

Appendix B4: Aboriginal Cultural Heritage Management Sub- Plan

NEWCASTLE INNER CITY BYPASS – RANKIN PARK TO
JESMOND (STAGE 4 – MAIN WORKS)

ACKNOWLEDGMENT OF COUNTRY

Fulton Hogan acknowledges the Awabakal People as the Traditional Owners of the land we are working on, and pay our respect to their Elders past, present and emerging.

We recognise their deep connection to Country and value the contribution to caring for, and managing the land and water.

We are committed to pursuing genuine and lasting partnerships with Traditional Owners to understand their culture and connections to Country in the way we plan for and carry out the delivery of the Works.



Artwork by Luke Penrith, from Fulton Hogan's Reconciliation Action Plan.

Luke Penrith is a modern contemporary Aboriginal Artist living in Brungle NSW, Wiradjuri Country. His ancestry is connected through the Wiradjuri, Wotjobaluk, the Yuin and the Gumbaynggirr Nation.

Document control

This is an e-copy of the Plan and it interfaces with the other associated plans, which together describe the proposed overall project management system for the project.

The latest revision of this plan is available on the Fulton Hogan server. If any unsigned hard copies of this document are printed, they are valid only on the day of printing.

The revision number is included at the bottom of each page. When revisions occur, the entire document will be issued with the revision number updated accordingly for each owner of a controlled copy.

Attachments/Appendices to this plan are revised independently of this plan.

Revision history

| REV | DATE | AUTHOR / REVISED BY | ENDORSED BY | BRIEF DESCRIPTION OF CHANGE |
|-----|------------|---------------------|-------------|---|
| 0 | 11/08/2022 | █ ████ | █ ████ | Initial issue for TfNSW & ER review |
| 1 | 23/08/2022 | █ ████ | █ ████ | Revised in response to comments from TfNSW and the ER |
| 2 | 05/09/2022 | █ ████ | █ ████ | Revised in response to comment from TfNSW |
| 3 | 19/10/2022 | █ ████ | █ ████ | Revised in response to comments from Heritage NSW. No changes required in response to comments from the Registered Aboriginal Parties |
| 4 | 09/11/2022 | █ ████ | █ ████ | Revised in response to comments from DPE. |
| 5 | 16/11/2022 | █ ████ | █ ████ | Revised in response to comments from DPE. |
| 6 | 20/02/2023 | █ ████ | █ ████ | Revised the Glossary/ Abbreviations, Section 1.4 and Chapter 8 to align with other Sub-Plans. |

Table of contents

| | |
|--|-----------|
| 1. Introduction | 1 |
| 1.1. Purpose | 1 |
| 1.2. Background | 1 |
| 1.3. Structure of ACHMP | 1 |
| 1.4. Consultation for preparation of the ACHMP | 1 |
| 2. Objectives, targets and environmental performance outcomes | 2 |
| 2.1. Objectives | 2 |
| 2.2. Targets | 2 |
| 2.3. Environmental performance outcomes | 2 |
| 3. Legal and other requirements | 4 |
| 3.1. Legislation | 4 |
| 3.2. Guidelines and standards | 4 |
| 3.3. Conditions of approval | 4 |
| 3.4. Revised environmental management measures | 6 |
| 4. Existing environment | 8 |
| 4.1. Physical context | 8 |
| 4.2. Cultural context | 8 |
| 4.3. Aboriginal sites within and adjacent to the project identified in the EIS as amended by the SPIR | 8 |
| 4.4. Summary of the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022) | 14 |
| 5. Environmental aspects and impacts | 15 |
| 5.1. Impact avoidance | 15 |
| 6. Environmental mitigation measures | 16 |
| 7. Compliance management | 17 |
| 7.1. Roles and responsibilities | 17 |
| 7.2. Training | 17 |
| 7.3. Complaints | 17 |
| 7.4. Inspections and monitoring | 18 |
| 7.5. Auditing | 18 |
| 7.6. Reporting | 18 |
| 7.7. Non-conformances | 18 |
| 8. Review and improvement of ACHMP | 18 |

