

JHCPB Joint Venture

Aboriginal Cultural Heritage Management Sub Plan

RIC-JHC-MPL-00-PL-261-001

Project	Design and Construction Rozelle Interchange Project
Design Lot No.	00-PL-261
Document No.	RIC-JHC-MPL-00-PL-261-001
Revision Date	15 October 2020

Document Approval

Developed By:				
[REDACTED]		[REDACTED]		
Reviewed By:				
Name	Position	Date Reviewed		
[REDACTED]	[REDACTED]	[REDACTED]		
Final Approval				
[REDACTED]		[REDACTED]		
[REDACTED]		[REDACTED]		
Revision Record				
Rev	Rev Date	Reason for issue	Developed by	Approved by
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
05	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

Contents

Glossary/Abbreviations	5
1. Introduction	7
1.1. Context.....	7
1.2. Background and project description.....	7
1.3. Scope of this Sub-plan	7
1.4. Environmental management systems overview	7
2. Purpose and objectives.....	8
2.1. Purpose.....	8
2.2. Objectives	8
2.3. Environmental performance outcomes and targets.....	8
3. Environmental Requirements	10
3.1. Relevant legislation and guidelines	10
3.1.1. Legislation	10
3.1.2. Additional approvals, licences, permits and requirements.....	10
3.1.3. Guidelines.....	10
3.2. Minister’s Conditions of Approval	10
3.3. Revised Environmental Management Measures.....	11
4. Consultation.....	12
4.1. Consultation for preparation of this Plan.....	12
4.2. Ongoing consultation.....	12
5. Existing Environment	13
5.1. Ethnographic and archaeological context	13
5.2. Likelihood of Potential Aboriginal Cultural and Archaeological Heritage	13
5.3. Identified Aboriginal Cultural and Archaeological Heritage	13
5.3.1. Within the Study Area	14
5.3.2. Outside of the Study Area	14
6. Environmental aspects and impacts.....	16
6.1. Construction activities	16
6.2. Aboriginal Cultural Heritage Impacts	16
7. Environmental mitigation and management measures.....	18
7.1. Aboriginal Cultural Heritage Management of site #45-6-2278.....	18
7.1.1. Aboriginal Site Verification and Condition Assessment	18
7.1.2. Vibration Assessment	18
7.1.3. Ground movement	18
7.1.4. Post-Construction (Final) Condition Assessment	18

7.2. Vibration monitoring and acoustic treatment of heritage items.....	19
7.3. Unexpected Heritage Items Procedure.....	19
8. Compliance Management	24
8.1. Roles and responsibilities.....	24
8.2. Training.....	24
8.3. Monitoring and inspections.....	25
8.4. Auditing.....	25
8.5. Reporting.....	25
9. Review and improvement.....	27
9.1. Continuous improvement.....	27
9.2. ACHMP update and amendment.....	27

Table of Figures

Figure 1 Updated AHIMS search results for the Project footprint and ancillary facilities (undertaken 19 February 2019, Client Service ID 399903).	15
---	----

Table of Tables

Table 1 Performance outcomes for Aboriginal cultural heritage management.....	8
Table 2 Conditions of Approval relevant to this this Plan.....	10
Table 3 Aboriginal cultural heritage consultation requirements.....	12
Table 4 Aboriginal cultural heritage impacts and mitigation measures associated with the Project.	17
Table 5 Aboriginal cultural heritage management and mitigation measures.....	20
Table 6 Roles and responsibilities relevant to Aboriginal cultural heritage management.....	24
Table 7 Reporting requirements relevant to management of Aboriginal cultural heritage	25
Table 8 Conditions of Approval relevant to Aboriginal cultural heritage management for the Project	28
Table 9 REMMs relevant to Aboriginal cultural heritage management for the Project	29

Annexures

Annexure A CoA and REMMs relevant to Aboriginal cultural heritage management
Annexure B Roads and Maritime Standard Management Procedure: Unexpected Heritage Items
Annexure C EIS study area

Glossary/Abbreviations

Abbreviations / Terms	Expanded Text
Aboriginal objects	Aboriginal objects include any deposit, object or material evidence (not being a handicraft made for sale), including Aboriginal remains, relating to the Aboriginal habitation of NSW, before or concurrent with occupation by non-Aboriginal people, as defined in section 5 of the National Parks and Wildlife Act 1974
ACHMP	Aboriginal Cultural Heritage Management Sub-plan (this document)
AECOM	AECOM Australia Pty Ltd
AHIMS	Aboriginal Heritage Information Management System
CEMP	Construction Environmental Management Plan
CoA	Conditions of Approval
CSSI	Critical State Significant Infrastructure
DECCW	Department of Environment Climate Change and Water (now OEH)
DIPE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EMS	Environmental Management System
Environmental heritage/ Non-Aboriginal heritage	Places, buildings, works, relics, movable objects and precincts, of State or local heritage significance as outline in Section 4 of the Heritage Act 1997
EPL	Environment Protection Licence
EWMS	Environmental Work Method Statements
Heritage Division of OEH	Heritage Division of the Office of Environment and Heritage
Heritage item	Identified heritage items include heritage-listed buildings, structures, bridges, tunnels, parks, trees and plantings
JHCPB	John Holland CPB Contractors Joint Venture
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
M4-M5 Link Project	A component of the WestConnex program of works, which includes the construction and operation of Stage 1: M4-M5 Link Mainline Tunnels and Stage 2: Rozelle Interchange
MLALC	Metropolitan Local Aboriginal Land Council
NAHMP	Non-Aboriginal Heritage Management Sub-plan
NPW Act	National Parks and Wildlife Act 1974
NSW Heritage Council	Heritage Council of NSW
NVMP	Construction Noise and Vibration Management Plan
OEH	Office of Environment and Heritage
PACHCI	Procedure for Aboriginal Cultural Heritage Consultation and Investigation (Roads and Maritime, 2011)
Potential heritage items	Items with heritage value that are not listed and may be directly or indirectly impacted by the Project
Project, the	The M4-M5 Link Rozelle Interchange
Project footprint	In accordance with the Environmental Impact Statement and the Submissions and Preferred Infrastructure Report, the project footprint comprises the land required for the construction and/ or operation of the project, including permanent operational infrastructure (including tunnels), and land required temporarily for construction.
REMM	Revised Environmental Management Measure
RMS	Roads and Maritime Services
SAP(s)	Sensitive Area Plan(s)
Secretary	Secretary of the NSW Department of Planning and Environment (or delegate)
SEMP	Site Establishment Management Plan
SPIR	Submissions and Preferred Infrastructure Report

Abbreviations / Terms	Expanded Text
Study area	The study area for the Aboriginal heritage assessment (EIS Appendix V - Technical Working Paper: Aboriginal heritage) was based on the Project footprint, comprising the footprint of all temporary (construction) and permanent (operation) project infrastructure and ancillary facilities (refer to Annexure C for visualisation, and to project footprint definition).
TfNSW	Transport for NSW (former RMS)

1. Introduction

1.1. Context

This Aboriginal Cultural Heritage Management Sub-plan (ACHMP or Plan) forms part of the Construction Environmental Management Plan (CEMP) for the M4-M5 Link Rozelle Interchange Project (the Project). The Rozelle Interchange forms Stage 2 of the M4-M5 Link Project.

This Plan has been prepared to address the requirements of the Minister's Conditions of Approval (CoA), Project Approvals and all applicable guidance and legislation.. This Plan has been prepared by Extent Heritage Pty Ltd, and has been updated by John Holland CPB Contractors Joint Venture (JHCPB).

1.2. Background and project description

The M4-M5 Link Project EIS (AECOM, 2017) assessed the impacts of construction and operation of the M4-M5 Link Project on Aboriginal heritage. The EIS found that there were no previously recorded Aboriginal sites within the study area (which comprises the M4-M5 Link project footprint, including all temporary and permanent project land required for the M4-M5 Link Project, refer to Annexure C) on the Aboriginal Heritage Information Management System (AHIMS) database.

The closest recorded site comprises a rockshelter with shell deposit (AHIMS ID #45-6-2278) located outside the study area, approximately 50m north of the Rozelle rail yards (Figure 1). Archaeological survey undertaken for the EIS identified no new Aboriginal sites or areas of cultural value. The potential for subsurface Aboriginal archaeological deposits was also considered negligible.

Consequently, the EIS concluded that the Project was not anticipated to have any direct or indirect impacts on identified Aboriginal objects or places of Aboriginal heritage significance. However, the EIS identified the potential for impacts on unexpected, undiscovered and/or unknown Aboriginal cultural heritage during construction and recommended the adoption of RMS' Standard Management Procedure for Unexpected Heritage Items (RMS 2015).

Subject to property access, the Project will implement mitigation measures as described in Section 7.

This Plan relies entirely on the existing AECOM (2017) assessment and undertakes no additional investigation of these Aboriginal heritage findings. Further background information on Aboriginal heritage aspects of the Project is provided in Section 5 of this Plan.

1.3. Scope of this Sub-plan

The scope of this Plan is to describe how John Holland CPB Contractors Joint Venture (JHCPB) propose to manage and protect Aboriginal cultural heritage during construction of the Project. Operational Aboriginal cultural heritage management and measures do not fall within the scope of this Plan and will be addressed as part of a separate document.

