uncovering bones’. Where it is obvious that the bones are human remains, you must notify the local police by telephone immediately. They may take command of all or part of the site.</p> <p>If <b>no</b>, proceed to next step.</p>	PM or WS-RMD	<b>Appendix E</b> (Uncovering Bones)
1.6	<p>Is the item likely to be:</p> <p>a) A relic? (A relic is evidence of past human activity which has local or state heritage significance. It may include items such as bottles, utensils, remnants of clothing, crockery, personal effects, tools, machinery and domestic or industrial refuse) and/or</p> <p>b) An Aboriginal object? (An Aboriginal object may include a shell midden, stone tools, bones, rock art or a scarred tree).</p> <p>If <b>yes</b>, proceed directly to Step 1.8</p> <p>If <b>no</b>, proceed to next step.</p>	PM or WS-RMD	<b>Appendix A</b> (Identifying heritage items)
1.7	<p>Is the item likely to be a “work”, building or standing structure? (This may include tram tracks, kerbing, historic road pavement, fences, sheds or building foundations).</p> <p>If <b>yes</b>, can works avoid further disturbance to the item? (E.g. if historic road base/tram tracks have been exposed, can they be left in place?) If <b>yes</b>, works may proceed without further disturbance to the item. Complete the remaining tasks in Step 1 within 24 hours.</p> <p>If works cannot avoid further disturbance to the item, works must not recommence at this time. Complete the remaining tasks in Step 1.</p>	PM or WS-RMD	<b>Appendix A</b> (Identifying heritage items)

Step	Task	Responsibility	Guidance & Tools
1.8	Inform relevant Roads and Maritime Regional Environmental Staff of item and provide as much information as possible, including photos. Provide completed 'Form 418' to RES as soon as practicable to assist with this step.	PM or WS-RMD (RES)	<b>Appendix D</b> (Key Environmental Contacts)
1.9	Regional Environmental Staff to advise Project Manager or Works Supervisor whether RMS has approval to impact on the 'item'. (This may include an approval under the <i>Heritage Act</i> , the <i>National Parks and Wildlife Act</i> or the <i>Planning and Assessment Act</i> ).  Does RMS have an approval or permit to impact on the item?  If <b>yes</b> , work may recommence in accordance with that approval or permit. There is no further requirement to follow this procedure.  If <b>no</b> , continue to next step.		
1.10	Liaise with Traffic Management Centre where the delay is likely to affect traffic flow.	PM or WS-RMD	
1.11	Report the item as a 'Reportable Event' in accordance with the Roads and Maritime <i>Environmental Incident Classification and Reporting Procedure</i> . Implement any additional reporting requirements related to the project's approval and CEMP, where relevant.	PM or WS-RMD	RMS Environmental Incident Classification and Reporting Procedure
<b>2</b>	<b>Contact and engage an archaeologist and, where required, an Aboriginal site officer</b>		
2.1	Contact the Project (on-call) Archaeologist to discuss the location and extent of the item and to arrange a site inspection, if required. The project CEMP may contain contact details of the Project Archaeologist.  OR  Where there is no project archaeologist engaged for the works, engage a suitably	PM or WS-RMD (A; RES; SES(H))	Also see <b>Appendix D</b> (Key Environmental Contacts)  <u>Buyways</u>

Step	Task	Responsibility	Guidance & Tools
	qualified and experienced archaeological consultant to assess the find. A list of heritage consultants is available on the RMS contractor panels on the Buyways homepage. Regional environment staff and Roads and Maritime heritage staff can also advise on appropriate consultants.		
2.2	Where the item is likely to be an Aboriginal object, speak with your Aboriginal Cultural Heritage Advisor to arrange for an Aboriginal Sites Officer to assess the find. Generally, an Aboriginal Sites Officer would be from the relevant local Aboriginal land council. If an alternative contact person (ie a RAP) has been nominated as a result of previous consultation, then that person is to be contacted.	PM or WS-RMD (ACHA; ASO)	
2.3	If requested, provide photographs of the item taken at Step 1.4 to the archaeologist, and Aboriginal Sites Officer if relevant.	PM or WS-RMD (RES)	<b>Appendix C</b> (Photographing Unexpected Heritage items)
<b>3</b>	<b>Preliminary assessment and recording of the find</b>		
3.1	In a minority of cases, the archaeologist (and Aboriginal Sites Officer, if relevant) may determine from the photographs that no site inspection is required because no archaeological constraint exists for the project ( <i>eg the item is not a 'relic', a 'heritage item' or an 'Aboriginal object'</i> ). Any such advice should be provided in writing (eg via email) and confirmed by the Project Manager or Works Supervisor - RMD.	A/PM/ASO/ WS-RMD	Proceed to Step 8
3.2	Arrange site access for the archaeologist (and Aboriginal Sites Officer, if relevant) to inspect the item as soon as practicable. In the majority of cases a site inspection is required to conduct a preliminary assessment.	PM or WS-RMD	
3.3	Subject to the archaeologist's assessment (and the Aboriginal Sites Officer's assessment, if relevant), work may recommence at a set distance from the item. This is to protect any other archaeological material that may exist in the vicinity, which has not yet been uncovered. Existing protective fencing established in Step 1.2 may need to be adjusted to reflect the extent of the newly assessed protective area. No works are to take place within this area once established.	A/PM/ASO/ WS-RMD	