List of tables

| | |
|--|----|
| Table 1: Environmental performance outcomes relevant to Aboriginal heritage management | 3 |
| Table 2: Conditions of approval relevant to ACHMP | 4 |
| Table 3: Revised environmental management measures relevant to ACHMP | 6 |
| Table 4: Aboriginal heritage sites identified in the SPIR (p220-222)..... | 10 |
| Table 5: Summary of the significance assessment, impact assessment and mitigation for the sites directly impacted by the project (SPIR Appendix H, p34)..... | 14 |
| Table 6: Aboriginal heritage mitigation measures | 16 |

List of figures

| | |
|--|----|
| Figure 1: Aboriginal heritage sites identified adjacent to the project in the EIS (p531)..... | 9 |
| Figure 2: Aboriginal heritage sites identified within and adjacent to the project in the EIS as amended by the SPIR (SPIR, p223) | 13 |

Appendices

Appendix A: Unexpected Heritage Finds and Human Remains Procedure

Appendix B: Consultation summary

Glossary/ Abbreviations

| Term/ abbreviation | Definition |
|-----------------------|--|
| ACHMP | Aboriginal Cultural Heritage Management Sub-Plan |
| CCS | Community Communication Strategy |
| CEMP | Construction Environmental Management Plan |
| CoA | Condition of Approval |
| Construction | Has the same meaning as the definition of the term in the Project Approval. |
| Construction Boundary | Has the same meaning as the definition of the term in the Project Approval: The area physically affected by works described in documents listed in Condition A1. |
| D&C | Design and Construct |
| Department/ DPE | NSW Department of Planning and Environment |
| EIS | Environmental Impact Statement |
| EMS | Environmental Management System |
| EPA | NSW Environment Protection Authority |
| EPBC Act | <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| EPL | Environment Protection Licence |
| ER | Environmental Representative for the SSI |
| ESCP | Primary Erosion and Sediment Control Plan |
| EWMS | Environmental Work Method Statement |
| FFMP | Flora and Fauna Management Sub-Plan |
| Heritage NSW | Formerly NSW Office of Environment and Heritage |
| HP | Hold Point: a point in the construction or verification process beyond which work may not proceed without receiving authorisation from the appropriate party. |
| LALC | Local Aboriginal Land Council |
| Material harm | Has the same meaning as the definition of the term in the Project Approval: Is harm that: (a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or (b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment) |
| Minister, the | NSW Minister for Planning |
| NA | Not applicable |
| NAHMP | Non-Aboriginal Heritage Management Sub-Plan |
| Non-compliance | Has the same meaning as the definition of the term in the Project Approval: |

Appendix B4: Aboriginal Cultural Heritage Management Sub-Plan

Newcastle Inner City Bypass Rankin Park to Jesmond (Stage 4 – Main Works)



| | |
|-------------------------|---|
| | An occurrence, set of circumstances or development that is a breach of the Project Approval. This includes a failure to comply with the processes included within this CEMP. |
| Non-conformance | Failure to conform to the requirements of project or Fulton Hogan system documentation. |
| NPI | National Pollutant Inventory |
| OEH | NSW Office of Environment and Heritage (now Heritage NSW) |
| OEMP | Operational Environmental Management Plan |
| OEMS | Operational Environmental Management System |
| PACHCI | Procedure for Aboriginal Cultural Heritage Consultation and Investigation |
| Planning Secretary, the | Planning Secretary of the DPE (or nominee, whether nominated before or after the date on which the Project Approval was granted. |
| POEO Act | <i>Protection of the Environment Operations Act 1997</i> (NSW) |
| Project, the | Newcastle Inner City Bypass Rankin Park to Jesmond |
| Project Approval, the | The Minister's approval for the SSI. |
| Relevant Council(s) | Has the same meaning as the definition of the term in the Project Approval: Lake Macquarie City Council and City of Newcastle, as relevant. |
| RAPs | Registered Aboriginal Parties |
| REMM | Revised Environmental Management Measure |
| RMS | Roads and Maritime Services (now TfNSW) |
| RP2J | Rankin Park to Jesmond |
| SPIR | Submissions and Preferred Infrastructure Report |
| SSI | State Significant Infrastructure, as generally described in Schedule 1 of the Project Approval, the carrying out of which is approved under the terms of the Project Approval. |
| SWTC | TfNSW Scope of Works and Technical Criteria |
| TfNSW | Transport for NSW |
| UDLP | Urban Design and Landscape Plan |
| Work(s) | Has the same meaning as the definition of the term in the Project Approval: All physical activities to construct or facilitate the construction of the SSI, including environmental management measures and utility works. however, does not include work that informs or enables the detailed design of the SSI and generates noise that is no more than 5 dB(A) above the rating background level (RBL) at any residence |