The management and protection of non-Aboriginal heritage during construction is addressed in the Non-Aboriginal Heritage Management Sub-plan (NAHMP) (refer to the CEMP).

1.4. Environmental management systems overview

The environmental management system overview is described in section 1.5 of the CEMP.

2. Purpose and objectives

2.1. Purpose

The purpose of this Plan is to describe how JHCPB will manage and protect Aboriginal cultural heritage during construction of the Project.

2.2. Objectives

The key objective of this Plan is to ensure all CoA's, REMM's and licence/permit requirements relevant to Aboriginal cultural heritage are described, scheduled and assigned responsibility as outlined in:

- All documents listed in CoA A1,
- Conditions of Approval: SSI-7485 CoA granted to the M4-M5 Link Project on 17 April 2018, as modified on 25 February 2019,
- Roads and Maritime Services (Roads and Maritime) QA specification G36,
- The Project's Environment Protection Licence (EPL),
- Relevant legislation and other requirements described in Section 3.1 of this Plan.

2.3. Environmental performance outcomes and targets

The desired environmental performance outcomes for Aboriginal cultural heritage management, as outlined and addressed in the EIS, are that the construction and operation of the Project:

- Facilitates the long-term protection, conservation and management of Aboriginal objects and places, areas of Aboriginal cultural value, and items of environmental heritage,
- Avoid or minimise impacts to Aboriginal objects and places, areas of Aboriginal cultural value, and items of environmental heritage.

To achieve these outcomes, JHCPB will undertake the following presented in Table 1.

No additional performance outcomes for Aboriginal cultural heritage management were identified in the SPIR.

Table 1 Performance outcomes for Aboriginal cultural heritage management

No.	Target	Source	Document Reference
1	Minimise impacts on heritage items during site establishment	EIS, Appendix A	Site Establishment Management Plan Section 7, Table 5 of this Plan, including but not limited to ACHMM1 - ACHMM7, ACHMM11.
2	Incorporate key heritage values and stories into the final urban design and landscaping outcome	EIS, Appendix A	Urban Design and Landscape Plan
3	Minimise damage to features of heritage conservation significance from vibration	EIS, Appendix A	Section 7.2, Table 5 ACHMM4 - ACHMM5 of this Plan Noise and Vibration Management Plan
4	Ensure full compliance with the relevant legislative requirements, CoA and REMM.	CoA A1	Section 3 of this Plan
5	Ensure training is provided in the form of inductions to relevant Project personnel on heritage protection measures and the <i>Roads and Maritime Standard Management Procedure Unexpected Heritage Items</i> (November 2015) (Unexpected Heritage Items Procedure), provided in Annexure B, before they begin work on site.	CEMP Section 3.5	Section 7 Table 5 ACHMM2, ACHMM3, ACHMM7 and Section 8.2 of this Plan
6	Minimise identified impacts to heritage items throughout detailed design and construction.	CoA E156	This Plan, particularly Section 7

No.	Target	Source	Document Reference
7	Take reasonable steps so as not to harm, modify or otherwise impact any Aboriginal object associated with the Project except as authorised by the Project Approval.	CoA E173	This Plan, particularly Section 7

3. Environmental Requirements

3.1. Relevant legislation and guidelines

3.1.1. Legislation

All legislation relevant to this Plan is included in Annexure A of the CEMP.

3.1.2. Additional approvals, licences, permits and requirements

Refer to Annexure B – Roads and Maritime Standard Management Procedure: Unexpected Heritage Items (March 2015) of this Plan.

3.1.3. Guidelines

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

- Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (Office of Environment and Heritage 2011),
- Aboriginal Cultural Heritage Consultation Requirements for Proponents (NSW Department of Environment, Climate Change and Water (DECCW) 2010),
- Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010),
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010),
- Skeletal Remains: Guidelines for Management of Human Remains (NSW Heritage Office 1998),
- NSW Roads and Maritime Services Procedure for Aboriginal Cultural Heritage Consultation and Investigation (PACHCI) (RMS 2011),
- NSW Roads and Maritime Cultural Heritage Guidelines (RMS 2015),
- NSW Roads and Maritime Standard Management Procedure: Unexpected Heritage Items (RMS 2015),
- NSW Roads and Maritime Services Specification G36 – Environmental Protection (Management System), and
- DIN 4150: Part 3-1999 Structural vibration - Effects of vibration on structures (Deutsches Institute fur Normung 1999) (SLR 2017).

3.2. Minister's Conditions of Approval

The CoA relevant to this Plan are listed in Table 2 below. A cross reference is also included to indicate where the condition is addressed in this Plan or other Project management documents.

Table 2 Conditions of Approval relevant to this this Plan

CoA No	Condition Requirements	Document Reference	How Addressed	
C4	The following CEMP Sub-plans must be prepared in consultation with the relevant authorities identified for each CEMP Sub-plan and be consistent with the CEMP referred to in the EIS.	This Plan Section 4 Table 3	This Aboriginal Cultural Heritage Management sub-Plan has been prepared in accordance with this condition and describes how JHCPB propose to manage Aboriginal cultural heritage aspects during construction of the Project.	
	<table border="1"> <thead> <tr> <th>Required CEMP Sub- plan</th> <th>Relevant authority(s) to be consulted for each CEMP Sub-plan</th> </tr> </thead> <tbody> <tr> <td>(h) Aboriginal Heritage</td> <td>OEH</td> </tr> </tbody> </table>			Required CEMP Sub- plan
Required CEMP Sub- plan	Relevant authority(s) to be consulted for each CEMP Sub-plan			
(h) Aboriginal Heritage	OEH			
C5	The CEMP Sub-plans must state how:	Section 2.3 Table 1	This Plan was prepared in accordance with the environmental performance outcomes identified in the documents listed in Condition A1.	
	(a) the environmental performance outcomes identified in the documents listed in Condition A1 as modified by these conditions will be achieved			

CoA No	Condition Requirements	Document Reference	How Addressed
	(b) the mitigation measures identified in the documents listed in Condition A1 as modified by these conditions will be implemented.	Section 6 Table 4 Section 7 Table 5	The implementation of Aboriginal cultural heritage mitigation and management measures identified in the documents listed in Condition A1 are listed in Section 6 Table 4, and Section 7, Table 5.
	(c) the relevant terms of this approval will be complied with, and	This table Section 7, Table 5	Details regarding how JHCPB will comply with the relevant terms of approval are listed in this table, and Section 7 Table 5
	(d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed.	Section 5 Section 6 Table 4 Table 5	Aboriginal cultural heritage issues requiring management during construction of the Project have been identified through the documents listed in Condition A1. These issues have been detailed in Section 5 and Section 6. Environmental risk analysis will be ongoing and regularly reviewed in accordance with Section 3.2.1. and Annexure B of the CEMP to ensure effective management of Aboriginal heritage. Mitigation & management measures for these issues are listed in Table 4 and Table 5.
C6	The CEMP Sub-plans must be endorsed by the ER and then submitted to the Secretary for approval no later than one (1) month prior to the commencement of the construction activities to which they apply.	Section 2.2 of the CEMP	The Plan has been endorsed by the ER. The ACHMP has been submitted to DPIE for approval no later than one month prior to the commencement of the construction activities.
C7	Any of the CEMP Sub-plans may be submitted to the Secretary along with, or subsequent to, the submission of the CEMP.	Section 2.2 of the CEMP	This Plan has been submitted for approval to DPIE subsequent to the CEMP for the Secretary's approval.
C8	Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Secretary. The CEMP and CEMP Sub-plans, as approved by the Secretary, including any minor amendments approved by the ER, must be implemented for the duration of construction. Where the CSSI is being staged, construction of that stage is not to commence until the relevant CEMP and CEMP Sub-plans have been endorsed by the ER and approved by the Secretary.	Section 2.2 of the CEMP	Construction will not commence until the CEMP and all CEMP Sub-plans have been approved by the Secretary. The CEMP and CEMP Sub-plans will be implemented for the duration of construction.

3.3. Revised Environmental Management Measures

Refer to Annexure A for all REMMs relevant to the development of this Plan.

4. Consultation

4.1. Consultation for preparation of this Plan

This Plan was provided to NSW Office of Environment and Heritage (OEH), Port Authority and Sydney Water on 16 April 2019.

OEH advised on 1 May 2019 that they had no comments on this Plan. Port Authority advised on 16 April 2019 that they had no comments on this Plan. Sydney Water were provided with a copy of this Plan for information purposes only, as requested by TfNSW.

4.2. Ongoing consultation

Consultation during the remainder of the Project would include ongoing liaison with the Metropolitan Local Aboriginal Land Council (LALC) during any critical tasks associated with Aboriginal heritage during the Project, including (but not limited to):

- An invitation to participate in the site verification and condition analysis of #45-6-2278 should access from the relevant landowner be granted. This would occur prior to the commencement of any vibration intensive construction activities in the vicinity of the site.
- Where relevant, an invitation to participate in the investigation, management and recommendations associated with any unexpected Aboriginal cultural heritage items, sites and/or deposits identified during the Project.
- Where changes to the study area occur, and additional assessment is required.

Ongoing consultation with relevant stakeholders, including any unique local receivers, will also be undertaken for particular issues pertaining to the Project's impact on Aboriginal heritage, such as in cases of any unexpected Aboriginal heritage finds. Community feedback and complaints relating to Aboriginal cultural heritage will be dealt with in accordance with the Communication Strategy and the Complaints Management System.