Step	Task	Responsibility	Guidance & Tools
3.4	The archaeologist (and Aboriginal Sites Officer, if relevant) may provide advice after the site inspection and preliminary assessment that no archaeological constraint exists for the project ( <i>eg the item is not a 'relic', a 'heritage item' or an 'Aboriginal object'</i> ). Any such advice should be provided in writing (eg via email) and confirmed by the Project Manager or Works Supervisor - RMD.	A/PM/ASO/ WS-RMD	Proceed to Step 8
3.5	Where required, seek additional specialist technical advice (such as a forensic or physical anthropologist to identify skeletal remains). Regional environment staff and/or Roads and Maritime heritage staff can provide contacts for such specialist consultants.	RES/SES(H)	<b>Appendix D</b> (Key Environmental Contacts)
3.6	Where the item has been identified as a 'relic', 'heritage item' or an 'Aboriginal object' the archaeologist should formally record the item.	A	
3.7	The regulator can be notified informally by telephone at this stage by the archaeologist, Project Manager (or delegate) or Works Supervisor - RMD. Any verbal conversations with regulators must be noted on the project file for future reference.	PM/A/WS-RMD	
<b>4</b>	<b>Prepare an archaeological or heritage management plan</b>		
4.1	The archaeologist must prepare an archaeological or heritage management plan (with input from the Aboriginal Sites Officer, where relevant) shortly after the site inspection. This plan is a brief overview of the following: (a) description of the feature, (b) historic context, if data is easily accessible, (c) likely significance, (d) heritage approval and regulatory notification requirements, (e) heritage reporting requirements, (f) stakeholder consultation requirements, (g) relevance to other project approvals and management plans etc.	A/ASO	<b>Appendix F</b> (Archaeological/ Heritage Advice Checklist)
4.2	In preparing the plan, the archaeologist with the assistance of regional environment staff must review the CEMP, any heritage sub-plans, any conditions of heritage approvals, conditions of project approval (and or Minister's Conditions of Approval) and heritage assessment documentation (eg Aboriginal Cultural Heritage Assessment Report). This will outline if the unexpected item is consistent with previous heritage/project approval(s) and/or previously agreed management strategies. The Project Manager and regional environment staff must provide all relevant documents to the archaeologist to assist with	A/RES/PM	<b>Appendix F</b> (Archaeological/ Heritage Advice Checklist)

Step	Task	Responsibility	Guidance & Tools
	this. Discussions should occur with design engineers to consider if re-design options exist and are appropriate.		
4.3	The archaeologist must submit this plan as a letter, brief report or email to the Project Manager outlining all relevant archaeological or heritage issues. This plan should be submitted to the Project Manager as soon as practicable. Given that the archaeological management plan is an overview of all the necessary requirements (and the urgency of the situation), it should take no longer than two working days to submit to the Project Manager.	A	
4.4	The Project Manager or Works Supervisor must review the archaeological or heritage management plan to ensure all requirements can reasonably be implemented. Seek additional advice from regional environment staff and Roads and Maritime heritage staff, if required.	PM/RES/SES(H)/ WS-RMD	
<b>5</b>	<b>Notify the regulator, if required.</b>		
5.1	Review the archaeological or heritage management plan to confirm if regulator notification is required. Is notification required?  If <b>no</b> , proceed directly to Step 6  If <b>yes</b> , proceed to next step.	PM/RES/SES(H)/ WS-RMD	
5.2	If notification is required, complete the template notification letter.	PM or WS-RMD	<b>Appendix G</b> (Template Notification Letter)
5.3	Forward the draft notification letter, archaeological or heritage management plan and the site recording form to regional environment staff and Senior Environmental Specialist (Heritage) for review, and consider any suggested amendments.	PM/RES/SES(H)/ WS-RMD	
5.4	Forward the signed notification letter to the relevant regulator (ie notification of relics must be given to the Heritage Division, Office of Environment and Heritage (OEH), while	PM or WS-RMD	<b>Appendix D</b> (Key Environmental



Step	Task	Responsibility	Guidance & Tools
	notification for Aboriginal objects must be given to the relevant Aboriginal section of OEH). Informal notification (via a phone call or email) to the regulator prior to sending the letter is appropriate. The archaeological management plan and the completed site recording form must be submitted with the notification letter. For Part 3A and Part 5.1 projects, the Department of Planning and Environment must also be notified.		Contacts)
5.5	A copy of the final signed notification letter, archaeological or heritage management plan and the site recording form should be kept on file by the Project Manager or Works Supervisor- RMD and a copy sent to the Senior Environmental Specialist (Heritage).	PM or WS-RMD	
<b>6</b>	<b>Implement archaeological or heritage management plan</b>		
6.1	Modify the archaeological or heritage management plan to take into account any additional advice resulting from notification and discussions with the regulator.	A/PM or WS-RMD (RES)	
6.2	Implement the archaeological or heritage management plan. Where impact is expected, this would include such things as a formal assessment of significance and heritage impact assessment, preparation of excavation or recording methodologies, consultation with registered Aboriginal parties, obtaining heritage approvals etc, if required.	PM or WS-RMD (RAPs and RES)	PACHCI Stage 3
6.3	Where heritage approval is required contact regional environment staff for further advice and support material. Please note time constraints associated with heritage approval preparation and processing. Project scheduling may need to be revised where extensive delays are expected.	PM/RES/WS-RMD	
6.4	For Part 3A/Part 5.1 projects, assess whether heritage impact is consistent with the project approval or if project approval modification is required from the Department of Planning and Environment. Seek advice from regional environment staff and Environment Branch specialist staff if unsure.	PM/RES	
6.5	Where statutory approvals (or project approval modification) are required, impact upon relics and/or Aboriginal objects must not occur until heritage approvals are issued by the	PM or WS-RMD	

Step	Task	Responsibility	Guidance & Tools
	appropriate regulator.		
6.6	Where statutory approval (or Part 3A/Part 5.1 project modification) is not required and where recording is recommended by the archaeologist, sufficient time must be allowed for this to occur.	PM or WS-RMD	
6.7	Ensure short term and permanent storage locations are identified for archaeological material or other heritage material is removed from site, where required. Interested third parties (eg museums or local councils) should be consulted on this issue. Contact regional environment staff and Senior Environmental Specialist (Heritage) for advice on this matter, if required.	PM or WS-RMD	
<b>7</b>	<b>Review CEMPs and approval conditions</b>		
7.1	Check whether written notification is required to be sent to the regulator before re-commencing work. Where this is not explicit in heritage approval conditions, expectations should be clarified directly with the regulator.	PM	
7.2	Update the CEMP, site mapping and project delivery program as appropriate with any project changes resulting from final heritage management (eg retention of heritage item, salvage of item). Updated CEMPs must incorporate additional conditions arising from any heritage approvals, and Aboriginal community consultation if relevant. Include any changes to CEMP in site induction material and update site workers during toolbox talks.	PM	
<b>8</b>	<b>Resume work</b>		
8.1	Seek written clearance to resume project work from regional environment staff and the archaeologist (and regulator, if required). Clearance would only be given once all archaeological excavation and/or heritage recommendations (where required) are complete. Resumption of project work must be in accordance with the all relevant project/heritage approvals/determinations.	RES/A/PM/WS-RMD	
8.2	If required, ensure archaeological excavation/heritage reporting and other heritage approval conditions are completed in the required timeframes. This includes artefact retention repositories, conservation and/or disposal strategies.	PM/A/WS-RMD	

