



APPENDIX B5

Construction Heritage Management Plan

Early Works – Wave 1 & 3 (part)

Woolgoolga to Ballina

Pacific Highway Upgrade

SEPTEMBER 2015

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Glossary/Abbreviations

CEMP	Construction Environmental Management Plan
CHMP	Construction Heritage Management Plan
CoA	Condition of approval
DP&E	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EWMS	Environmental Work Method Statements
Golding	Golding Contractors Pty Ltd
Minister, the	Minister for Planning
NPW Act	<i>National Parks and Wildlife Act 1974</i>
OEH	Office of Environment and Heritage
Project, the	Early Works – Wave 1 & 3 (part), Woolgoolga to Ballina, Pacific Highway Upgrade
RMS	NSW Roads and Maritime Services
Secretary	Secretary of the Department of Planning and Environment (formerly known as the Director General)
Submissions/PIR	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 Early Works - Wave 1 and part of Wave 3 Project, which is part of the upgrade of the Pacific Highway between Woolgoolga and Ballina.

This CHMP has been prepared to address the requirements of the Minister's Conditions of Approval (CoA), the mitigation measures listed in the *Pacific Highway Upgrade: Woolgoolga to Ballina Environmental Impact Statement December 2012* (the EIS), the *Submissions/Preferred Infrastructure Report November 2013* (SPIR) and all applicable legislation.

This Plan has been prepared for Wave 1 and 3 (part) of the project which broadly includes:

- Ground treatment and preparatory earthworks (soft soils treatments) between approximate STN 83400 and 91200.
- Excavation of material taken from a highway cutting at Tyndale (at approximate STN 69000 to 69500) for the soft soil treatments.
- Excavation of material taken from highway cuttings north of McIntyres Lane, Gulmarrad (at approximate STN 77500 to 78400) for the soft soil treatments.
- Excavation of material south of McIntyres Lane, Gulmarrad - Greenhills cutting (at approximate STN 76000 to 77075) for the soft soil treatments. McIntyres Lane would be widened to support truck movements from this cutting.
- Relocation of utility services at various locations throughout STN 67200 to 95100.

These works are located within Sections 4 and 5 of the Approved Project. The CEMP and the Sensitive Area Plans (Appendix A5) provide detailed information on the scope of works.

1.2 Background

The Pacific Highway Upgrade Woolgoolga to Ballina EIS (RMS 2012) 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 Infrastructure. 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); Working Paper: Aboriginal Cultural Heritage Assessment (Iluka Road to Woodburn Section); and Working Paper: Aboriginal Cultural Heritage Assessment (Woodburn to Ballina Section)

The EIS identified that one potential archaeological deposit, 38 archaeological sites and 11 Aboriginal cultural places are likely to be directly or indirectly impacted by the Pacific Highway upgrade between Woolgoolga and Ballina. With the implementation of appropriate management measures, the risk of residual impacts on Aboriginal heritage would be reduced to moderate.

The EIS identified that 18 non-Aboriginal heritage items would be directly or indirectly impacted by the Pacific Highway upgrade between Woolgoolga and Ballina and a further two heritage properties would be impacted but the impacts would occur outside the curtilage of the item.

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

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 environmental management framework for the Project, as described in *Section 4.1 of the CEMP*. In accordance with CoA D26(d), this Plan has been developed in consultation with the NSW Office of Environment and Heritage (OEH) and registered Aboriginal stakeholders.

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 Golding personnel and contractors.

The review and document control processes for this Plan are described in *Section 1.6 and Sections 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 heritage objects/places uncovered during construction.
- Ensure 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 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).
- *Altering Heritage Assets* (Heritage Office and DUAP 1996).
- *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.

Table 3-1 Conditions of Approval relevant to the CHMP

CoA No.	Condition requirements	Document reference
B20	The SSI shall be constructed with the aim of achieving the following construction vibration goals: a) For structural damage to heritage structures, the vibration set out in the German Standard <i>DIN 4150-3: Structural Vibration – Part 3 Effects of vibration on structures</i> ;	Construction Noise and Vibration Management Plan (Appendix B3 of CEMP)

B23	The Applicant shall ensure that Ground vibration generated by blasting associated with the SSI shall not exceed the criteria specified in Table 2 and Table 3 when measured at the most affected residence or other sensitive receiver.	Construction Noise and Vibration Management Plan (Appendix B3 of CEMP)
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Table 2 – Ground vibration limits for human comfort

Receiver	Type of blasting operations	Peak component particle velocity (mm/s)
Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts	5 mm/s for 95% of blasts per year 10 mm/s maximum limit
Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts in total	10 mm/s maximum limit
Occupied non-sensitive sites, such as factories and commercial premises	All blasting	25 mm/s maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation

Note a sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people.

Source – Table J4.5(A) – AS 2187.2-2006.

Table 3 – Ground vibration limits for control of damage to structures

<i>Receiver</i>	<i>Type of blasting operations</i>	<i>Peak component particle velocity (mm/s)</i>	
Other structures or architectural elements that include masonry, plaster, and plaster board in their construction.		15 mm/s 4 Hz to 15 Hz, except for heritage structures where a frequency dependent vibration criteria would be determined in accordance with AS 2187.2-2006	20 mm/s 15 Hz and above
Reinforced or framed structures. Industrial and heavy commercial buildings	All blasting	50 mm/s at 4 Hz and above	
Unreinforced or light framed structure. Residential or light commercial type building	All blasting	15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz	20 mm/s at 15 Hz increasing to 50 mm/s at 40 Hz and above
Unoccupied structures of reinforced concrete or steel construction	All blasting	100 mm/s maximum, where agreed with the structure owner.	
Infrastructure service structures, such as pipelines, powerlines, cables and reservoirs.	All blasting	Limits to be determined by structural design methodology in consultation with the infrastructure service provider.	

Source: Table J4.5(B) – AS 2187.2 – 2006
Table J4.4.2.1 – AS 2187.2 – 2006 (BS 7385-2)

Aboriginal heritage

B45	Prior to the commencement of construction activities affecting Aboriginal sites WWC39, WWC46, Tyndale 2 site, IR2W4, Site 11, E2/2, WWC37, Dubaljeen site (New Italy 1), The Gap Road 1, WX21 Site 8, Site 1, Site 2, Site 3 and Site 4 and sites recommended by condition B44 for further investigation, the Applicant shall:	This plan
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CoA No.	Condition requirements	Document reference
	<p>(a) develop a detailed salvage strategy, prepared in consultation with the OEH (Aboriginal heritage) and the Aboriginal stakeholders. The salvage strategy shall be prepared to the satisfaction of the Secretary; and</p> <p>(b) undertake any further archaeological excavation works recommended by the results of the detailed salvage strategy.</p> <p>Within twelve months of completing the above work, unless otherwise agreed by the Secretary, the Applicant shall prepare a report containing the findings of the excavations, including artefact analysis and Aboriginal Site Impacts Recording Forms (ASIR), and the identification of final storage location for all Aboriginal objects recovered (testing and salvage), in consultation with the relevant Registered Aboriginal Parties, the OEH (Aboriginal heritage) and to the satisfaction of the Secretary.</p> <p>The report shall be submitted to the relevant Registered Aboriginal Parties, the OEH (Aboriginal heritage) and the Secretary.</p> <p>Note:</p> <ul style="list-style-type: none"> Where archaeological testing has occurred as part of the environmental assessment and the results are included in the documents referred to in condition A2, the sites tested shall be included in the final report prepared under condition B46. 	
B46	<p>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 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, Birrugan 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. Where impacts are unavoidable, works shall be undertaken in accordance with the strategy outlined in the Construction Heritage Management Plan.</p>	This plan