In order to meet the requirements of the CoA and applicable legislation, where unexpected finds relevant to this Plan occur, JHCPB will undertake consultation noted in Table 3.

Table 3 Aboriginal cultural heritage consultation requirements

Source	Consultation Matter	Regulatory Agency / Stakeholder	Details
CoA E154, CoA E155 and CoA E157	Impacts to human remains (including Aboriginal remains) within or outside of the CSSI boundary	NSW Police OEH Metropolitan LALC	The RMS Standard Management Procedure: Unexpected Heritage Items (Annexure B) details the procedures for notifying the NSW Police, OEH and the Metropolitan LALC in the event of the discovery of human remains.
S89A of the National Parks and Wildlife Act 1974 CoA 154, CoA E157	Discovery and identification of Aboriginal objects	OEH Metropolitan LALC	Under S89A of the National Parks and Wildlife Act there is a requirement that if any unexpected Aboriginal objects are discovered the Chief Executive (of OEH) must be notified. This will be in line with the Roads and Maritime Standard Management Procedure: Unexpected Heritage Items (Annexure B).

5. Existing Environment

The following sections summarise the existing environment and archaeological context of the landscape within and adjacent to the study area. The key reference documents for this section are the EIS Aboriginal heritage (Chapter 21) and the Aboriginal heritage technical working paper (Appendix V) prepared by AECOM Australia Pty Ltd (2017).

5.1. Ethnographic and archaeological context

The Aboriginal heritage technical working paper and the SPIR identified no Aboriginal objects, cultural values areas or potential archaeological deposits within the study area (M4-M5 Link project footprint) (refer Figure 1 and Annexure C). The potential for subsurface Aboriginal archaeological deposits was also considered negligible given previous disturbance to the landscape, although no sub-surface investigations were undertaken to verify this.

However, one rock shelter with shell deposit (AHIMS #45-6-2278) is located approximately 50m north of the Rozelle rail yards, in an area proposed for subsurface tunnel construction. The assessment considered the type of impact that could be anticipated for this Aboriginal site.

An updated AHIMS search was undertaken on 19 February 2019 (Client Service ID 399903) to confirm that no additional sites have been registered within the study area since 2016 (Figure 1). Searches of the relevant Local Environmental Plan (LEP) schedules were also undertaken on 19 February 2019, to confirm that no additional sites have been listed within the study area since 2016.

5.2. Likelihood of Potential Aboriginal Cultural and Archaeological Heritage

Based on the landscape and archaeological context as investigated within the EIS (AECOM 2017), the following observations regarding the potential for Aboriginal objects and/or places to be present have been made:

- Aboriginal archaeological sites are unlikely to occur in areas that have been subjected to high levels of landscape modification and disturbance, from residential development, channelization of waterways, land reclamation activities and road and light-rail infrastructure.
- Regional models suggest that, if Aboriginal shell midden sites were present, they would be most likely to occur in tidal estuarine foreshore zones, within 10 metres of high water level. With respect to the study area, this would have included areas adjacent to Whites Creek, and Johnstons Creek. However, it is unlikely that any shell midden sites remain given the high level of disturbance of those areas.
- Rock engravings and grinding grooves are somewhat common in the wider region and could occur in areas where in situ natural rock platforms and flat benches survive. Typically, these sites are found in areas of relatively flat sandstone outcrop, and in close proximity to running water. During survey, exposed sandstone bedrock was identified along Whites Creek, on the short but relatively steep slope below Rozelle Bay light-rail stop, however, no Aboriginal sites were identified.
- As the landscape, including watercourse areas (typically the most sensitive archaeological locations), within the study area are highly disturbed, AECOM (2017) considered it unlikely that unidentified Aboriginal archaeological surface objects and places, or subsurface archaeological deposits, would be present within the study area.

5.3. Identified Aboriginal Cultural and Archaeological Heritage

A PACHCI Stage 1 and 2 was undertaken for the EIS in September 2016. The assessment included reviews of existing desktop information and interrogation of the AHIMS database (Figure 1), as well as an Archaeological survey by AECOM archaeologists, accompanied by the MLALC representative.

5.3.1. Within the Study Area

No Aboriginal sites were identified within the study area during the EIS phase (2016). Furthermore, the Stage 2 PACHCI consultation process and surface surveys did not identify any Aboriginal cultural values areas, places, potential archaeological deposits or areas of Aboriginal archaeological potential within the study area.

5.3.2. Outside of the Study Area

During the EIS assessment phase, a total of 49 Aboriginal sites had been registered within an ~11x9 km area around the study area (it is noted that the ~11x9km area considers the entire M4-M5 Link Project, both the Mainline Tunnels (not part of the scope of this Plan) and the Rozelle Interchange, refer to Annexure C for entire study area). Since 2016, five additional sites have been registered within the same ~11x9 km area; however, none of these additional sites are within the study area.

The majority of registered Aboriginal sites in the region comprise Aboriginal rockshelter sites with shell and artefact deposits and pigmented art, and shell midden sites. These are primarily located above water courses, undeveloped foreshores and/or coastal fringes.

One rockshelter and shell deposit site, 'Lilyfield Cave' (#45-6-2278) is located within private property approximately 50m northwest of the Rozelle Rail Yards. The site is located above an area proposed for subsurface tunnel construction; and has the potential to be indirectly impacted by vibration and settlement. Refer to Section 7 for the mitigation and management measures associated with this site.

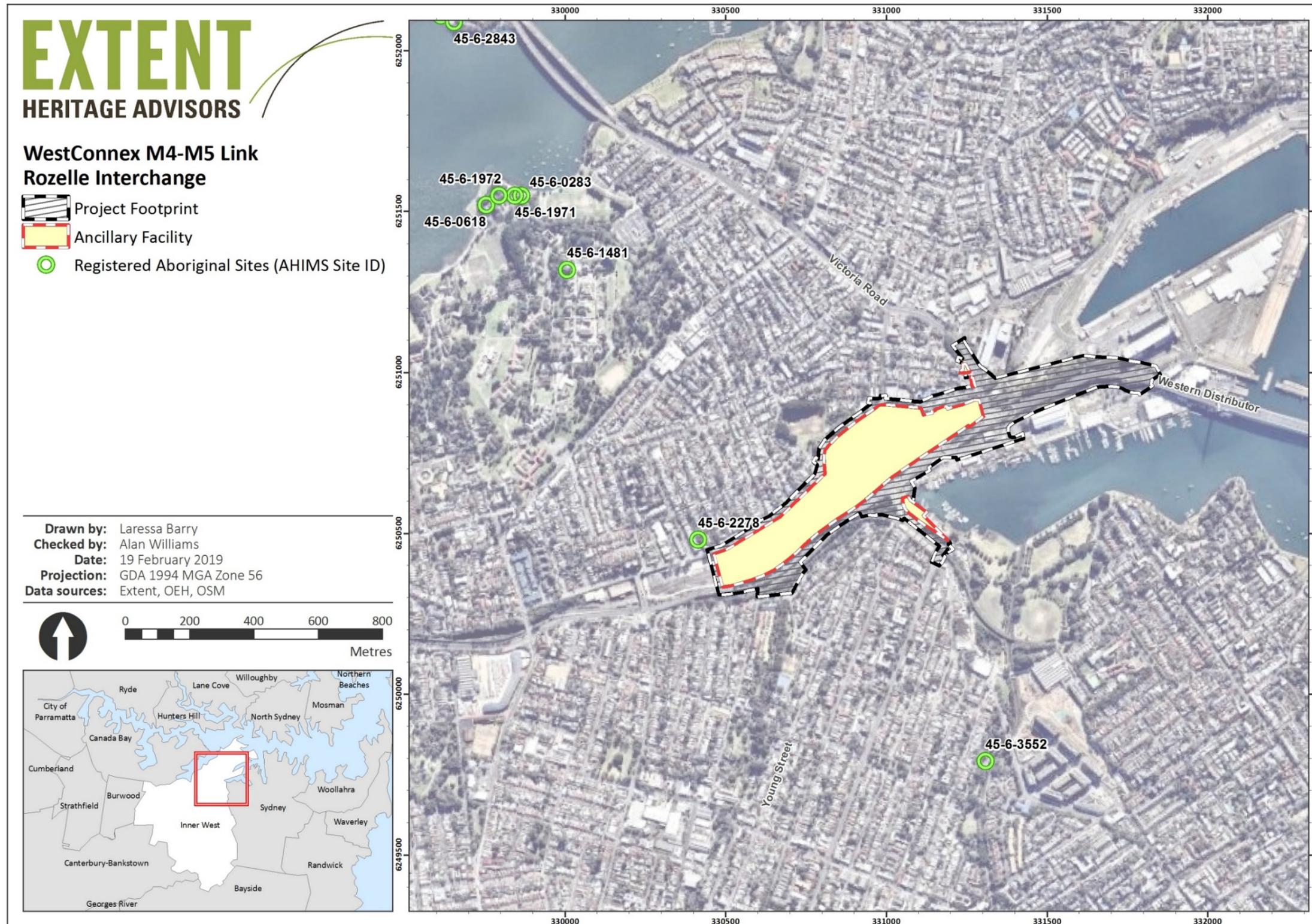


Figure 1 Updated AHIMS search results for the Project footprint and ancillary facilities (undertaken 19 February 2019, Client Service ID 399903).