Step	Task	Responsibility	Guidance & Tools
8.3	Forward all heritage/archaeological assessments, heritage location data and its ownership status to the Senior Environmental Specialist (Heritage). They will ensure all heritage items in Roads and Maritime ownership and/or control are considered for the Roads and Maritime S170 Heritage and Conservation Register.	PM/SES(H)/ WS-RMD	
8.4	If additional unexpected items are discovered this procedure must begin again from Step 1.	PM/TL-RMD	

## 8. Seeking advice

Advice on this procedure should be sought from Roads and Maritime regional environment staff in the first instance. Contractors and alliance partners should ensure their own project environment managers are aware of and understand this procedure. Regional environment staff can assist non-Roads and Maritime project environment managers with enquires concerning this procedure.

### IMPORTANT!

**Roads and Maritime Services staff and contractors are not to seek advice on this procedure directly from the Office of Environment and Heritage without first seeking advice from regional environment staff and heritage policy staff.**

Technical archaeological or heritage advice regarding an unexpected heritage item should be sought from the contracted archaeologist. Technical specialist advice can also be sought from heritage policy staff within Environment Branch to assist with the preliminary archaeological identification and technical reviews of heritage/archaeological reports.

## 9. Related information

**Contact details:** Senior Environmental Specialist (Heritage), Environment Branch, 02 8588 5754

**Effective date:** 01 February 2015

**Review date:** 01 February 2016

This procedure should be read in conjunction with:

- Roads and Maritimes' *Heritage Guidelines 2015*.
- Roads and Maritime Services *Environmental Incident Classification and Reporting Procedure*
- Roads and Maritime's *Procedure for Aboriginal Cultural Heritage Consultation and Investigation*
- RTA *Environmental Impact Assessment Guidelines*.

This procedure replaces:

- Procedure 5.5 ("*unexpected discovery of an archaeological relic or Aboriginal object*") outlined in the RTA's *Heritage Guidelines 2004*.

Other relevant reading material:

- NSW Heritage Office (1998), *Skeletal remains: guidelines for the management of human skeletal remains*.
- Department of Environment and Conservation NSW (2006), *Manual for the identification of Aboriginal remains*.
- Department of Health (April 2008), *Policy Directive: Burials - exhumation of human remains*<sup>11</sup>.

<sup>11</sup> [http://www.health.nsw.gov.au/policies/pd/2008/pdf/PD2008\\_022.pdf](http://www.health.nsw.gov.au/policies/pd/2008/pdf/PD2008_022.pdf)

## 10. List of appendices

The following appendices are included to support this procedure.

Appendix A	Identifying Unexpected Heritage items
Appendix B	Unexpected Heritage Item Recording Form 418
Appendix C	Photographing Unexpected Heritage Items
Appendix D	Key Environment Contacts
Appendix E	Uncovering Bones
Appendix F	Archaeological Advice Checklist
Appendix G	Template Notification Letter

# Appendix A

## Identifying unexpected heritage items

The following images can be used to assist in the preliminary identification of potential unexpected items (both Aboriginal and non-Aboriginal) during construction and maintenance works. Please note this is not a comprehensive typology.



**Top left hand picture continuing clockwise:** Stock camp remnants (Hume Highway Bypass at Tarcutta); Linear archaeological feature with post holes (Hume Highway Duplication), Animal bones (Hume Highway Bypass at Woomargama); Cut wooden stake; Glass jars, bottles, spoon and fork recovered from refuse pit associated with a Newcastle Hotel (Pacific Highway, Adamstown Heights, Newcastle area).



**Wood stave water pipe**



**Tram tracks**



**Retaining wall**



**Cistern**

**Top left hand picture continuing clockwise:** Woodstave water pipe with tar and wire sealing (Horsley Drive); Tram tracks (Sydney); Brick lined cistern (Clyde); Retaining wall (Great Western Highway, Leura).



**Top left hand picture continuing clockwise:** Road pavement (Great Western Highway, Lawson); Sandstone kerbing and guttering (Parramatta Road, Mays Hill); Telford road (sandstone road base, Great Western Highway, Leura); Ceramic conduit and sandstone culvert headwall (Blue Mountains, NSW); Corduroy road (timber road base, Entrance Road, Wamberai).





Alignment pin



Survey tree



Alignment stone



Survey tree



Milestone



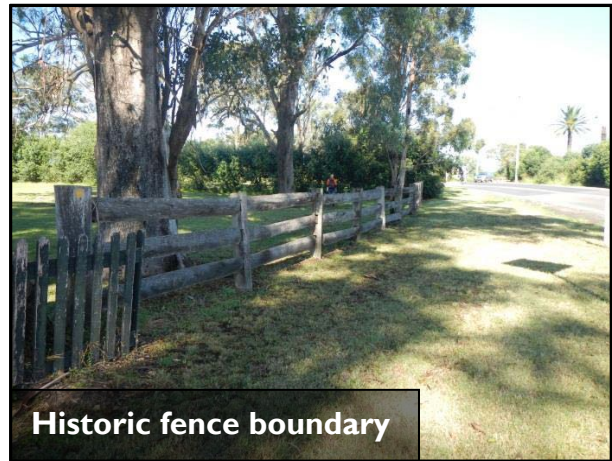
**Top left hand corner continuing clockwise:** Alignment Pin (Great Western Highway, Wentworth Falls); Survey tree (MR7, Albury); Survey tree (Kidman Way, Darlington Point, Murrumbidgee); Survey tree (Cobb Highway, Deniliquin); Milestone (Great Western Highway, Kingswood, Penrith); Alignment Stone (near Guntawong Road, Riverstone). Please note survey marks may have additional statutory protection under the *Surveying and Spatial Information Act 2002*.



Remnant Bridge Piers



Mine Shaft



Historic fence boundary



Dairy shed

**Top left hand corner continuing clockwise:** Remnant bridge piers (Putty Road, Bulga); Wooden boundary fence (Campbelltown Road, Denham Court); Dairy shed (Ballina); Golden Arrow Mine Shaft.