CoA No.	Condition requirements	Document reference
B47	The Applicant shall not destroy, modify or otherwise physically affect Aboriginal sites 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, Rudgley Scarred Tree or Saezza 1.	This plan
*Non Aboriginal heritage		
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).	This plan
Heritage – general		
B52	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 D26(d) and under the guidance of an appropriately qualified heritage specialist.	This plan
B53	This approval does not allow the Applicant to destroy, modify or otherwise physically affect human remains as part of the SSI.	This plan
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.	This plan
B55	The measures to protect heritage sites near or adjacent to the SSI during construction shall be detailed in the Construction Heritage Management Plan.	This plan
B73	That sites for ancillary facilities that are associated with the construction of the SSI and that have not been identified and assessed in the documents listed in condition A2 shall: (n) be located in areas of low heritage conservation significance (including areas identified as being of Aboriginal cultural value) and not impact on heritage sites beyond those already impacted by the SSI. The Applicant shall undertake an assessment of the facility against the above criteria in consultation with the relevant public authority(s) and the relevant council. The assessment shall be approved by	This Plan and Ancillary Facilities Management Plan (Appendix B8 of the CEMP)

CoA No.	Condition requirements	Document reference
	the Environmental Representative and included in the Ancillary Facilities Management Plan required under condition D21	
B74	Ancillary facilities that have not been previously identified and assessed in the documents listed in condition A2, and do not meet the criteria set out under condition B73, shall be approved by the Environmental Representative prior to its establishment. In obtaining this approval, the Applicant shall consult with the relevant public authority(s) and the relevant council, and demonstrate to the satisfaction of the Environmental Representative, how the potential environmental impacts can be mitigated and managed to acceptable standards. The outcomes of the assessment shall be documented in a report and include, but not necessarily be limited to: (d) an assessment of the environmental impacts on the site and the surrounding environment, including , but not limited to noise, vibration, air quality, traffic and access during site establishment and operation, flora and fauna, heritage, erosion and sedimentation, water quality and light spill;	This Plan and Ancillary Facilities Management Plan (Appendix B8 of the CEMP)
B75	Notwithstanding condition B74, ancillary facilities that have not been previously identified and assessed in the documents listed in condition A2 and result in additional impacts to biodiversity, heritage, flooding and noise beyond those approved for the SSI, shall be approved by the Secretary prior to their establishment. In order to obtain this approval, the Applicant shall undertake an assessment of the ancillary facility in accordance with condition B74 and forward a copy of the assessment report to the Secretary, as part of the approval submission, at least one month prior to the establishment of the facility.	This Plan and Ancillary Facilities Management Plan (Appendix B8 of the CEMP)
B77	Where changes are made to the boundary or use of and ancillary facility, including facilities identified in the documents listed in condition A2, the Applicant shall assess the facility against the criteria set out in condition B73. If the ancillary facility site: (b) results in impacts to biodiversity, heritage, flooding and noise beyond those approved for the SSI, the Applicant shall seek the approval of the Secretary in accordance with condition B75. The relevant approval shall be obtained prior to the establishment of the ancillary facility.	This Plan and Ancillary Facilities Management Plan (Appendix B8 of the CEMP)
B78	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-	This Plan and Ancillary Facilities

CoA No.	Condition requirements	Document reference
	<p>Aboriginal archaeological impacts of the ancillary facility on previously unidentified heritage sites, provided:</p> <ul style="list-style-type: none"> (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 (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. 	<p>Management Plan (Appendix B8 of the CEMP)</p>
C1	<p>Prior to the commencement of construction or as otherwise agreed by the Secretary, the Applicant shall prepare and implement a Community Communication Strategy to the satisfaction of the Secretary, The Secretary shall provide mechanisms to facilitate the communication between the Applicant (and its contactor(s)), the Environmental Representative (see condition D22), the relevant council and community stakeholders (particularly adjoining landowners) on the construction environmental management of the SSI. The Strategy shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners; (b) procedures and mechanisms for the regular distribution of information to community stakeholders on construction progress and matters associated with environmental management; (c) the formation of community-based focus groups for key environmental management issues for the SSI. The Strategy shall provide detail on the structure, scope, objectives and frequency of the community-based focus groups; 	<p>Community Management Strategy</p>

CoA No.	Condition requirements	Document reference
	<p>(d) procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Applicant and/or Environmental Representative in relation to the environmental management and delivery of the SSI;</p> <p>(e) procedures and mechanisms through which the Applicant can respond to enquiries or feedback from the community stakeholders in relation to the environmental management and delivery of the SSI; and</p> <p>(f) procedures and mechanisms that would be implemented to resolve issues/disputes that may arise between parties on the matters relating to environmental management and the delivery of the SSI. This may include the use of an appropriately qualified and experienced independent mediator.</p> <p>Issues that shall be addressed through the Community Communication Strategy include (but are not necessarily limited to):</p> <ul style="list-style-type: none"> (i) traffic management (including property access, pedestrian access); (ii) heritage matters; (iii) landscaping and urban design matters; (iv) construction staging, hours and activities; (v) noise and vibration mitigation and management; (vi) air quality and dust; (vii) water quality, hydrology and flooding matters; and (viii) biodiversity matters. <p>The Applicant shall maintain and implement the Strategy throughout construction of the SSI</p>	
D22	The Applicant shall prepare and implement a Borrow Sites Management Plan , to manage the construction, operation and rehabilitation of the borrow sites used to source construction material for the SSI, prior to the commencement of construction at the borrow sites, or as otherwise agreed	Borrow Sites Management Plan

CoA No.	Condition requirements	Document reference
	<p>by the Secretary. The Plan shall be prepared in consultation with the EPA, OEH and DPI (Fisheries) and to the satisfaction of the Secretary, and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> (a) details of construction /extraction methods and activities carried out a the borrow site; (b) management and mitigation measures to be used to minimise surface and groundwater impacts, Aboriginal and non-Aboriginal heritage, air quality, noise and vibration, biodiversity and visual impacts; (c) consultation with sensitive receivers; and (d) details of the rehabilitation of the borrow site, including future landform and use of the borrows site, landscaping and revegetation, and measures that would be implemented to minimise or manage the ongoing environmental effects of the site. <p>The Plan shall demonstrate that the construction and operation of the Lang Hill borrow site has no adverse impact on the known Oxleyan Pygmy Perch habitat waterway.</p>	
D25	<p>The Applicant shall prepare and implement (following approval) a Construction 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 <i>Guideline for the Preparation of Environmental Management Plans</i> (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"> (a) 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 the Plan: 	Stockpile Management Protocol (Appendix I of Construction Soil and Water Quality Management Plan