Note: Rockshelter and shell deposit site #45-6-2278 is 50m northwest of the Rozelle Rail Yards, and requires further investigation. Note for ease of viewing, this figure does not depict the proposed tunnel locations.

6. Environmental aspects and impacts

Environmental aspects and risks associated with construction, as related to Aboriginal cultural heritage, were identified and assessed in the Aboriginal cultural heritage technical working paper prepared for the EIS (Section 9 and Section 10).

The EIS identified that the majority of the Project footprint (and therefore works) would be underground. However, limited surface works would be required to support tunnelling activities as well as construction compounds and to construct surface infrastructure such as interchanges, tunnel portals, ventilation facilities, ancillary operations buildings and facilities.

6.1. Construction activities

Key aspects of the Project that could result in adverse impacts to Aboriginal cultural heritage include:

- Direct – all surface activities:
 - › Initial clearing and removal of vegetation,
 - › Topsoil stripping.
 - › Construction of new road infrastructure, ancillary facilities and utility relocations,
 - › Earthworks (vibration),
 - › Piling (vibration),
 - › Temporary access roads during construction,
 - › Pavement works, and
 - › Finishing works.
- Indirect – all sub-surface activities:
 - › Tunnelling and excavation activities, including cavern construction (vibration, settlement and groundwater drawdown).

Refer to the CEMP, Section 1.3.1 and Chapter 5 of the EIS for additional detail and figures related to the key components of the Project.

6.2. Aboriginal Cultural Heritage Impacts

A summary of the type of impacts anticipated to occur from the construction of the Project, and the specific management measures associated with the Aboriginal cultural resource are presented in Table 4.

Section 9 of the Aboriginal cultural heritage technical working paper (Appendix V of the EIS) considers that it is unlikely that direct or indirect impacts to Aboriginal objects, places, sites, cultural values areas or areas of archaeological potential would occur as a result of the Project. This is attributed to the absence of Aboriginal sites registered on the AHIMS database, the degree of previous disturbance within the study area, and the nature of the associated construction activities.

However, construction activities may have the potential to damage or destroy any unidentified, undiscovered and/or unknown Aboriginal objects, sites or areas of potential, if present, and in areas of proposed development. Furthermore, potential indirect impacts resulting from vibration during construction activities, and settlement-related impacts from tunnelling may have the potential to impact AHIMS site #45-6-2278. This notwithstanding, it is noted that the EIS identifies AHIMS site #45-6-2278 as located outside of the minimum safe working distance for vibration intensive plant, and therefore vibration impacts associated with tunnelling works are expected to be negligible.

Further details about the planned management and mitigation measures are provided in Section 7.

Table 4 Aboriginal cultural heritage impacts and mitigation measures associated with the Project.

Name	Location	Impacts	Mitigation
<p>Lilyfield Cave (AHIMS Site ID #45-6-2278)</p>	<p>Located within private property at 99 Lamb Street Lilyfield (site card erroneously lists address as 81 Lilyfield Road), approximately 50m north west of the Rozelle Rail Yards and above proposed tunnelling site (refer Figure 1).</p>	<p>Indirect impacts from tunnelling vibration and blasting activities Partial loss of value</p>	<p>Subject to landowner permission, a suitably qualified archaeologist will verify the site prior to tunnelling works that would potentially affect the site to confirm and record its current condition (REMM AH2).</p> <p>All reasonable efforts shall be made to obtain landowner permission to access the site. This shall include:</p> <ul style="list-style-type: none"> • The JHCPB Public Liaison Team will attempt to confirm property ownership information from registers e.g. CoreLogic, and from contact with tenants where possible. However, where these mechanisms may not result in clear ownership information, JHCPB will continue to work in good faith. • Communication efforts with the landowner shall include contact via telephone, letter or doorknock (dependent on the availability of landowner contact information and whether a response from the landowner is received). • All consultation efforts shall be undertaken and recorded in accordance with the Communication Strategy. <p>Should landowner permission to access the site be denied, safe working distances to #45-6-2278 will be maintained in accordance with the Construction Noise and Vibration Impact Statements (CNVIS) for the Project. The CNVISs are implemented under the Noise and Vibration Management Plan (refer to Section 7.2 of the NVMP for further detail) and will also identify where vibration monitoring is required at heritage items if safe working distances cannot be achieved for particular construction activities.</p> <p>If inspection confirms the site is an Aboriginal site, REMM AH3 requires a vibration assessment by a suitably qualified individual to identify appropriate measures for protecting the site.</p> <p>A final condition assessment will also be required at the completion of construction, detailing recommendations for remediation measures, if required.</p> <p>Settlement and ground movement will be managed in accordance with the relevant measures identified in the Settlement Monitoring Program (REMM NAH07). The requirements of the Settlement Monitoring Program are detailed in Section 7.1.3.</p>
<p>Previously unidentified Aboriginal objects, sites, deposits, cultural values areas, and/or Aboriginal burials</p>	<p>Specific locations unknown</p>	<p>(Potential) direct or indirect impacts from all activities where the ground surface and/or sandstone rock outcrops, are excavated Partial or total loss of value if harmed</p>	<p>Any Aboriginal objects, sites, deposits, cultural values areas, burials (or potential Aboriginal objects, cultural values areas or burials) discovered during construction will be managed in accordance with the Roads and Maritime Standard Management Procedure: Unexpected Heritage Items (Annexure B of this Plan).</p> <p>This would satisfy CoA E154, 155, 157 and 173, as well as REMM AH1.</p>

7. Environmental mitigation and management measures

Specific management measures and requirements to address contract specification, CoA and REMM in relation to Aboriginal cultural heritage are outlined in the following sections including Table 5.

7.1. Aboriginal Cultural Heritage Management of site #45-6-2278

7.1.1. Aboriginal Site Verification and Condition Assessment

Subject to landowner consent, REMM AH2 requires a suitably qualified archaeologist to visit Aboriginal site #45-6-2278 (refer to Figure 1) prior to the commencement of any vibration intensive construction activities in the vicinity of the site to verify the site to confirm and record its current condition in accordance with relevant OEH and TfNSW survey guidelines.

The site was initially recorded in 1991 by Michael Guider and described as containing shallow, very fragmented midden deposit overlying bare sandstone. The site has not been subjected to further investigation since this time.

Should landowner permission to access the site be denied, safe working distances to #45-6-2278 will be maintained in accordance with the relevant Construction Noise and Vibration Impact Statements (CNVIS) for the Project. The CNVISs are implemented under the Noise and Vibration Management Plan (refer to Section 7.2 of the NVMP for further detail) and will also identify where vibration monitoring is required at heritage items if safe working distances cannot be achieved for particular construction activities

7.1.2. Vibration Assessment

REMM AH2 requires that subject to gaining access from the relevant landholder (refer to Table 4 for further detail on the landowner identification and consultation process), a suitably qualified archaeologist inspect Aboriginal site #45-6-2278 to verify its authenticity as an Aboriginal site, and to assess its current condition. Should this inspection confirm the site is an Aboriginal site, REMM AH3 requires a vibration assessment to be undertaken by a suitably qualified and experienced person prior to the commencement of any vibration intensive construction activities in the vicinity of the site.

The vibration assessment will consider all vibration intensive activities that will occur in the vicinity of Aboriginal site #45-6-2278, the likely vibration levels and relevant vibration criteria and identified the management measures, including monitoring that will be implemented to prevent and reduce potential impacts.

7.1.3. Ground movement

The EIS (AECOM 2017) identified there would be potential for indirect impacts to Aboriginal site #45-6-2278 from vibration and settlement associated with tunnelling. However, these impacts were expected to be negligible given the site was located outside the minimum safe working distance for vibration intensive plant associated with tunnelling activities.

Geotechnical modelling will be undertaken in accordance with CoA E101, E102 and E103. If Aboriginal site #45-6-2278 is verified and determined to be at risk from damage by the geotechnical model it would be considered within an instrumentation and monitoring program as required by CoA E104.

7.1.4. Post-Construction (Final) Condition Assessment

REMM AH3 requires that a final condition assessment be carried out at the completion of construction activities. This Final Condition Assessment will assess the condition of site #45-6-2278, compare the condition of the site pre- and post-construction, and detail recommendations for any further remediation measures if required.

7.2. Vibration monitoring and acoustic treatment of heritage items

The process for identification and monitoring for potential effects of vibration on sensitive heritage items is addressed in the NVMP and Section 7 of the Noise and Vibration Monitoring Program.

As identified in Section 7.1.2 of this Plan, if Aboriginal site #45-6-2278 is verified as an Aboriginal site, a vibration assessment will be prepared prior to the commencement of any construction works that result in noise and vibration impacts. This assessment will include any specific mitigation measures, including monitoring that will be implemented to prevent and reduce potential impacts.

7.3. Unexpected Heritage Items Procedure

In accordance with CoA E157, and guidelines and standards prepared by the NSW Heritage Council and OEH (refer Section 3.1.3), the Roads and Maritime Standard Management Procedure: Unexpected Heritage Items (Annexure B) will be implemented to manage unexpected Aboriginal cultural heritage finds.