**Modified cobble**



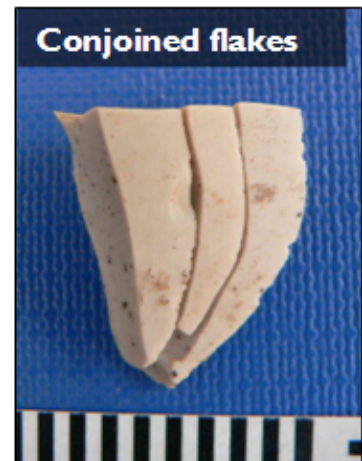
**Backed banded tuff flake**



**Retouched quartz flake**



**Backed artefact**



**Conjoined flakes**



**Broken cobble hammerstone**



**Pink silcrete core**

**Top left hand corner:** Culturally modified stone discovered on Main Road 92, about two kilometres west of Sassafras. The remaining images show a selection of stone artefacts retrieved from test and salvage archaeological excavations during the Hume Highway Duplication and Bypass projects from 2006-2010.

## **Appendix B**

Unexpected heritage item recording form 418

**This form is to be filled in by a project manager (or their delegate) or a team leader – Road and Maintenance Division, on the discovery of an unexpected heritage item during construction or maintenance works.**

<b>Date:</b>		<b>Recorded by:</b> (Include name and position)	
<b>Project name:</b>			
<b>Description of works being undertaken</b> (eg Removal of failed pavement by excavation and pouring concrete slabs in 1m x 1m replacement sections).			
<b>Description of exact location of item</b> (eg Within the road formation on Parramatta Road, east bound lane, at the corner of Johnston Street, Annandale, Sydney).			
<b>Description of item found</b> (What type of item is it likely to be? Tick the relevant boxes).			
<b>A. A relic</b>	<input type="checkbox"/>	A 'relic' is evidence of a past human activity relating to the settlement of NSW with local or state heritage significance. A relic might include bottles, utensils, plates, cups, household items, tools, implements, and similar items.	
<b>B. A 'work, building or structure'</b>	<input type="checkbox"/>	A 'work' can generally be defined as a form infrastructure such as tram tracks, a culvert, road base, a bridge pier, kerbing, and similar items.	
<b>C. An Aboriginal object</b>	<input type="checkbox"/>	An 'Aboriginal object' may include stone tools, stone flakes, shell middens, rock art, scarred trees and human bones.	
<b>D. Bone</b>	<input type="checkbox"/>	Bones can either be human or animal remains. <b>Remember that you must contact the local police immediately by telephone if you are <u>certain</u> that the bone(s) are <u>human remains</u>.</b>	
<b>E. Other</b>	<input type="checkbox"/>		

<p><b>Provide short description of item</b> (eg Metal tram tracks running parallel to road alignment. Good condition. Tracks set in concrete, approximately 10cms (100 mm) below the current ground surface).</p>	
<p><b>Sketch</b> (Provide a sketch of the item's general location in relation to other road features so its approximate location can be mapped without having to re-excavate it. In addition, please include details of the location and direction of any photographs of the item taken).</p>	
<p><b>Action taken</b> (Tick either A or B)</p>	
<p><b>A. Unexpected item <b>would not</b> be further impacted on by works</b> <input type="checkbox"/></p>	
<p><b>Describe how works would avoid impact on the item.</b> (eg The tram tracks will be left <i>in situ</i>, and recovered with road paving).</p>	
<p><b>B. Unexpected item <b>would be</b> further impacted on by works</b> <input type="checkbox"/></p>	
<p><b>Describe how works would impact on the item.</b> (eg Milling is required to be continued to 200 mm depth to ensure road pavement requirements are met. Tram tracks will need to be removed).</p>	
<p><b>Important:</b> It is a statutory offence to disturb Aboriginal objects and historic relics (including human remains) without an approval. All works affecting objects and relics must cease until an approval is sought. Approvals may also be required to impact on certain works. Contact your regional environment staff for guidance.</p>	
<p><b>Project manager / works supervisor signature</b></p>	

## Appendix C

### Photographing unexpected heritage items

👉 Removal of the item from its context (e.g. excavating from the ground) for photographic purposes is not permitted.

Photographs of unexpected items in their current context (*in situ*) may assist heritage staff and archaeologists to better identify the heritage values of the item. Emailing good quality photographs to specialists can allow for better quality and faster heritage advice. The key elements that must be captured in photographs of the item include its position, the item itself and any distinguishing features. All photographs must have a scale (ruler, scale bar, mobile phone, coin) and a note describing the direction of the photograph.

#### Context and detailed photographs

It is important to take a general photograph (Figure 1) to convey the location and setting of the item. This will add much value to the subsequent detailed photographs also required (Figure 2).



**Figure 2:** Close up detail of the sandstone surface showing material type, formation and construction detail. This is essential for establishing date of the feature.

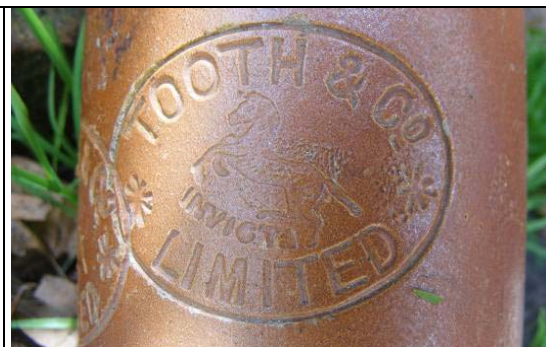
**Figure 1:** Telford road uncovered on the Great Western Highway (Leura) in 2008.

#### Photographing distinguishing features

Where unexpected items have a distinguishing feature, close up detailed photographs must be taken of this, where practicable. In the case of a building or bridge, this may include diagnostic details architectural or technical features. See Figures 3 and 4 for examples.



**Figure 3:** Ceramic bottle artefact with stamp.



**Figure 4:** Detail of the stamp allows 'Tooth & Co Limited' to be made out. This is helpful to a specialist in gauging the artefact's origin, manufacturing date and likely significance.