CoA No.	Condition requirements	Document reference
	<p>(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);</p>	
D26 (d)	<p>A Construction Heritage Management Plan 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 Registered Aboriginal Parties (for Aboriginal heritage), and include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> (i) In relation to Aboriginal Heritage: <ul style="list-style-type: none"> a) Details of further investigation and identification of Aboriginal cultural heritage sites within the SSI boundary. 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. 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 Registered Aboriginal Parties 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. 	This plan

CoA No.	Condition requirements	Document reference
	<ul style="list-style-type: none"> 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 Registered Aboriginal Parties and not recommencing any works in the area unless authorised by the OEH and/or the NSW Police Force. 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. f) Procedures for ongoing Aboriginal consultation and involvement for the duration of the SSI. <p>(ii) In relation to non-Aboriginal Heritage:</p> <ul style="list-style-type: none"> a) Identification of heritage Items directly and indirectly affected by the SSI. 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): <ul style="list-style-type: none"> 1) Details of monitoring and reporting requirements for impacts on heritage items. 2) 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. 3) 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. 	

CoA No.	Condition requirements	Document reference
	(iii) Mechanisms for the monitoring, review and amendment of this plan.	

*It is not expected that the project will impact on any sites of Non-aboriginal Heritage.

**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.

4 Aboriginal consultation

4.1 Consultation undertaken to date

Consultation and collaboration with registered Aboriginal stakeholders has been integral to the assessment and management of Aboriginal cultural heritage for the project. Consultation that occurred prior to the finalisation of the EIS is outlined in the EIS. Aboriginal focus group (AFG) meetings have been ongoing since the finalisation of the EIS.

Following review of the CHMP by RMS and the Environmental Representative the registered Aboriginal Stakeholders were contacted by phone to confirm preferred method of transmittal. All parties preferred email transmission. The Cultural Heritage Management Plan and the Sensitive Area Plans were provided by email on 7 July 2015.

Registered parties included:

- Yarrawarra Aboriginal Corporation (incorporating the Garby Elders Group)
- Grafton-Ngerrie LALC
- Yaegl LALC
- Birrigan Gargle LALC
- Bandjalang People native Title Claimants, via NTSCORP Limited
- Yaegl Native Title Claimants Group, via NTSCORP Limited

Contact details are available to appropriately authorised personnel and have not been included here for privacy reasons.

The CHMP and Sensitive Area Plans were again discussed at the Wells Crossing to Iluka Road Aboriginal Focus Group Nungera Co-operative, Community Hall, Maclean on 22 July 2015.

No additional comments were offered on the plans following the email transmission or at the AFG meeting in July 2015.

Registered stakeholders will continue to be provided with the opportunity for input to the plans via the AFG meetings.

Greenhill Cutting

The Registered Stakeholders were consulted regarding the proposed works within the Greenhill Cutting as part of the Pacific Complete CHMP (Section 3 to 11) heritage consultation process. The CEMP was issued to the Registered Aboriginal Parties and follow up calls and emails resulted in no additional comments on the proposed works.

The registered stakeholders were notified of the change in sequence of the works in the Greenhill Cutting and the incorporation into the Wave 1 works on 09/10/2015.

4.2 Ongoing consultation

Aboriginal focus group consultation through letters and/or meetings would occur at least once every six months during construction of the project.

All relevant staff, including the management team, environmental staff and foremen, will undertake Aboriginal culture awareness training prior to commencing work on-site in accordance with the Aboriginal heritage and education training package provided in Appendix B. This would include input from suitably trained personnel from local Aboriginal organisations.

Procedures for dealing with previously unidentified Aboriginal objects and unexpected finds would involve consultation with registered Aboriginal stakeholders.

A community action plan will be prepared for the project which will include mechanisms to facilitate communication with registered Aboriginal stakeholders on the construction and environmental management of the project.

Community information sessions will be held on an as needed basis and in line with project milestones. Registered Aboriginal stakeholders will be invited to attend all community information sessions.

5 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.

5.1 Aboriginal cultural heritage

5.1.1 Archaeological sites

The works will impact on two identified sites (Hirst 1 and 2), refer Table 5-1. Salvage activities at these two sites have already been undertaken. The project may have indirect impacts on two other identified archaeological sites (Tyndale 1 and 2) due to proximity, refer Table 5-1. Refer also to the Sensitive Area Plans included in Appendix A5 of the CEMP.

Table 5-1 Archaeological sites

Name	Scientific significance	Aboriginal significance
Section 4		
Tyndale 1 (09-4-0099): Site – Artefact scatter	Low	Moderate-high
Tyndale 2 (13-1-0115): Site – Artefact scatter	Low	To be assessed
Shark Creek Site 2 (13-4-0170): Site – Artefact scatter	Low	High
Hirst 1 (13-1-0206): Site – Isolated artefact	Low	High
Hirst 2 (13-1-0185): Site – Isolated artefact	Low	Moderate-high

5.1.2 Cultural sites

Eleven cultural sites were identified through the cultural assessment and consultation process undertaken for the EIS. Two sites are located in proximity to the Early Works - Wave 1 & 3 (part) Project, refer to Table 5-2. Refer also to the Sensitive Area Plans included in Appendix A5 of the CEMP. These sites are not expected to be impacted upon by the project.

Table 5-2 Aboriginal cultural sites

Name	Aboriginal significance	Scientific significance
CP6 Tyndale and Woodford Island Corridors of Movement	Moderate-High	n/a
CP8 Pillar Valley Corridors of Movement	Moderate	n/a

5.2 Non-Aboriginal heritage

No non-Aboriginal heritage items are located within or adjacent to the Early Works – Wave 1 & 3 (part) Project site.

6 Environmental aspects and impacts

6.1 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.

6.2 Aboriginal cultural heritage impacts

Table 6-1 summarises identified impacts and management measures in relation to Aboriginal archaeological sites.

Table 6-1 Aboriginal archaeology – impacts and management

Name	Impact	Management
Section 4		
Tyndale 1 (09-4-0099): Site – Artefact scatter	Avoid	Avoid
Tyndale 2 (13-1-0115): Site – Artefact scatter	Direct impact	Collection Salvage
Shark Creek Site 2 (13-4-0170): Site – Artefact scatter	Direct impact	Collection
Hirst 1 (13-1-0206): Site – Isolated artefact	Direct impact	Collection
Hirst 2 (13-1-0185): Site – Isolated artefact	Direct impact	Collection

Salvage activities at the Tyndale 2 site are to occur following the cane harvest in late June 2015. Investigation works will take approximately 1 week to complete. Salvage activities at Hirst 1 and 2 and Shark Creek Site 2 sites have already been undertaken.