Any items of potential Aboriginal cultural heritage or human remains discovered during construction will be managed in accordance with the Roads and Maritime Standard Management Procedure: Unexpected Heritage Items. The procedure details requirements regarding notification of relevant agencies, OEH and the NSW Police, and the Metropolitan LALC.

In accordance with S89A of the *National Parks and Wildlife Act 1974*, any person who discovers an Aboriginal object is obliged to report the discovery to the Chief Executive of OEH, through its registration on the AHIMS database.

Table 5 Aboriginal cultural heritage management and mitigation measures

ID	Measure/ Requirement	Resources	When to Implement	Responsibility	Reference	Evidence
General Requirements						
ACH MM1	An ACHMP will be prepared and implemented as part of the CEMP. The ACHMP will include measures to manage, minimise and mitigate potential impacts on Aboriginal cultural heritage by the Project. The ACHMP will also include a procedure for the management of unexpected potential Aboriginal objects discovered during construction.	ACHMP Roads and Maritime Standard Procedure: Unexpected Heritage Items (Annexure B)	Pre-construction Construction	Environment and Sustainability Manager	CoA C4(h) CoA E156 CoA E157 RMS QA Specification G36 4.9	This Plan Annexure B– RMS Standard Management Procedure: Unexpected Heritage Items (March 2015)
ACH MM2	All employees and/or contractors working on site will be provided with site training with regards to Aboriginal cultural heritage site awareness, key mitigation and management requirements and their responsibilities pertaining to the Aboriginal Heritage provisions of the National Parks and Wildlife Act 1974 prior to commencing works on site. Training will include unexpected heritage items procedures for heritage places, Aboriginal objects and human remains.	Induction / training Toolbox talks	Pre-construction Construction	Environment and Sustainability Manager Construction Manager Foreman	REMM NAH01 RMS QA Specification G36 4.9 RMS QA Specification G36 4.13 CEMP Section 3.5	Induction/ Training records Toolbox talk records
ACH MM3	All known Aboriginal cultural heritage objects within immediate vicinity of the construction work zones will be identified in the SEMP and on SAPs included in the CEMP. Preserved heritage objects and places will be shown on relevant site plans and communicated to the relevant workforce. SAPs will be available to all personnel working on site.	SEMP SAPs	Pre-construction Construction	Environment and Sustainability Manager Construction Manager	RMS QA Specification G36 4.13	CEMP Annexure F – Sensitive Area Plans SEMP
Vibration						
ACH MM4	Subject to gaining access from the relevant landholder, a suitably qualified archaeologist will visit AHIMS site #45-6-2278 prior to the commencement of any vibration intensive construction activities in the vicinity of the site to verify the site to record and confirm its current condition.	Suitably qualified archaeologist ACHMP RMS procedure for Aboriginal cultural heritage consultation and	Prior to commencement of any vibration intensive activities in the vicinity of the site the recording will be complete and communicated site management.	Environment and Sustainability Manager Construction Manager	REMM AH2	OEH Aboriginal site impact recording form (blank form is available on www.environment.nsw.gov.au)

ID	Measure/ Requirement	Resources	When to Implement	Responsibility	Reference	Evidence
		<p>investigation (2011). OEH Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011)</p> <p>OEH Aboriginal cultural heritage consultation requirements for proponents 2010</p>				
ACH MM5	<p>Subject to confirmation that #45-6-2278 is an Aboriginal site, a vibration assessment will be completed by a suitably qualified and experienced person prior to the commencement of any vibration intensive construction activities in the vicinity. The assessment will:</p> <ul style="list-style-type: none"> consider all vibration activities that will occur in the vicinity; consider the likely vibration levels at the site and identify relevant performance criteria in relation to vibration; <p>identify the management measures, including monitoring, that will be implemented to prevent and reduce potential impacts.</p>	<p>A suitably qualified and experienced person EIS SPIR ACHMP</p>	<p>Prior to commencement of any vibration intensive activities in the vicinity of the site</p>	<p>Environment and Sustainability Manager Construction Manager</p>	<p>REMM AH3</p>	<p>Vibration Assessment (where necessary)</p>
Aboriginal Cultural Heritage and archaeological management (including unexpected finds)						
ACH MM6	<p>A suitably qualified and experienced Aboriginal archaeologist will be engaged to provide guidance on the management of Aboriginal cultural heritage sites and impacts during pre-construction and construction activities. Guidance would include assessment of any unexpected finds and new heritage impacts.</p>	<p>Suitably qualified archaeologist</p>	<p>Pre-construction Construction</p>	<p>Environment and Sustainability Manager</p>	<p>REMM AH2, AH3</p>	<p>Archaeological Assessment Reports (where necessary)</p>

ID	Measure/ Requirement	Resources	When to Implement	Responsibility	Reference	Evidence
ACH MM7	<p>All reasonable steps will be taken not to harm, modify or otherwise impact any Aboriginal object associated with the CSSI.</p> <p>This will include but not be limited to training, implementation of this Plan and implementation of the RMS Standard Management Procedure: Unexpected Heritage Items in the event of an unexpected find.</p>	<p>Induction training</p> <p>ACHMP</p> <p>SAPS</p> <p>Roads and Maritime Standard Procedure: Unexpected Heritage Items (Annexure B)</p>	Pre-construction Construction	<p>Environment and Sustainability Manager</p> <p>Construction Manager</p>	<p>CoA E173</p> <p>CoA E154</p>	RMS Unexpected Heritage Finds Form
ACH MM8	<p>Should any unexpected finds of potential significance to Aboriginal cultural heritage (e.g. places or objects) be discovered during the Project, works potentially affecting the find will cease immediately and the Roads and Maritime Services Unexpected Heritage Items (March 2015) will be followed. The site of the discovery will be demarcated and communicated to workers as a no-go area.</p> <p>Work shall not recommence until the advice from a suitably qualified and experienced Aboriginal archaeologist are met, and approval has been received from the relevant authorities and the Project Environment and Sustainability Manager.</p> <p>Where relevant, registration of Aboriginal objects in OEH's Aboriginal Heritage Information Management System (AHIMS) register will be undertaken.</p>	<p>Roads and Maritime Standard Procedure: Unexpected Heritage Items (Annexure B)</p>	Construction	<p>Environment and Sustainability Manager</p> <p>Construction Manager</p>	<p>CoA E157</p> <p>REMM AH1</p>	RMS Unexpected Heritage Finds Form
ACH MM9	<p>Human remains (including Aboriginal human remains) uncovered during the construction of the Project will not be harmed, modified, or otherwise impacted during the construction of the Project. In the event that human remains are uncovered, the Roads and Maritime Standard Procedure: Unexpected Heritage Items will be implemented.</p>	<p>Induction training</p> <p>Roads and Maritime Standard Procedure: Unexpected Heritage Items (Annexure B)</p>	Construction	<p>Environment and Sustainability Manager</p> <p>Foreman</p> <p>All site personnel</p>	<p>CoA E154</p> <p>CoA E155</p> <p>CoA 157</p>	RMS Unexpected Heritage Finds Form

ID	Measure/ Requirement	Resources	When to Implement	Responsibility	Reference	Evidence
ACH MM10	<p>Should any Aboriginal human remains (or potential human remains) be discovered during the Project, works potentially affecting the find will cease immediately, and the Roads and Maritime Standard Procedure: Unexpected Heritage Items will be followed. The site of the discovery will be demarcated and communicated to workers as a no-go area.</p> <p>Human remains that are found unexpectedly during works are under the jurisdiction of the NSW State Coroner and will be reported to the NSW Police immediately.</p> <p>Management will include notification of the Metropolitan LALC and a commitment to not recommence works in the area unless authorised by the OEH and/or the NSW Police Force.</p>	Roads and Maritime Standard Procedure: Unexpected Heritage Items (Annexure B)	Construction	Environment and Sustainability Manager Construction Manager	CoA E155 REMM AH1 RMS Specifications G36 4.10	RMS Unexpected Heritage Finds Form
ACH MM11	Aboriginal cultural heritage management measures from this Plan and the relevant EMS procedures will be included in relevant Environmental Work Method Statements (EWMS). EWMS will be regularly reviewed to ensure that they are effective.	EWMS ACHMP EMS	Pre-construction Construction	Environment and Sustainability Manager Construction Manager	RMS QA Specification G36 4.13	EWMS

8. Compliance Management

8.1. Roles and responsibilities

The JHCPB Project Team's organisational structure and overall roles and responsibilities are outlined in Section 3.3 of the CEMP. Specific responsibilities for the implementation of environmental controls are detailed in Section 7 of this Plan.

Additional roles, specific to the management of Aboriginal cultural heritage aspects of the Project are listed in Table 6.