## Photographing bones

The majority of bones found on site will those of be recently deceased animal bones often requiring no further assessment (unless they are in archaeological context). However, if bones are human, Roads and Maritime must contact the police immediately (see Appendix F for detailed guidance). Taking quality photographs of the bones can often resolve this issue quickly. Heritage staff in Environment Branch can confirm if bones are human or non-human if provided with appropriate photographs. Ensure that photographs of bones are not concealed by foliage (Figure 5) as this makes it difficult to identify. Minor hand removal of foliage can be undertaken as long as disturbance of the bone does not occur. Excavation of the ground to remove bone(s) should not occur, nor should they be pulled out of the ground if partially exposed. Where sediment (adhering to a bone found on the ground surface) conceals portions of a bone (Figure 6) ensure the photograph is taken of the bone (if any) that is not concealed by sediment.



**Figure 5:** Bone concealed by foliage.



**Figure 6:** Bone covered in sediment

Ensure that all close up photographs include the whole bone and then specific details of the bone (especially the ends of long bones, the *epiphysis*, which is critical for species identification). Figures 7 and 8 are examples of good photographs of bones that can easily be identified from the photograph alone. They show sufficient detail of the complete bone and the epiphysis.



**Figure 7:** Photograph showing complete bone.



**Figure 8:** Close up of a long bone's epiphysis.



## Appendix D

### Key environmental contacts

Hunter region	Environmental Manager (Hunter)	4924 0440
	Aboriginal Cultural Heritage Advisor	4924 0383
Northern region	Environment Manager (North)	6640 1072
	Aboriginal Cultural Heritage Advisor	6604 9305
Southern region	Environmental Manager (South)	6492 9515
	Aboriginal Cultural Heritage Advisor	4221 2767
South West region	Environment Manager (South West)	6937 1634
	Aboriginal Cultural Heritage Advisor	6937 1647
Sydney region	Environment Manager (Sydney)	8849 2516
	Aboriginal Cultural Heritage Advisor	8849 2583
Western region	Environment Manager (West)	6861 1628
	Aboriginal Cultural Heritage Advisor	6861 1658
Pacific Highway Office	Environment Manager	6640 1375
Regional Maintenance Delivery	Environment Manager	9598 7721
Environment Branch	Senior Environmental Specialist (Heritage)	8588 5754

### Heritage Regulators

Heritage Division Office of Environment and Heritage Locked Bag 5020 Parramatta NSW 2124 Phone: (02) 9873 8500	Department of the Environment (Clth) GPO Box 787 Canberra ACT 2601 Phone: (02) 6274 1111
Office of Environment and Heritage (Sydney Metropolitan) Planning and Aboriginal Heritage Section PO Box 668 Parramatta NSW 2124 Phone: (02) 9995 5000	Office of Environment and Heritage (North Eastern NSW) Planning and Aboriginal Heritage Section Locked Bag 914 Coffs Harbour NSW 2450 Phone: (02) 6651 5946
Office of Environment and Heritage (North Western NSW) Environment and Conservation Programs PO Box 2111 Dubbo NSW 2830 Phone: (02) 6883 5330	Office of Environment and Heritage (Southern NSW) Landscape and Aboriginal Heritage Protection Section PO Box 733 Queanbeyan NSW 2620 Phone: (02) 6229 7188

### Project-Specific Contacts

Position	Name	Phone Number
Project Manager		
Site/Alliance Environment Manager		
Regional Environmental Officer		
Aboriginal Cultural Heritage Advisor		
Consultant Archaeologist		
Local Police Station		
OEH: Environment Line		131 555

# Appendix E

## Uncovering bones

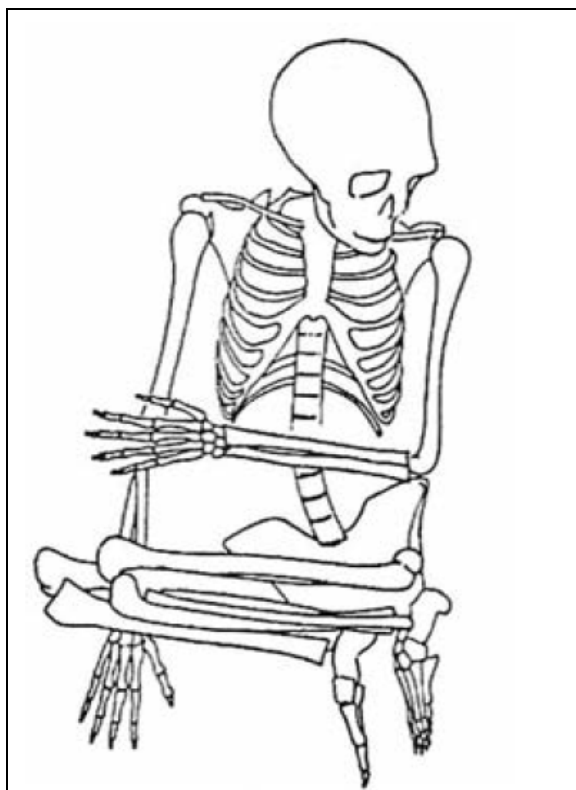
👉 All matters relating to uncovering bones and RMS' human remains notification obligations should involve RMS regional environment and heritage staff. They will guide Project Managers through occurrences of uncovering bones.

This appendix provides Project Managers with advice (1) on what to do on first uncovering bones (2) the range of human skeletal notification pathways and (3) additional considerations and requirements when managing the discovery of human remains.

### 1. First uncovering bones

Stop all work in the vicinity of the find. All bones uncovered during project works should be **treated with care and urgency** as they have the potential to be human remains. Therefore they must be identified as either human or non-human as soon as possible by a qualified forensic or physical anthropologist. These specialist consultants can be sought by contacting regional environment staff and/or heritage staff at Environment Branch.

On the very rare occasion where it is *instantly obvious* from the remains that they are human, the Project Manager (or a delegate) should **inform the police by telephone** prior to seeking specialist advice. It will be obvious that it is human skeletal remains where there is no doubt, as demonstrated by the example in Figure 1. Often skeletal elements in isolation (such as a skull) can also clearly be identified as human. Note it may also be obvious that human remains have been uncovered when soft tissue and clothing are present.



**Figure 1:** Schematic of a complete skeleton that is 'obviously' human<sup>12</sup>.



**Figure 2:** Disarticulated bones that require assessment to determine species.

<sup>12</sup> After Department of Environment and Conservation NSW (2006), *Manual for the identification of Aboriginal Remains*: 17.