Table 6-2 summarises identified impacts and management measures in relation to Aboriginal cultural heritage sites.

Table 6-2 Aboriginal cultural heritage – impacts and mitigation

Name	Impact	Management
CP6 Tyndale and Woodford Island Corridors of Movement	Avoid	Avoid
CP8 Pillar Valley Corridors of Movement	Avoid	Avoid

6.3 Non-Aboriginal heritage impacts

There are no identified impacts to non-Aboriginal heritage items associated with the Early Works – Wave 1 & 3 (part) Project.

7 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 7-1.

Table 7-1 Heritage management and mitigation measures

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
GENERAL ABORIGINAL HERITAGE MANAGEMENT/MITIGATION MEASURES					
General impacts to Aboriginal archaeological sites					
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 m of the artefact concentrations. Up to, but no more than, an additional 6 m ² would be excavated in this situation at that site, unless rare features are encountered, in which case discussions with the registered Aboriginal stakeholders and NSW Office of Environment and Heritage would be undertaken to agree on a suitable approach.		Pre-construction/ Construction	Environmental Site Representative/ 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.		Construction	Environmental Site Representative/ 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 will be undertaken before that part of the Project proceeds.		Pre-construction	Environmental Site Representative/ Project Archaeologist	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		Construction	Environmental Site Representative/ Project Archaeologist	Submissions/PIR (AH4)

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
	<p>archaeologists in conjunction with the registered Aboriginal stakeholders.</p> <ul style="list-style-type: none"> 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 registered Aboriginal stakeholders. 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. For all salvaged material, suitable storage would be agreed upon with the registered Aboriginal stakeholders prior to commencing salvage in those areas. 				
AH5	Curation of any collected heritage evidence in an appropriate manner, as determined in consultation with the registered Aboriginal stakeholders 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.		Construction/ Post- construction	Environmental Site Representative/ 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.		Construction/ Post- construction	Environmental Site Representative/ 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.		Construction and post- construction	Environmental Site Representative/ Project Archaeologist	Submissions/PIR (AH7)

Human skeletal remains

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
AH8	<p>In the event that the Project reveals possible human skeletal remains, the following procedure would be followed (in accordance with RMS' Standard Management Procedures: Unexpected Archaeological Finds 2011 as provided in Appendix C):</p> <ul style="list-style-type: none"> • As soon as remains are exposed, all construction would halt at that location immediately and the onsite supervisor would be immediately notified to allow assessment and management. • The on-site supervisor would notify the Environmental Representative, RMS Project Manager and RMS Senior Environmental Officer. Police, EPA (Environment Line on 131 555) and the Heritage Branch (02 9873 8500) would also be contacted. • 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). • Should the remains be identified as a forensic matter (ie crime scene), liaison with the police would be undertaken. • Should the remains be identified as Aboriginal, liaison with RMS, the EPA, the Department of Planning and Infrastructure (DP&I) and registered Aboriginal stakeholders would be undertaken. • Should the remains be identified as non-Aboriginal (historical), liaison with RMS, the Heritage Branch and the DP&I would be undertaken. • No construction is to recommence in the area until appropriate clearances have been given. 	RMS Standard Management Procedure – Unexpected Archaeological Finds (Refer Appendix C)	Construction	All personnel and subcontractors	Submissions/PIR (AH8) G36 Section 4.9

Aboriginal stakeholder consultation

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
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).		Pre-construction/ Construction	Environmental Site Representative	Submissions/PIR (AH9)
AH10	Further consultation with the registered Aboriginal stakeholders 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.	Procedure for Aboriginal Cultural Heritage Consultation and Investigation	Construction/ Post-construction	Environmental Site Representative	Submissions/PIR (AH10)
Awareness of Aboriginal heritage					
AH11	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. 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.	Heritage education and training package (refer Appendix B)	Pre-construction/ Construction	Environmental Site Representative	Submissions/PIR (AH11) G36 Sections 4.9
AH12	Implement the Aboriginal heritage interpretation strategy provided in Appendix A. 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		Pre-construction/ Construction	Environmental Site Representative	Submissions/PIR (AH12)

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
	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.				
AH13	Compliance auditing of the cultural heritage management measures will be undertaken as part of the environmental management audit regime.		Pre-construction/ Construction	Environmental Site Representative	Submissions/PIR (AH13)
AH14	Ancillary facility - Section 4, Site 1: Sub-surface test excavations will be undertaken in accordance with the methodology used in the working paper, and will occur before any ground disturbance at this location. Further recommendations for the Aboriginal archaeological site will then be made in consultation with the registered Aboriginal stakeholders.		Pre-construction	Environmental Site Representative	Submissions / PIR (AH14k)
AH15	Ancillary facility - Section 4, Site 3: This property could not be accessed for field investigations. Sub-surface test excavations are to be undertaken. This will be conducted in accordance with the methodology used in the working paper, and will occur before ground disturbing work for the Project or ancillary activities being undertaken at this location. Further recommendations for the Aboriginal archaeological site will then be made in consultation with the RAPs.		Pre-construction	Environmental Site Representative	Submissions / PIR (AH14l)
AH16	Ancillary facility - Section 4, Site 5 (at Hirst 3 (13-1-0192): This Aboriginal archaeological site is to be avoided if possible unless agreement can be reached with the RAPs. An exclusion zone will be established as per management measure AH2. If agreement to use the site is reached with RAPs, salvage excavation of the portion of the Aboriginal archaeological site to be impacted will be undertaken as detailed in the Ancillary facility and design change CHAR (Appendix D of the		Pre-construction	Environmental Site Representative	Submissions / PIR (AH14m)

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
	Submissions/ Preferred Infrastructure Report) and in consultation with RAPs.				
AH17	Ancillary facility - Section 5, Site 7 (at Mororo Creek 1 (13-1-0191)): This Aboriginal archaeological site within the ancillary facility location will be avoided. An exclusion zone at least five metres outside the boundary of the Aboriginal archaeological site will be established as per management measure AH2.		Construction	Environmental Site Representative	Submissions / PIR (AH14n)
AH18	Ancillary facility - Section 5, Site 5 and Site 7 (at Mororo Creek 2 (13-1-0193)): This Aboriginal archaeological site within the ancillary facility location will be avoided. An exclusion zone at least five metres outside the boundary of the Aboriginal archaeological site will be established as per management measure AH2.		Construction	Environmental Site Representative	Submissions / PIR (AH14o)
SITE SPECIFIC ABORIGINAL HERITAGE MANAGEMENT/MITIGATION MEASURES					
Impacts on Aboriginal archaeological sites					
AH19	Identified impacts to Aboriginal heritage, shall be minimised to the greatest extent practicable through both detailed design and construction. 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).			Environmental Site Representative	CoA B46
AH20	The Applicant shall not destroy, modify or otherwise physically affect Aboriginal site Tyndale 1.			All personnel and subcontractors	CoA B47
AH21	Prior to the commencement of construction affecting PAD site WWC Dirty Creek 1 and ancillary facilities at Section 4, Site 1; Section 4, Site 3; Section 7, Site 1; Section 10, Site 1a; and Section 11, Site 1a , the Applicant shall:		Pre-construction	Environmental Site Representative /	CoA B44