Table 6 Roles and responsibilities relevant to Aboriginal cultural heritage management

Role	Responsibility
Environment and Sustainability Manager	<p>Identify the location and nature of known or potential Aboriginal cultural heritage sites/objects noted in the EIS and the ACHMP.</p> <p>Oversee the implementation of the Roads and Maritime Standard Operating Procedure: Unexpected Heritage Finds in the event that unexpected finds are discovered as a result of the Project's activities.</p> <p>Consider the susceptibility of Aboriginal cultural heritage items to construction impacts in line with the ACHMP.</p> <p>Determine and obtain (if required) any regulatory permits and licenses.</p>
Suitably qualified and experienced archaeologist	<p>Oversee and advise on matters associated with Aboriginal archaeology and cultural heritage management in accordance with the relevant REMMs and CoAs.</p> <p>Consult with the Metropolitan LALC, OEH and NSW Police where required.</p> <p>Conduct visual inspection and condition assessment of Aboriginal rockshelter site "Lilyfield Cave" (#45-6-2278) in accordance with REMM AH2 and AH3. Provide ongoing advice on the management of this site through the Project.</p> <p>Advise on how the works are to be managed in the event of unexpected finds.</p>

8.2. Training

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

- Requirements of this Plan,
- Applicable and relevant legislative requirements,
- Roles and responsibilities for Aboriginal cultural heritage management, including responsibilities pertaining to the Aboriginal heritage provisions of the *National Parks and Wildlife Act 1974* (NPW Act),
- Location of identified Aboriginal sites in the general vicinity including rockshelter site #45-6-2278, as well as any other conservation, protection and no-go areas (where relevant),
- Identified heritage management and protection measures,
- Procedures to follow in the event of an unexpected heritage item find or discovery of human remains during construction works (Roads and Maritime Standard Procedure: Unexpected Heritage Items), and
- Incident response procedure.

Targeted training in the form of toolbox talks or specific training will also be provided to personnel with a key role in Aboriginal cultural heritage management.

While the EIS determined it was unlikely that the Project would result in any impacts to Aboriginal cultural heritage, JHCPB will provide specific training (e.g. toolbox talks) prior to works commencing in areas where there has been an unexpected Aboriginal heritage finds, where there is a high risk of heritage impacts by the Project or personnel likely to work in close proximity (i.e. less than 50 metres) to heritage objects.

Further details about staff induction and training are outlined in Section 3.5 of the CEMP.

8.3. Monitoring and inspections

Regular monitoring and inspections will be carried out during construction in accordance with all contractual and legislative requirements.

Subject to landowner permission, monitoring and inspections will include, but are not limited to:

- Prior to commencement of construction:
 - › The environmental team (or delegate) and the nominated Aboriginal archaeologist should inspect specified areas to identify and action any Aboriginal heritage issues.
 - › In accordance with REMM AH2, inspection and recording of Aboriginal site #45-6-2278 by a suitably qualified archaeologist is required to verify its authenticity as an Aboriginal site and to record its current condition. This must occur prior to vibration construction activities commencing in the area and is dependent on landowner permission.
- During construction:
 - › Weekly documented site inspections by the environmental team while construction works are occurring. The aim of these inspections is to make sure all Aboriginal cultural heritage management measures are in place and effective, and to identify and action any Aboriginal cultural heritage issues. Any issues raised will be recorded on the Project's Weekly Environmental Inspection Checklist.
 - › Visual surveillance of any no-go zone fencing and signage to make sure it is in place and undamaged (where relevant).
 - › Visual surveillance to make sure there is no unauthorised access to no-go zones (where relevant).
 - › Verification and condition assessment of AHIMS site #45-6-2278, as required in accordance with REMM AH2.
 - › Vibration monitoring of Aboriginal site #45-6-2278, if verified as required in accordance with recommendations of the EIS and REMM AH3.
 - › Condition assessment of AHIMS site #45-6-2278 at the completion of the Project, if required in accordance with REMM AH3.

Additional requirements and responsibilities in relation to inspections are documented in Section 3.9.1 and Section 3.9.2 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, licences and guidelines.

Audit requirements are detailed in Section 3.9.3 of the CEMP.

8.5. Reporting

Project reporting requirements relevant to the management of Aboriginal cultural heritage are identified in Table 8.

Table 7 Reporting requirements relevant to management of Aboriginal cultural heritage

Item	Frequency	Standards	External Reporting	Responsibility
Incidents	As required	As required by the CoA A40-43, Roads and Maritime Environmental Incident Classification and Reporting Procedure (September 2017) and Roads and Maritime Environmental incident report.	EPA (in accordance with the POEO Act) DPIE TfNSW ER	Environment and Sustainability Manager

Item	Frequency	Standards	External Reporting	Responsibility
Notification and reporting in the event that Aboriginal archaeological objects, places, sites, or cultural values areas are discovered	Upon discovery of unexpected find	S89A of the National Parks and Wildlife Act 1974 Roads and Maritime Standard Procedure: Unexpected Heritage Items (Annexure B)	Notification of Chief Executive of OEH, and preparation of AHIMS site recording form	Environment and Sustainability Manager
Notification and reporting in the event that Aboriginal human remains are discovered	Upon discovery of human remains	S89A of the National Parks and Wildlife Act 1974 Roads and Maritime Standard Procedure: Unexpected Heritage Items (Annexure B)	Notification of the NSW Police/ OEH	Environment and Sustainability Manager

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, and
- Make comparisons with objectives and targets.

9.2. ACHMP update and amendment

The processes described in Section 3.9 to Section 3.13 of the CEMP will identify circumstances where this Plan will need to be updated or revised and the timeframes within which the updates will be made.

Only the Environment and Sustainability Manager, or delegate, has the authority to change any of the environmental management documentation. The Environmental Representative can approve minor amendments to the Plan.

Any reviews to this Plan will be in accordance with the process outlined in Sections 3.13.1 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 3.11.2 of the CEMP.

Annexure A CoA and REMMs relevant to Aboriginal cultural heritage management

Minister's Conditions of Approval

Table 8 Conditions of Approval relevant to Aboriginal cultural heritage management for the Project

CoA	Condition Requirements	Document Reference
E154	The Proponent must not destroy, modify or otherwise physically affect any heritage items, including human remains, outside of the CSSI boundary, or undertake works in or on Alexandra Canal.	Table 5, ACH 7 Annexure B – RMS Standard Management Procedure: Unexpected Heritage Items (March 2015)
E155	The Proponent must not to harm, modify, or otherwise impact human remains uncovered during the construction of the CSSI.	Table 5, ACH 9, Annexure B – RMS Standard Management Procedure: Unexpected Heritage Items (March 2015)
E156	Identified impacts to heritage items and heritage conservation areas must be minimised through both detailed design and construction. The measures for ensuring this are to be detailed in the Construction Non-Aboriginal Heritage Management Sub-Plan and Aboriginal Cultural Heritage Management Sub-Plan required by Conditions C4(g) and (h), respectively.	Section 6.2 Section 7 Table 7-1 ACH1 ACHMP
E157	An Unexpected Heritage Items Procedure must be prepared: (a) to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or OEH; and (b) by a suitably qualified and experienced heritage specialist. The Procedure must be included in the Construction Non- Aboriginal Heritage Management Sub-plan and Aboriginal Cultural Heritage Management Sub-plan required by Conditions C4 (g) and (h). Note: Human remains that are found unexpectedly during works are under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.	Section 7 Annexure B – RMS Standard Management Procedure: Unexpected Heritage Items (March 2015)
E173	The Proponent must take all reasonable steps so as not to harm, modify or otherwise impact any Aboriginal object associated with the CSSI except as authorised by this approval.	Table 5, ACH 7 Annexure B – RMS Standard Management Procedure: Unexpected Heritage Items (March 2015)

Revised Environmental Management Measures

Table 9 REMMs relevant to Aboriginal cultural heritage management for the Project

Outcome	REF#	Commitment	Timing	ACHMP Reference
Impacts on unexpected finds of Aboriginal objects	AH1	Any items of potential Aboriginal archaeological or cultural heritage conservation significance or human remains discovered during construction will be managed in accordance with the Unexpected Heritage Finds and Humans Remains Procedure developed for the project.	Construction	Section 7.3 Table 5 ACH MM8, ACH MM10 Annexure B – RMS Standard Management Procedure: Unexpected Heritage Items (March 2015)
Vibration impacts on Aboriginal items	AH2	Subject to gaining access from the relevant landholder, a suitably qualified archaeologist will visit AHIMS site #45-6-2278 prior to the commencement of any vibration intensive construction activities in the vicinity of the site to verify the site to confirm and record its current condition.	Prior to commencement of any vibration intensive construction activities in the vicinity of the site	Section 7.1 Table 5 ACH MM4, ACH MM5
	AH3	If the AHIMS site #45-6-2278 is verified, an assessment will be completed by a suitably qualified and experienced person prior to the commencement of any vibration intensive construction activities in the vicinity. The assessment will consider all vibration intensive activities that will occur in the vicinity, the likely vibration levels and relevant vibration criteria and identify the management measures, including monitoring, that will be implemented to prevent and reduce potential impacts.	Prior to commencement of any vibration intensive construction activities in the vicinity of the site	Section 7.1 Table 5 ACH MM5, ACH MM6
		A final condition assessment will be carried out at the completion of construction detailing recommendations for remediation measures if required.	Post-construction	Section 7.1 Table 5 ACH MM5, ACH MM6
General heritage impacts	NAH 01	Construction Heritage Management Plan (CHMP) will be prepared and implemented as part of the Construction Environmental Management Plan. The CHMP will include:	Pre-construction	This Plan NAHMP
		Measures that will be implemented to manage potential impacts to items of heritage significance	Pre-construction Construction	Table 5 ACH MM1-MM11
		Inclusion of heritage awareness and management training for relevant personnel involved in site works	Pre-construction Construction	Section 8.2
		Details regarding the conservation and curation of any artefacts recovered during works.	Pre-construction Construction	NAHMP

**Annexure B Roads and Maritime Standard Management
Procedure: Unexpected Heritage Items**

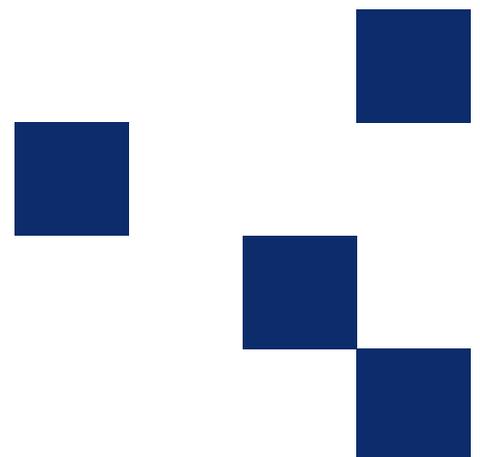


Transport
Roads & Maritime
Services

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
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

File location	File name
[REDACTED]	[REDACTED]

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.