1. Introduction

1.1. Purpose

This Aboriginal Cultural Heritage Management Sub-Plan (ACHMP) describes how Fulton Hogan will manage construction of the Newcastle Inner City Bypass Rankin Park to Jesmond (RP2J) Project (the project) to ensure that impacts on Aboriginal heritage are minimised.

This ACHMP has been prepared to detail how Fulton Hogan will comply with the project approval, and implement and achieve relevant performance outcomes, commitments and mitigation measures specified in the EIS as amended by the SPIR and subsequent Modification 1 Submissions Report (also known as 'Revised Environmental Management Measures' (REMMs)) during construction of the project. Additionally, this ACHMP has been prepared to address the requirements of the Scope of Works and Technical Criteria (SWTC) Appendix 4 Additional Environmental Requirements and TfNSW Specification D&C G36 Environmental Protection (G36).

For the avoidance of doubt, the CEMP (including this ACHMP) relates to the construction phase only. Detailed design environmental requirements will be addressed as part of the detailed design phase, separate to the CEMP approvals process. Detailed design is generally completed about six months after CEMP approval. In addition, operational environmental requirements will be met during the operational phase (upon the completion of construction) and addressed in the Operational Environmental Management System (OEMS) required under CoA D1.

1.2. Background

Chapter 15 of the EIS assessed the extent and magnitude of potential impacts of construction and operation of the project on Aboriginal heritage. The assessment was based on previous investigations carried out for the project which included a site inspection with Awabakal Local Aboriginal Land Council (LALC), consultation with Awabakal LALC carried out during the EIS and an assessment and site inspection conducted in accordance with the Roads and Maritime Procedure for Aboriginal cultural heritage consultation and investigation (PACHCI) (Roads and Maritime 2011a). These investigations did not identify any Aboriginal heritage sites or potential archaeological deposits (PADs) in or near the construction footprint, with the archaeological significance of the area found to be low (EIS, p186).

As part of the SPIR, a review of the issues considered in the EIS was carried out to identify where additional assessment was required as a result of the proposed design refinements and submissions.

As a result, the potential Aboriginal heritage impacts were reassessed and an additional detailed Aboriginal heritage assessment was undertaken and included as:

- SPIR Appendix H – Technical Paper 10 - Aboriginal Cultural Heritage Assessment Report (CHAR), prepared by Kelleher Nightingale Consulting for RMS, dated April 2018

The subsequent Modification 1 Submissions Report identified there would be no additional impact to any Aboriginal archaeological objects, sites or areas of archaeological potential as a result of the modification.

1.3. Structure of ACHMP

This ACHMP is part of Fulton Hogan's environmental management framework for the project and is supported by other documents, including the Unexpected Heritage Finds and Human Remains Procedure (prepared by TfNSW) and relevant Environmental Work Method Statements. The review and document control processes for this ACHMP are described in Chapters 11 and 12 respectively of the CEMP.

1.4. Consultation for preparation of the ACHMP

In accordance with CoA C4(f), consultation with Heritage NSW and Registered Aboriginal Parties (RAPs) has been undertaken during the preparation of this ACHMP.

There are no outstanding issues in relation to the ACHMP. Heritage NSW confirmed they were satisfied with the proposed changes to the plan. Of the 17 RAPs for the project, eight had no objections to the ACHMP and the following nine did not respond:

- Awabakal Local Aboriginal Land Council
- Hunter Valley Cultural Surveying
- Wonnarua Elder LHWCS
- Amanda Hickey Cultural Services
- A1 Indigenous Services
- Didge Ngunawal Clan
- Murra Bidgee Mullangari Aboriginal Corporation Cultural Heritage
- Yinarr Cultural Services
- Awabakal Descendants Traditional Owners

A summary of the consultation is provided in Appendix B.