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
	<ul style="list-style-type: none"> a) undertake field investigation, and where required, an archaeological investigation of the site(s) using a methodology generally consistent with testing undertaken for the Environmental Impact Statement, and prepared in consultation with the OEH (Aboriginal heritage) and the relevant Registered Aboriginal Parties; and b) prepare a report on the results of the archaeological investigation, including recommendations (such as for further archaeological work) in consultation with the OEH and to the satisfaction of the Secretary, and shall include, but not necessarily be limited to: <ul style="list-style-type: none"> i. consideration of measures to avoid or minimise disturbance to Aboriginal objects where objects of moderate to high significance are found to be present; ii. recommendations for any further investigations under condition B46 where impacts cannot be avoided; and iii. details of management and mitigation measures to ensure there are no additional impacts due to pre-construction and construction activities; and c) submit the report to the relevant Registered Aboriginal Parties, the OEH (Aboriginal heritage) and the Secretary. 			Project Archaeologist	
AH22	<p>For the Tyndale 2 site:</p> <p>Salvage excavation be undertaken within the portion of the site to be impacted by the Project footprint as detailed in the Working paper Aboriginal Cultural Heritage (Wells Crossing to Iluka Road) and in consultation with RAPs.</p>		Pre-construction	Environmental Site Representative / Project Archaeologist	Submissions / PIR (AH18)
AH23	<p>Prior to the commencement of construction activities affecting Aboriginal sites WWC39, WWC46, Tyndale 2 site, IR2W4, Site 11, E2/2, WWC37, Dubaljeen site (New Italy 1), The Gap Road 1, WX21 Site 8, Site 1, Site 2, Site 3 and Site 4 and sites</p>		Pre-construction	Environmental Site Representative / Project Archaeologist	CoA B45

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
	<p>recommended by condition B45 for further investigation, the Applicant shall:</p> <p>a) develop a detailed salvage strategy, prepared in consultation with the OEH (Aboriginal heritage) and the Aboriginal stakeholders. The salvage strategy shall be prepared to the satisfaction of the Secretary; and</p> <p>b) undertake any further archaeological excavation works recommended by the results of the detailed salvage strategy.</p> <p>Within twelve months of completing the above work, unless otherwise agreed by the Secretary, the Applicant shall prepare a report containing the findings of the excavations, including artefact analysis and Aboriginal Site Impacts Recording Forms (ASIR), and the identification of final storage location for all Aboriginal objects recovered (testing and salvage), in consultation with the relevant Registered Aboriginal Parties, the OEH (Aboriginal heritage) and to the satisfaction of the Secretary.</p> <p>The report shall be submitted to the relevant Registered Aboriginal Parties, the OEH (Aboriginal heritage) and the Secretary.</p> <p><i>Note:</i></p> <p><i>Where archaeological testing has occurred as part of the environmental assessment and the results are included in the documents referred to in condition A2, the sites tested shall be included in the final report prepared under condition B46.</i></p>				
GENERAL NON-ABORIGINAL HERITAGE MANAGEMENT/MITIGATION MEASURES					
Unidentified historical heritage materials, features and/or deposits					
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'	RMS Standard Management Procedure –	Construction	All personnel and subcontractors	Submissions/PIR (HH1) G36

Pacific Highway Upgrade – Woolgoolga to Ballina

Early Works - Wave 1 & 3 (part)

Construction Heritage Management Plan

(RMS00031-118_4.0)

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
	Standard Management Procedure: Unexpected Archaeological Finds (2011) provided in Appendix C would be followed.	Unexpected Archaeological Finds (Refer Appendix C)			Section 6.13 and 6.14
HH2	The contractor shall not destroy, modify or otherwise physically affect the heritage items listed in Table 5-1, Historic (non-Aboriginal) Heritage Assessment Working Paper and Table 3-38, Submissions/Preferred Infrastructure Report (RMS, November 2013).		Pre-construction/ Construction	All personnel and subcontractors	CoA B51
Awareness of non-Aboriginal heritage items					
HH3	Contractors would be given awareness training on non-Aboriginal historical heritage in accordance with the Heritage Education and Training Package provided in Appendix B 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 discovery of human remains.	Heritage education and training package (refer Appendix B)	Construction	Environmental Site Representative	Submissions/PIR (HH2) G36 Sections 4.10
HH4	The Construction Heritage Management Plan will be developed in consultation with the Heritage Council of NSW.		Construction	Environmental Site Representative	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.		Pre-construction	Environmental Site Representative/ Project Archaeologist/ Construction Manager	Submissions/PIR (HH4)
HH6	Identified impacts to heritage sites shall be minimised where feasible and reasonable through both detailed design and construction.		Pre-construction/ Construction	Environmental Site Representative	CoA B52

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
	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.				
HH7	<p>The Project approval does not allow the Applicant to destroy, modify or otherwise physically affect human remains as part of the SSI.</p> <p>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.</p>		Pre-construction/ Construction	All personnel and subcontractors	CoA B53, CoA B54
Ancillary facilities					
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.			Environmental Site Representative/ Project Archaeologist/ Construction Manager	Submissions/PIR (HH7)
HH9	<p>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, 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"> • When the appropriate protective measures have been implemented. • When the relevant records have been updated and/or completed. 			Environmental Site Representative/ Project Archaeologist/ Superintendent/ Foreman	Submissions/PIR (HH8)

ID	Measure/requirement	Resources needed	When to implement	Responsibility	Reference
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-HH5 will be followed.			Environmental Site Representative/Project Archaeologist	Submissions/PIR (HH9)

8 Compliance management

8.1 Roles and responsibilities

The 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.

8.2 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 Archaeological Finds** (November 2011) (refer Appendix C)).
- Procedure to follow in the event of discovery of human remains during construction works (**RMS Standard Management Procedure – Unexpected Archaeological Finds** (November 2011) (refer Appendix C)).

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

The Aboriginal and non-Aboriginal Heritage Education and Training Package for the Project are included in Appendix B.

8.3 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 7-1.

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

8.4 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*.

8.5 Reporting

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

9 Review and improvement

9.1 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.

9.2 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

NOTE: This appendix is not applicable to the Wave 1 & 3 (part) Project and therefore has been intentionally omitted.

Appendix B

Heritage education and training package

The heritage education and training package for the Wave 1 & 3 (part) Project will comprise:

- Aboriginal culture awareness training for relevant staff, including the management team, environmental staff and foremen. This would include input from suitably trained personnel from local Aboriginal organisations
- Project induction, which will be completed by all Project personnel. The induction will include a section on heritage. A draft version of the heritage section of the induction presentation is provided on the following pages.
- Opportunities to provide general heritage awareness to Project personnel will be identified throughout the course of the Project. Such opportunities could include inviting local Aboriginal representatives to address toolbox talks and organising events to celebrate and acknowledge NAIDOC Week.