[REDACTED]

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).

Contents

About this release	2
1. Purpose	2
2. Scope.....	2
3. Types of unexpected heritage items and their legal protection	3
3.1 Aboriginal objects	3
3.2 Historic heritage items	4
3.3 Human skeletal remains	5
4. Responsibilities	7
5. Acronyms.....	8
6. Overview of the procedure	9
7. Unexpected heritage items procedure.....	10
8. Seeking advice.....	19
9. Related information	19
10. List of appendices.....	20
Appendix A	21
Identifying unexpected heritage items	21
Appendix B	27
Unexpected heritage item recording form 418.....	27
Appendix C	30
Photographing unexpected heritage items	30
Appendix D	32
Key environmental contacts	32
Appendix E	33
Uncovering bones	33
Appendix F	37
Archaeological/heritage advice checklist	37
Appendix G	39
Template notification letter	39

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.

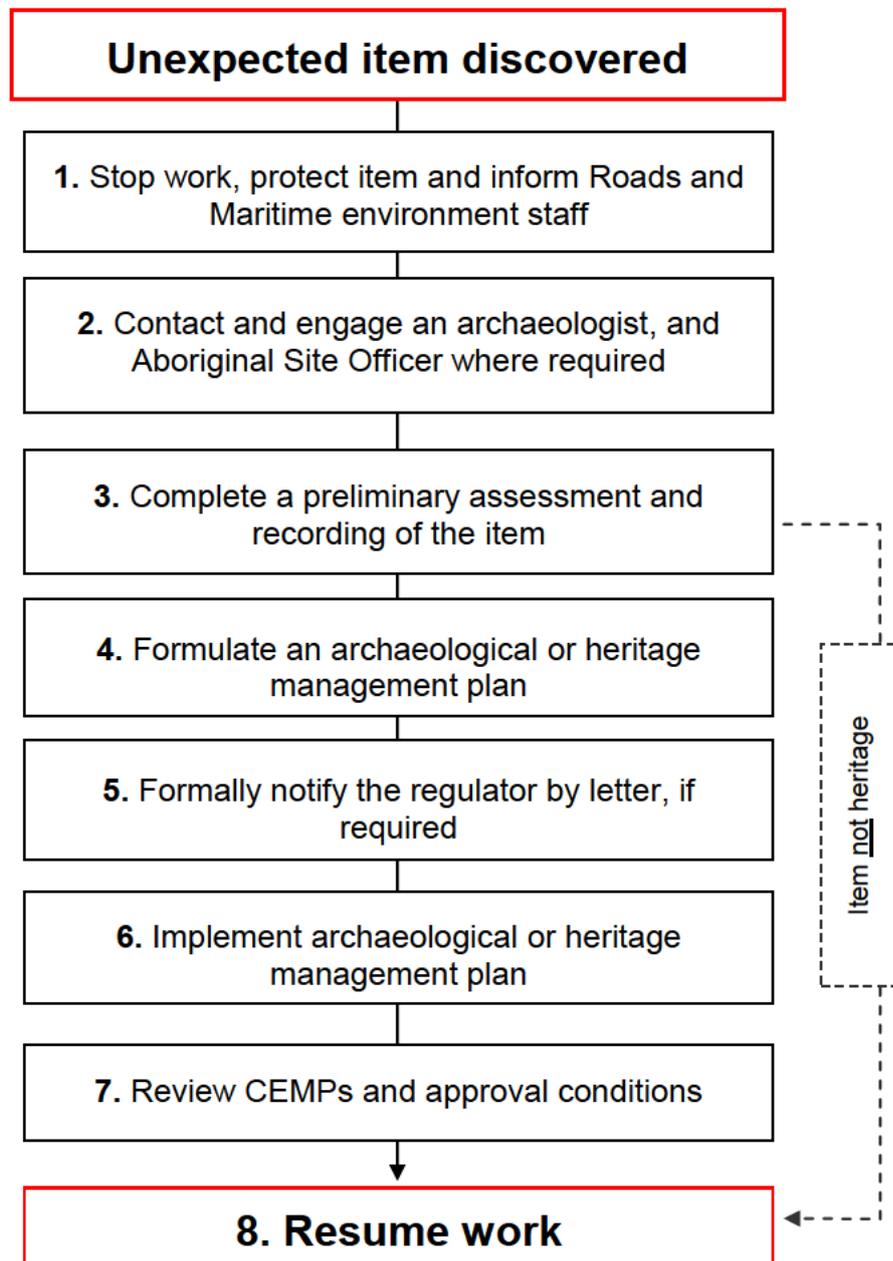


Figure 1: Overview of steps to be undertaken on the discovery of an unexpected heritage item.

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



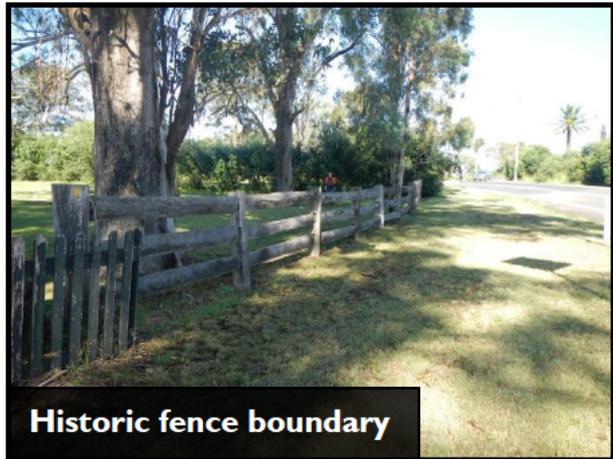
Top left hand corner continuing clockwise: Alignment Pin (Great Western Highway, Wentworth Falls); Survey tree (MR7, Albury); Survey tree (Kidman Way, Darlington Point, Murrumbidgee); Survey tree (Cobb Highway, Deniliquin); Milestone (Great Western Highway, Kingswood, Penrith); Alignment Stone (near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

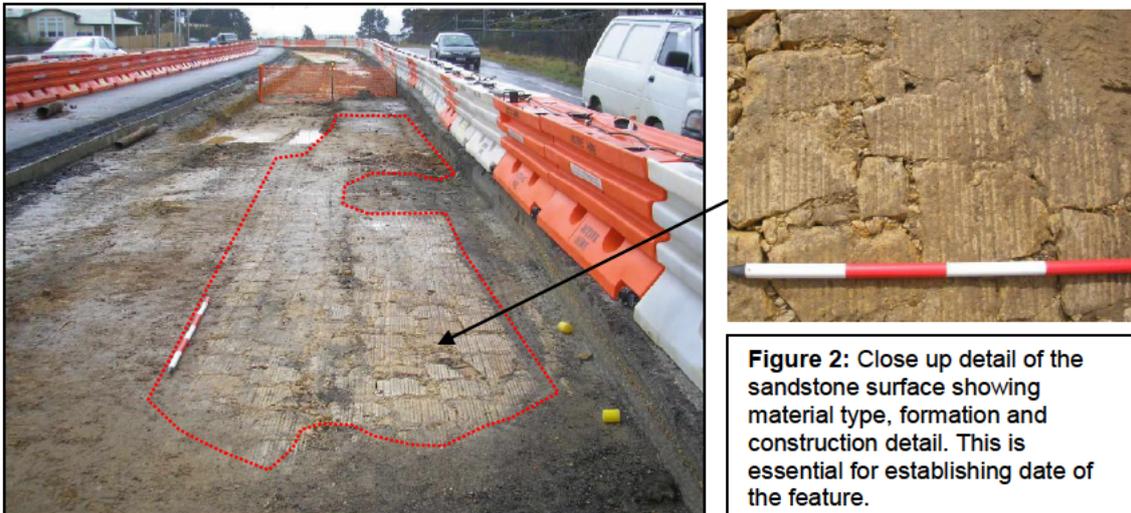


Figure 1: Telford road uncovered on the Great Western Highway (Leura) in 2008.

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.



Photographing bones

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



Figure 5: Bone concealed by foliage.



Figure 6: Bone covered in sediment

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



Figure 7: Photograph showing complete bone.