This preliminary phone call is to let the police know that Roads and Maritime is undertaking a specialist skeletal assessment to determine the approximate date of death which will inform legal jurisdiction. The police may wish to take control of the site at this stage. If not, a forensic or physical anthropologist must be requested to make an on-site assessment of the skeletal remains.

Where it is not 'obvious' that the bones are human (in the majority of cases, illustrated by Figure 2), specialist assessment is required to establish the species of the bones. Photographs of the bones can assist this assessment if they are clear and taken in accordance with guidance provided in Appendix C. Good photographs often result in the bones being identified by a specialist without requiring a site visit; noting they are nearly always non-human. In these cases, non-human skeletal remains must be treated like any other unexpected archaeological find.

If the bones are identified as human (either by photographs or an on-site inspection) a technical specialist must determine the likely ancestry (Aboriginal or non-Aboriginal) and burial context (archaeological or forensic). This assessment is required to identify the legal regulator of the human remains so **urgent notification** (as below) can occur. Preliminary telephone or verbal notification by the Project Manager or regional environment staff is considered appropriate. This must be followed up later by Roads and Maritime's formal letter notification as per Appendix G when a management plan has been developed and agreed to by the relevant parties.

## 2. Range of human skeletal notification pathways

The following is a summary of the different notification pathways required for human skeletal remains depending on the preliminary skeletal assessment of ancestry and burial context.

### A. Human bones are from a recently deceased person (*less than 100 years old*).

#### Action

A police officer must be notified immediately as per the obligations to report a death or suspected death under s35 of the *Coroners Act 2009* (NSW). It should be assumed the police will then take command of the site until otherwise directed.

### B. Human bones are archaeological in nature (*more than 100 years old*) and are likely to be Aboriginal remains.

#### Action

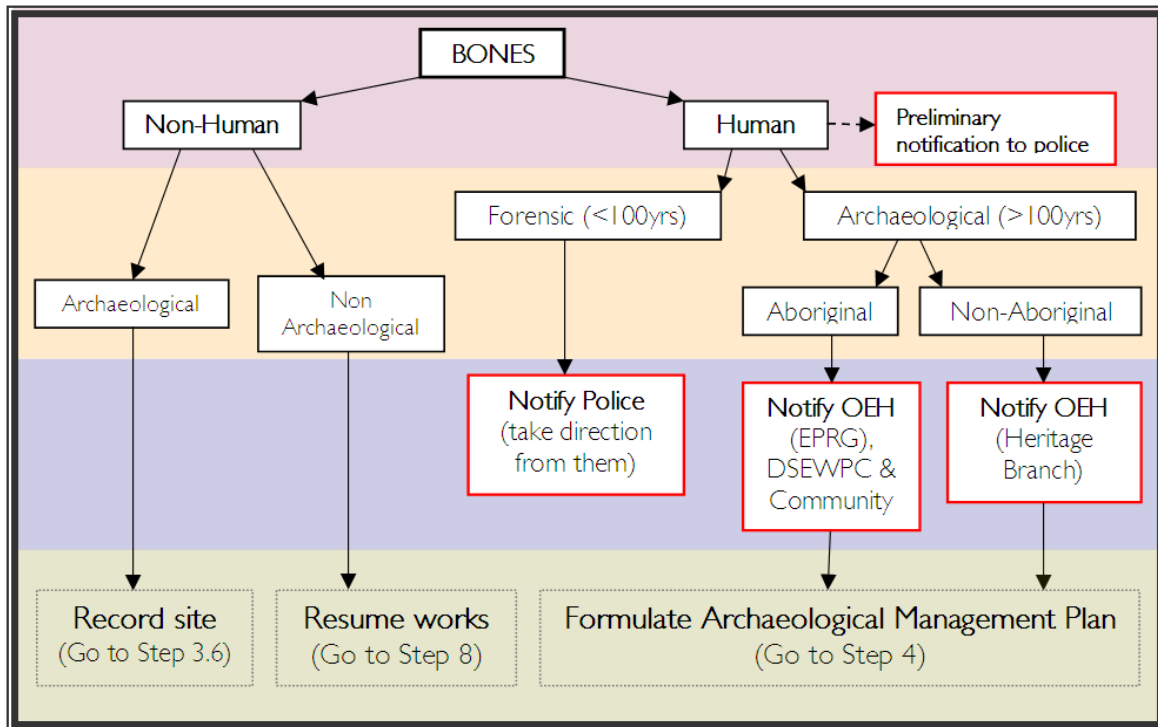
The OEH and the RMS Aboriginal Cultural Heritage Advisor (ACHA) must be notified immediately. The ACHA must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site. Relevant stakeholders are determined by the RTA's *Procedure for Aboriginal Cultural Heritage Consultation and Investigation*.

### C. Human bones are archaeological in nature (*more than 100 years old*) and likely to be non-Aboriginal remains.

#### Action

The OEH (Heritage Branch, Conservation Team) must be notified immediately.

The simple diagram below summarises the notification pathways on finding bones.



After the appropriate verbal notifications (as described in B and C), the Project Manager must proceed through the *Unexpected Heritage Items Procedure* to formulate an archaeological management plan (Step 4). Note no archaeological management plan is required for forensic cases (A), as all future management is a police matter. Non-human skeletal remains must be treated like any other unexpected archaeological find and so must proceed to recording the find as per Step 3.6.

### 3. Additional considerations and requirements

Uncovering archaeological human remains must be managed intensively and needs to consider a number of additional specific issues. These issues might include facilitating culturally appropriate processes when dealing with Aboriginal remains (such as repatriation and cultural ceremonies). Roads and Maritime’s ACHA can provide advice on this and how to engage with the relevant Aboriginal community. Project Managers, more generally, may also need to consider overnight site security of any exposed remains and may need to manage the onsite attendance of a number of different external stakeholders during assessment and/or investigation of remains. Project Managers may also be advised to liaise with local church/religious groups and the media to manage community issues arising from the find. Additional investigations may be required to identify living descendants, particularly if the remains are to be removed and relocated.