Soft Soils Wave 1



Responsive | Resourceful | Reliable

Places of cultural heritage are:

Those which help us understand the past or enrich the present, and which will be of value to future generations.

Why are they important?

Cultural heritage places are irreplaceable and precious and should be conserved for present and future generations.

Non-Aboriginal heritage – relates to European heritage

Aboriginal heritage – relates to heritage of Aboriginal and Torres Strait Islanders.

Through the planning, design and approvals process for W2B, detailed cultural heritage assessments were prepared.

There are no significant non-Aboriginal places within the Wave 1 project, but there are some Aboriginal sites in close proximity.

- Two known aboriginal heritage sites in the vicinity of the project have been salvaged.
- It is possible that additional sites / items will be found during the project.
- If you find a potential site / item, stop work immediately and notify the Environment team.

Examples of Aboriginal heritage items:

Stone artefacts
(e.g. tools, axes,
spear points)



Examples of Aboriginal heritage items:

Rock art
(e.g. paintings,
drawings)



Examples of Aboriginal heritage items:

Shell middens
(shellfish remains,
fish bones, tools)



Examples of Aboriginal heritage items:

Scarred trees
(removal of bark
for canoes, tools,
boomerangs)



Three Aboriginal language groups are represented in the vicinity of the Wave 1 project area:

- Bundjalung;
 - Yaegl (Yaygir); and
 - Kumbaingiri (Gumbaynggir).
-
- Aboriginal population was concentrated along the coast.
 - Sparser populations along river valleys.
 - About 20 different dialects of the Bundjalung language were spoken north of the Clarence River to SE QLD.
 - Reports that 200 to 300 Aboriginal people would gather at Woodburn for tribal fights and corroborees.

- Lower Clarence River was occupied by Yaegl people.
- In 1799, Mathew Flinders recorded an Aboriginal settlement at the mouth of the Clarence.
- He described large dome-shaped bark huts, baskets, nets and other evidence that suggested that the occupants of the Iluka area pursued a hunting/fishing economy supplemented with vegetable foods.
- The Kumbaingiri occupied the headwaters of the Nymboida River across the range to Urunga, Coffs Harbour, Bellingen, Glenreagh and Grafton, south and west of the Yaegl language group.

Tyndale and Woodford Island Corridors

- There are Yaegl oral history accounts of an Aboriginal massacre site and an important traditional Aboriginal pathway, which crossed the southern arm of the river and linked Tyndale with Woodford Island.
- Believed to be in an area to the north of present-day Tyndale village, but the exact location is not known.

Pillar Valley Corridors

- Traditional travel routes leading from Pillar Mountain to the Bull Paddock traverse the W2B project at Wells Crossing.
- Historically known camp sites occur along these travel routes.
- The Garby Elders also identified the Coldstream River as an important corridor linking significant areas at Glenugie, Pillar Valley and Tyndale.



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Appendix C

RMS Standard Management Procedure – Unexpected Archaeological Finds



Transport
Roads & Maritime
Services

STANDARD MANAGEMENT PROCEDURE

Unexpected Heritage Items

March 2015



About this release

RMS/ISBN numbers	RMS 12.003 ISBN 9781922040305
Title	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
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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

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 the item or where safeguards for managing the disturbance (apart from this procedure) are not contained in the environmental impact assessment.
- 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*¹.

- 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 AHIP²; an approval issued under the *Heritage Act 1977*; the Minister for Planning's conditions of project approval; or safeguards (apart from this procedure) that are contained in the relevant environmental impact assessment.

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 disturb³ or does not have a safeguard in place (apart from this procedure) to manage the disturbance.

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:

¹ RMS' heritage obligations are incorporated into the conditions of heritage approvals.

² 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.

³ 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).

“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 occupation of that area by persons of non Aboriginal extraction, and includes Aboriginal remains”⁴.

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)⁵. Also, when a person becomes aware of an Aboriginal object they must notify the Director-General of OEH about its location⁶. 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”⁷.

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.

⁴ Section 5(1) *National Park and Wildlife Act 1974*.

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

⁶ 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.

⁷ Section 4(1) *Heritage Act 1977*.

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 Council⁸. Also, when a person discovers a relic they must notify the NSW Heritage Council of its location⁹. Advice on how to do this is provided in Section 7 (Step 5).

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).

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

⁹ 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.

 **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 old¹⁰ 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**.

¹⁰ 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.

Role	Definition/responsibility
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.

Acronym	Meaning
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.