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

Appendix D

Key environmental contacts

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

Heritage Regulators

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

Project-Specific Contacts

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

Appendix E

Uncovering bones

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

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

1. First uncovering bones

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

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

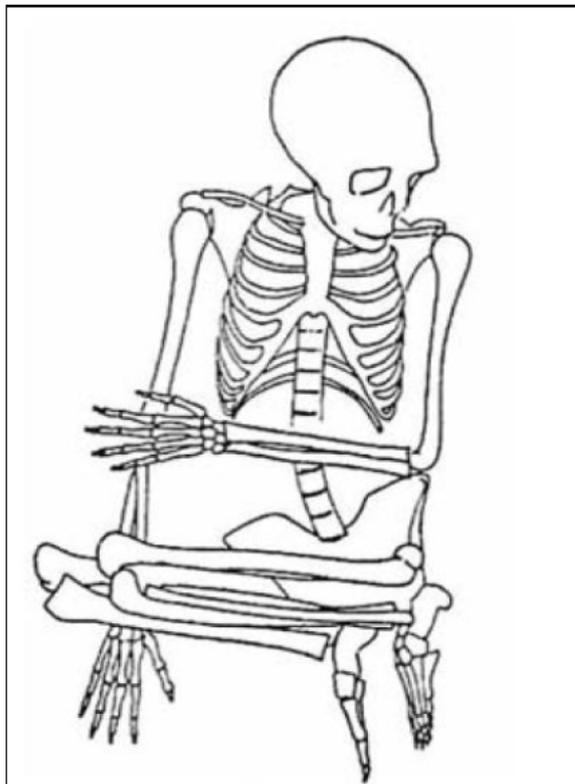


Figure 1: Schematic of a complete skeleton that is 'obviously' human¹².



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

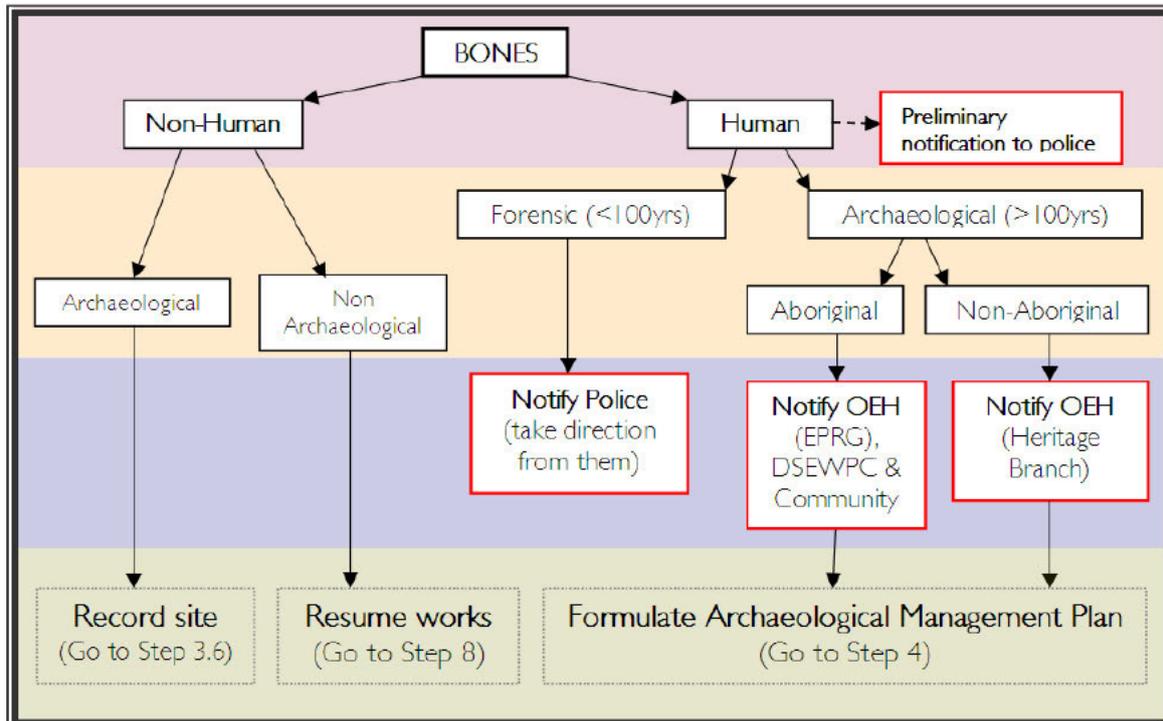
The OEH and the RMS Aboriginal Cultural Heritage Advisor (ACHA) must be notified immediately. The ACHA must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site. Relevant stakeholders are determined by the RTA's *Procedure for Aboriginal Cultural Heritage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

Annexure C EIS study area

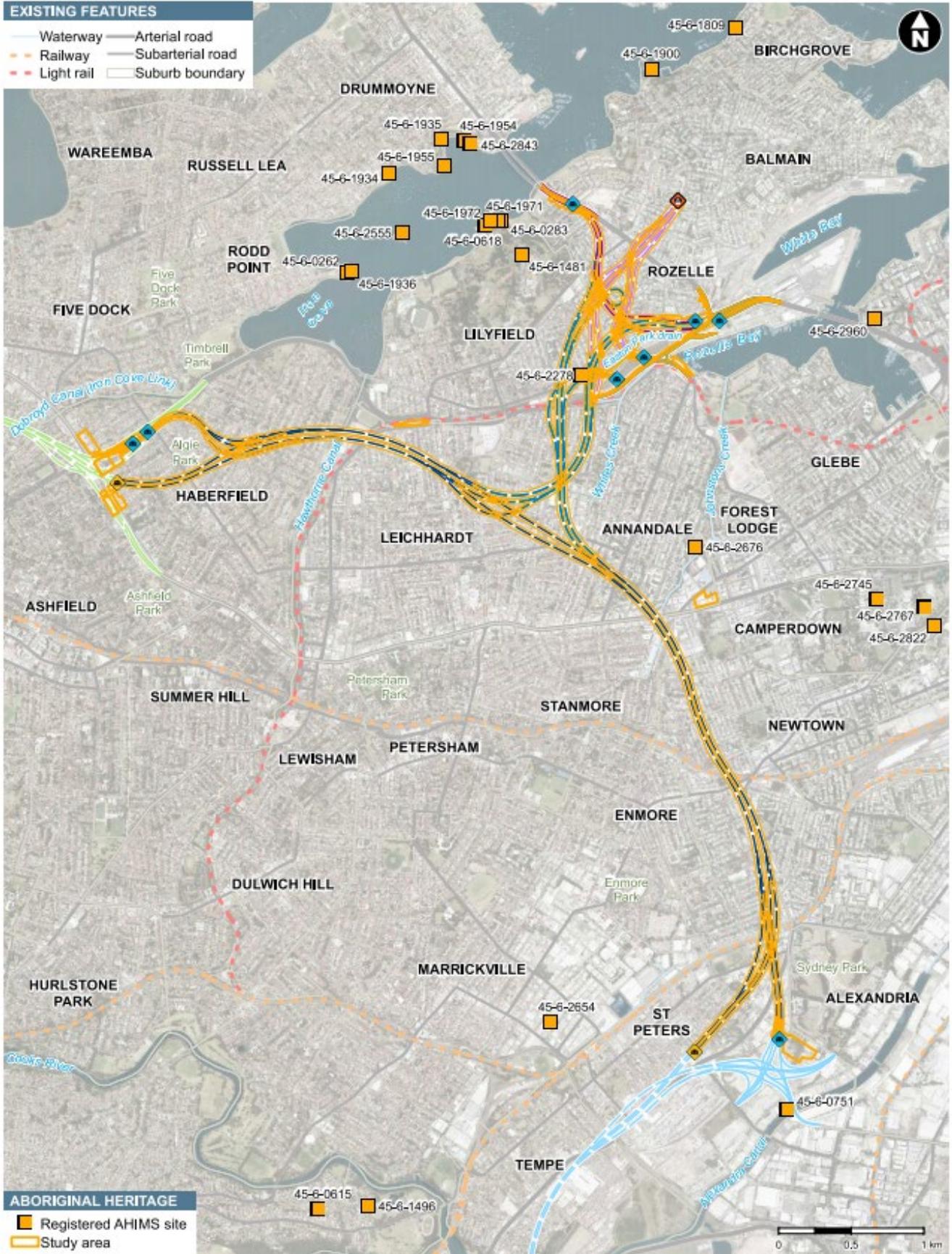
Figure sourced from M4-M5 Link EIS, Aboriginal heritage technical working paper (Appendix V) prepared by AECOM Australia Pty Ltd (2017).

WestConnex

Rozelle Interchange

EXISTING FEATURES

- Waterway
- Arterial road
- - - Railway
- Subarterial road
- - - Light rail
- Suburb boundary



- ### ABORIGINAL HERITAGE
- Registered AHIMS site
 - Study area

LEGEND

- | | | | | | | | |
|--|---|---|--|--|---|--|---|
| M4 East
— Surface road
- - - Tunnel | New M5
— Surface road
- - - Tunnel | M4-M5 Link
— Surface road
- - - Tunnel | Mainline tunnel
— Surface road
- - - Tunnel | Rozelle interchange
— Surface road
- - - Tunnel | Iron Cove Link
— Surface road
- - - Tunnel | Proposed future WHTBL connections (civil construction only)
— Surface road
- - - Tunnel | Project features
◆ Tunnel portal
◆ Tunnel extent
◆ Tunnel connection |
|--|---|---|--|--|---|--|---|