If exhumation of the remains (from a formal burial or a vault) is required, Project Managers should also be aware of additional approval requirements under the *Public Health Act 1991* (NSW). Specifically, Roads and Maritime is required to apply to the Director General of NSW Department of Health for approval to exhume human remains as per Clause 26 of the *Public Health (Disposal of Bodies) Regulation 2002* (NSW)<sup>13</sup>. Further, the exhumation of such remains needs to consider health risks such as infectious disease control, exhumation procedures and reburial approval and registration. Further guidance on this matter can be found at the NSW Department of Health [website](#).

In addition, due to the potential significant statutory and common law controls and prohibitions associated with interfering with a public cemetery, project teams are

<sup>13</sup> This requirement is in addition to heritage approvals under the *Heritage Act 1977*.

advised, when works uncover human remains adjacent to cemeteries, to confirm the cemetery's exact boundaries.

## Appendix F

### Archaeological/heritage advice checklist

The archaeologist must advise the Project Manager of an appropriate archaeological or heritage management plan as soon as possible after site inspection (see Step 4). An archaeological or heritage management plan can include a range of activities and processes, which differ depending on the find and its significance. In discussions with the archaeologist the following checklist can be used by the Project Manager and the archaeologist as a prompt to ensure all relevant archaeological issues are considered when developing this plan. This will allow the project team to receive clear and full advice to move forward quickly and in the right direction. Archaeological and/or heritage advice on how to proceed can be received in a letter or email outlining all relevant archaeological and/or heritage issues.

	Required	Outcome/notes
<b>Assessment and investigation</b>		
• Assessment of significance	Yes/No	
• Assessment of heritage impact	Yes/No	
• Archaeological excavation	Yes/No	
• Archival photographic recording	Yes/No	
<b>Heritage approvals and notifications</b>		
• AHIPs, Section 140, S139 exceptions etc	Yes/No	
• Regulator relics/objects notification	Yes/No	
• Roads and Maritime's S170 Heritage and Conservation Register listing requirements	Yes/No	
• Compliance with CEMP or other project heritage approvals	Yes/No	
<b>Stakeholder consultation</b>		
• Aboriginal stakeholder consultation requirements and how it relates to RTA <i>Procedure for Aboriginal Cultural Heritage Consultation and Investigation (PACHCI)</i> .	Yes/No	
• Advice from regional environmental staff, Aboriginal Cultural Heritage Advisor, Roads and Maritime heritage team.	Yes/No	
<b>Artefact/ heritage item management</b>		
• Retention or conservation strategy (eg items may be subject to long conservation and interpretation) • Disposal strategy (eg former road pavement) • Short term and permanent storage locations (interested third parties should be	Yes/No	

#### Roads & Maritime Services

consulted on this issue).		
• Control Agreement for Aboriginal objects.	Yes/No	
<b>Program and budget</b>		
• Time estimate associated with archaeological or heritage conservation work.		
• Total cost of archaeological/heritage work.		

## **Appendix G**

Template notification letter



[Select and type date]

[Select and type reference number]

[Select and type file number]

[Insert recipient's name and address, see **Appendix D**]

[Select and type salutation and name].

**Re: Unexpected heritage item discovered during Roads and Maritime Services project works.**

I write to inform you of an unexpected [select: relic, heritage item or Aboriginal object] found during Roads and Maritime Services construction works at [insert location] on [insert date]. [Where the regulator has been informally notified at an earlier date by telephone, this should be referred to here].

This letter is in accordance with the notification requirement under [select: Section 146 of the *Heritage Act 1977* (NSW) or Section 89(A) of the *National Parks and Wildlife Act 1974* (NSW)] **NB:** There may be not be statutory requirement to notify of the discovery of a 'heritage Item that is not a relic or Aboriginal object].

**NB:** On finding Aboriginal human skeletal remains this letter must also be sent to the Commonwealth Minister for Sustainability, Environment, Water, Populations and Communities (SEWPC) in accordance with notification requirements under Section 20(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

[Provide a brief overview of the project background and project area. Provide a summary of the description and location of the item, including a map and image where possible. Also include how the project was assessed under the *Environmental Planning and Assessment Act 1979* (NSW) (eg Part 5). Also include any project approval number, if available].

Roads and Maritime Services [or contractor] has sought professional archaeological advice regarding the item. A preliminary assessment indicates [provide a summary description and likely significance of the item]. Please find additional information on the site recording form attached.

Resulting from these preliminary findings, Roads and Maritime Services [or contractor] is proposing [provide a summary of the proposed archaeological/heritage approach (eg develop archaeological research design (where relevant), seek heritage approvals, undertake archaeological investigation or conservation/interpretation strategy). Also include preliminary justification of such heritage impact with regard to project design constraints and delivery program].

The proposed approach will be further developed in consultation with a nominated Office of Environment and Heritage staff member.

Please contact me if you have any input on this approach or if you require any further information.

Yours sincerely

[Sender name and position]

[Attach the archaeological/heritage management plan and site recording form].

## **Appendix D**

### Heritage education and training package



# Cultural Heritage

## Indigenous Heritage

- The *National Parks and Wildlife Act 1974 (NSW)* (NPW Act) protects Aboriginal objects and Aboriginal places in NSW. Under the NPW Act, it is an offence to do any of the following things without an exemption or defence provided for under the NPW Act (penalties apply):
  - A person must not knowingly harm or desecrate an Aboriginal object.
  - A person must not harm or desecrate an Aboriginal object or Aboriginal place (strict liability).
- Harm includes destroy, deface or damage of Aboriginal object or Aboriginal Place, and in relation to an object, move the object from the land on which it has been situated.
- Heritage areas are identified on the Environmental Sensitive area drawings available to all foreman, leading hands, engineers and other personnel.

## Non-Indigenous Heritage

- Non-indigenous state heritage artefacts and places are protected under the *Heritage Act 1977 (NSW)*. *Artefacts within the project boundaries site are being relocated and those outside are being flagged off.*
- Heritage areas are identified on the Environmental Sensitive area drawings available to all foreman, leading hands, engineers and other personnel.