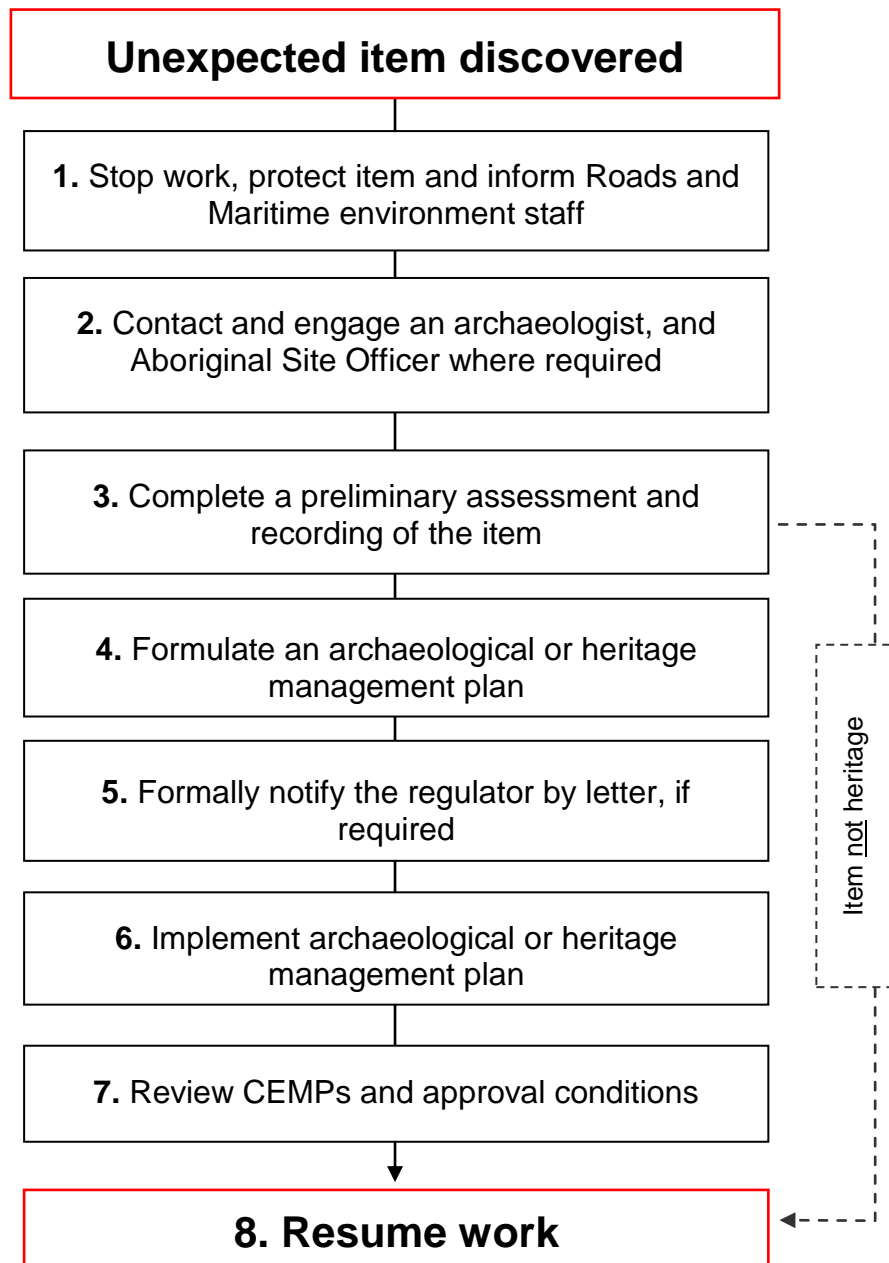


Figure 1: Overview of steps to be undertaken on the discovery of an unexpected heritage item.

IMPORTANT!

RMS may have approval or specific safeguards in place (apart from this procedure) to impact on certain heritage items during construction. If you discover a heritage item and you are unsure whether an approval or safeguard is in place, 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
1	Stop work, protect item and inform Roads and Maritime environment staff		
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	Appendix A (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 using 'Unexpected Heritage Item Recording Form 418'.	PM or TL-RMD	Appendix B (Unexpected Heritage Item Recording Form 418) Appendix C (Photographing Unexpected Heritage items)

Step	Task	Responsibility	Guidance & Tools
1.5	<p>Is the item likely to be bone?</p> <p>If yes, 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 no, proceed to next step.</p>	PM or WS-RMD	Appendix E (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 yes, proceed directly to Step 1.8</p> <p>If no, proceed to next step.</p>	PM or WS-RMD	Appendix A (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 yes, 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 yes, works may proceed without further disturbance to the item. Complete Step 1.8 within 24 hours.</p> <p>If works cannot avoid further disturbance to the item, works must not recommence at this time. Complete the remaining steps in this procedure.</p>	PM or WS-RMD	Appendix A (Identifying heritage items)

Step	Task	Responsibility	Guidance & Tools
1.8	Inform relevant Roads and Maritime Regional Environmental Staff of item by providing them with the completed 'Form 418'.	PM or WS-RMD (RES)	Appendix D (Key Environmental Contacts)
1.9	Regional Environmental Staff to advise Project Manager or Works Supervisor whether RMS has an approval or safeguard in place (apart from this procedure) to impact on the 'item'. (An approval 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, permit or appropriate safeguard in place to impact on the item? If yes , work may recommence in accordance with the approval, permit or safeguard. There is no further requirement to follow this procedure. If no , 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
2	Contact and engage an archaeologist and, where required, an Aboriginal site officer		
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	PM or WS-RMD (A; RES; SES(H))	Also see Appendix D (Key Environmental Contacts)

Step	Task	Responsibility	Guidance & Tools
	Where there is no project archaeologist engaged for the works, engage a suitably 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.		<u>Buyways</u>
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)	Appendix C (Photographing Unexpected Heritage items)
3	Preliminary assessment and recording of the find		
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	A/PM/ASO/ WS-RMD	

Step	Task	Responsibility	Guidance & Tools
	reflect the extent of the newly assessed protective area. No works are to take place within this area once established.		
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)	Appendix D (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	
4	Prepare an archaeological or heritage management plan		
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	Appendix F (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)	A/RES/PM	Appendix F (Archaeological/ Heritage Advice Checklist)

Step	Task	Responsibility	Guidance & Tools
	and/or previously agreed management strategies. The Project Manager and regional environment staff must provide all relevant documents to the archaeologist to assist with 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	
5	Notify the regulator, if required.		
5.1	Review the archaeological or heritage management plan to confirm if regulator notification is required. Is notification required? If no , proceed directly to Step 6 If yes , 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	Appendix G (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	

Step	Task	Responsibility	Guidance & Tools
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 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.	PM or WS-RMD	Appendix D (Key Environmental 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	
6	Implement archaeological or heritage management plan		
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	

Step	Task	Responsibility	Guidance & Tools
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 appropriate regulator.	PM or WS-RMD	
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	
7	Review CEMPs and approval conditions		
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	
8	Resume work		
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	PM/A/WS-RMD	

Step	Task	Responsibility	Guidance & Tools
	approval conditions are completed in the required timeframes. This includes artefact retention repositories, conservation and/or disposal strategies.		
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*¹¹.

¹¹ 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

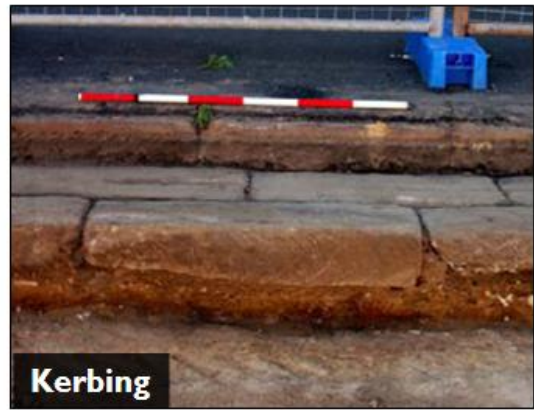


Cistern

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).



Road pavement



Kerbing



Telford road base



Corduroy timber road base



Culvert

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



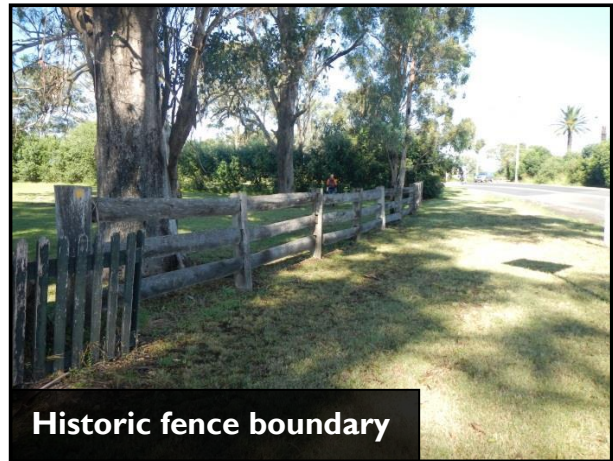
Top left hand corner continuing clockwise: Alignment Pin (Great Western Highway, Wentworth Falls); Survey tree (MR7, Albury); Survey tree (Kidman Way, Darlington Point, Murrumbidgee); Survey tree (Cobb Highway, Deniliquin); Milestone (Great Western Highway, Kingswood, Penrith); Alignment Stone (near 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.



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.

Date:		Recorded by: (Include name and position)	
Project name:			
Description of works being undertaken (eg Removal of failed pavement by excavation and pouring concrete slabs in 1m x 1m replacement sections).			
Description of exact location of item (eg Within the road formation on Parramatta Road, east bound lane, at the corner of Johnston Street, Annandale, Sydney).			
Description of item found (What type of item is it likely to be? Tick the relevant boxes).			
A. A relic	<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. A 'work, building or structure'	<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.	
C. An Aboriginal object	<input type="checkbox"/>	An 'Aboriginal object' may include stone tools, stone flakes, shell middens, rock art, scarred trees and human bones.	
D. Bone	<input type="checkbox"/>	Bones can either be human or animal remains. 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>.	
E. Other	<input type="checkbox"/>		

<p>Provide short description of item (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>Sketch (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>Action taken (Tick either A or B)</p>	
<p>A. Unexpected item would not be further impacted on by works <input type="checkbox"/></p>	
<p>Describe how works would avoid impact on the item. (eg The tram tracks will be left <i>in situ</i>, and recovered with road paving).</p>	
<p>B. Unexpected item would be further impacted on by works <input type="checkbox"/></p>	
<p>Describe how works would impact on the item. (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>Important: 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>Project manager / works supervisor signature</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.

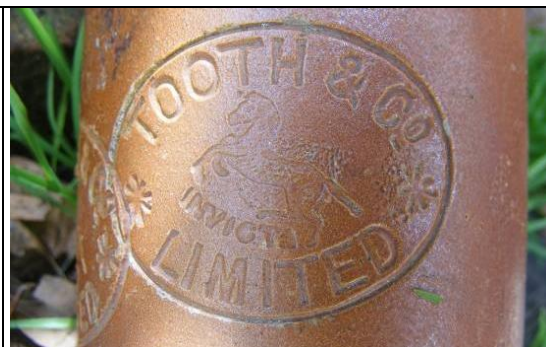


Figure 4: Detail of the stamp allows 'Tooth & Co Limited' to be made out. This is helpful to a specialist in gauging the artefact's origin, manufacturing date and likely significance.

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

Hand icon 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.

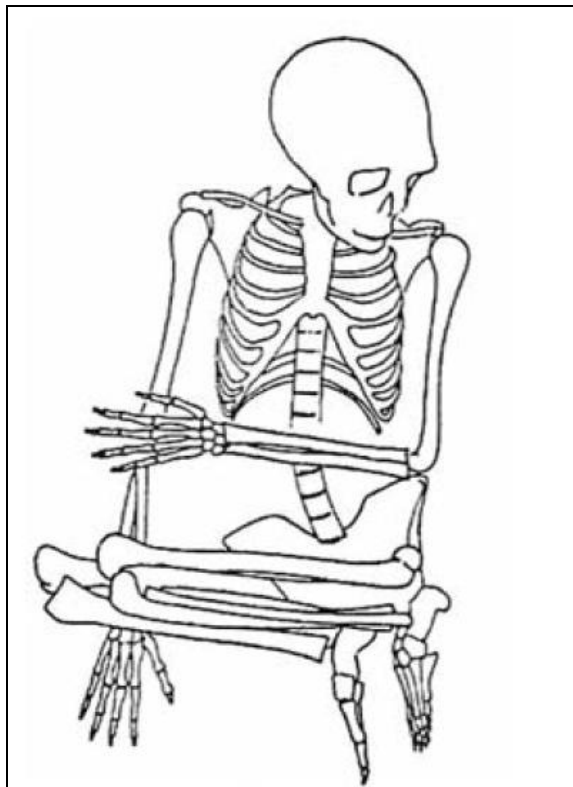


Figure 1: Schematic of a complete skeleton that is 'obviously' human¹².



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

¹² 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

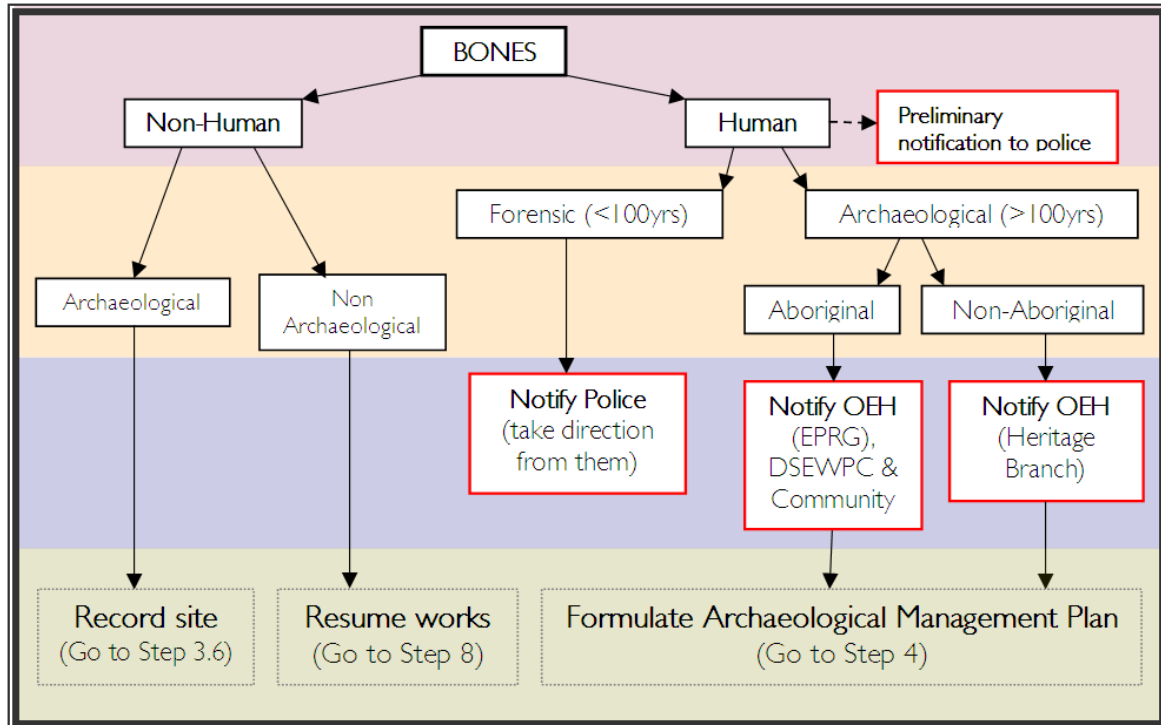
The OEH and the RMS Aboriginal Cultural Heritage Advisor (ACHA) must be notified immediately. The ACHA must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site. Relevant stakeholders are determined by the RTA's *Procedure for Aboriginal Cultural Heritage 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)¹³. 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

¹³ 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
Assessment and investigation		
• Assessment of significance	Yes/No	
• Assessment of heritage impact	Yes/No	
• Archaeological excavation	Yes/No	
• Archival photographic recording	Yes/No	
Heritage approvals and notifications		
• 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	
Stakeholder consultation		
• 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	
Artefact/ heritage item management		
• 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	
Program and budget		
• 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

NOTE: The Heritage education and training package is presented in Appendix B.