# What are the objectives of the CHMP?

## Give Instructions for:

- Site establishment – controls to install, flagging/ signage and inductions
- Construction activities – what to be aware of while on site
- Leaving site requirements – clean-up and site restoration
- What to do in the event of an incident
- Important contact details

## Identifying:

- Access points
- No-go zones
- Controls to be installed

## Heritage protocols and procedures

- Stop works/notification procedures

# Non-Aboriginal Heritage

Items identified across site as impacted are listed below. The Shop Front is the only one which requires management measures. These will be included in the EWMS of the Area:

- **Shop Front at Halfway Creek**
  - Old Train station
- **Six Mile Tick Gate** at Bald Knob Rd
- **North Coast Railway Branch Tramway** at Glenugie State forest

Other items that may be found across the site are included below. If found notify you supervisor/CMC Environmental Rep:

- Survey Marks
- Old Wooden Bridges
- Stockyards

# If identified:

- Stop work
- Exclusion zone
- Notify your supervisor and CMC Enviro rep
- Work continues only with environment team permission



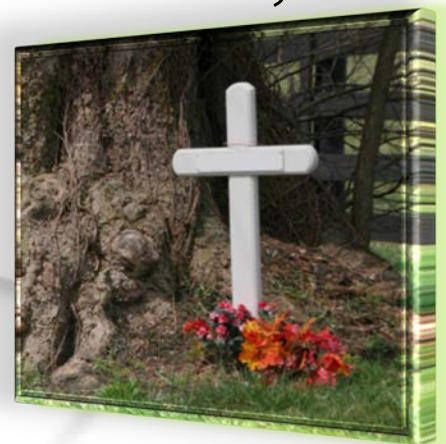
# Cultural sensitivity on site

Our project site is someone's property.

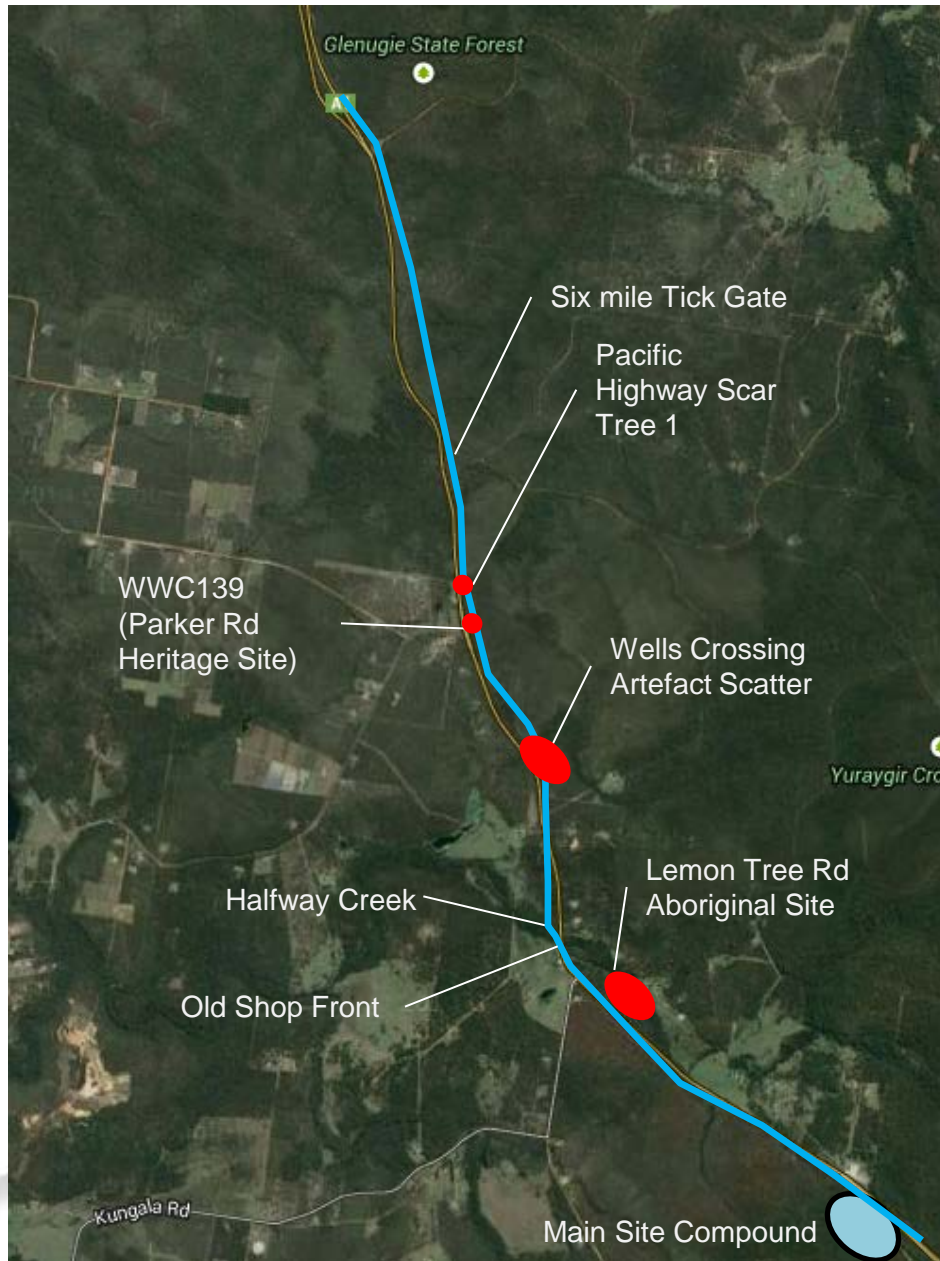
- Respect the no-go zones
- Keep within the boundary
- Report any unexpected finds
  
- Be mindful of the noise you make, including language (shouting and swearing)
- Use port-a-loos

# Roadside Memorials

- Roadside memorials are a sensitive issue
- There are guidelines in place to sensitively manage roadside memorials that are within a construction corridor
- Do not relocate or remove a roadside memorial without prior consultation to ensure guidelines are followed
- If there is a roadside memorial in the construction corridor, place an exclusion zone around the memorial and notify the Project Manager immediately



# Heritage Sites



## Aboriginal Heritage Sites:

- Lemon Tree Rd Aboriginal Site
- Wells Crossing Artefact Scatter
- WWC139 (Parker Rd Heritage Site)
- Pacific Highway Scar Tree 1

## Non-Aboriginal Heritage Site

- Shop Front next to the Matilda Service Station
- Six Mile Tick Gate