Copies of all consultation correspondence is included at Appendix A5 of the CEMP.

Ongoing consultation will be undertaken during detailed design and construction of the project as required by the project approval. This will be subject to a separate consultation process to that required for preparation of this ACHMP and undertaken in accordance with the Community Communication Strategy (CCS) approved by the Planning Secretary under CoA B3.

2. Objectives, targets and environmental performance outcomes

2.1. Objectives

The key objective of the ACHMP is to ensure that impacts to Aboriginal heritage are minimised and within the scope permitted by the project approval. To achieve this objective, Fulton Hogan will undertake the following:

- Ensure appropriate controls and procedures are implemented during construction activities to avoid or minimise potential adverse impacts to Aboriginal heritage
- Ensure appropriate measures are implemented to address the relevant CoA and REMMs outlined in Table 2 and Table 3 respectively.
- Ensure appropriate measures are implemented to comply with all relevant legislation and other requirements as described in Chapter 3 of this ACHMP.

2.2. Targets

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

- Ensure full compliance with the relevant legislative requirements, CoA and REMMs outlined in Table 2 and Table 3 respectively.
- Minimise or avoid impacts on known Aboriginal heritage sites
- Follow correct procedure and ensure notification of any Aboriginal heritage objects/places uncovered during construction.

2.3. Environmental performance outcomes

The construction-related environmental performance outcomes relevant to this ACHMP are listed in Table 1. A cross reference is also included to indicate where the environmental performance outcome is addressed in this ACHMP in terms of how it will be implemented and achieved.

Table 1: Environmental performance outcomes relevant to Aboriginal heritage management

| Key issue | Environmental performance outcome | How implemented and achieved |
|---------------------|--|---|
| Aboriginal heritage | Impacts on heritage are managed in accordance with relevant legislation and relevant guidelines. | Section 3.1 Section 3.2 Chapter 6 mitigation measures |
| | Avoid impacts to known Aboriginal heritage sites RP2J AFT 1 and RP2J AFT 2. | Chapter 6 mitigation measure ID ACHMM6, ACHMM7. |
| | Minimise impacts to RP2J AFT 3, RP2J AFT 4, RP2J IF 1 and RP2J IF 2 | TfNSW has completed the archaeological salvage program as documented in the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022). |

3. Legal and other requirements

3.1. Legislation

Legislation relevant to heritage management includes:

- *Environmental Planning and Assessment Act 1979* (EP&A Act)
- *National Parks and Wildlife Act 1974* (NPW Act)
- *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) (Commonwealth)
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth)
- *Coroners Act 2009* (NSW).

Relevant provisions of the above legislation are explained in the Register of Legal and Other Requirements included in Appendix A1 of the CEMP.

3.2. Guidelines and standards

The main guidelines, standards and policy documents relevant to this ACHMP include:

- Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)
- Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010) (for reference only)
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (1999)
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (Department of Environment Climate Change and Water, 2010)
- NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office, 1998).

3.3. Conditions of approval

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

Table 2: Conditions of approval relevant to ACHMP

| CoA No. | Condition requirements | Document reference |
|--|--|---|
| PART C - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN | | |
| C5 | The CEMP Sub-Plans must state how: | |
| (a) | the environmental performance outcomes identified in the documents listed in Condition A1 as modified by these conditions will be achieved; | Section 2.3 |
| (b) | the mitigation measures identified in the documents listed in Condition A1 as modified by these conditions will be implemented; | Through the implementation of this ACHMP (in particular refer to Section 3.4). |
| (c) | the relevant terms of this approval will be complied with; and | Through the implementation of this ACHMP (in particular refer to Part E Heritage CoA cross references below). |

Appendix B4: Aboriginal Cultural Heritage Management Sub-Plan

Newcastle Inner City Bypass Rankin Park to Jesmond (Stage 4 – Main Works)



| CoA No. | Condition requirements | Document reference |
|--------------------------|---|--|
| (d) | issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed. | Chapter 5, second paragraph Chapter 6 |
| C6 | The CEMP Sub-plans must be developed in consultation with the relevant public authorities specified in Table 3 . Details of all information requested by an authority to be included in a CEMP Sub-plan as a result of consultation, including copies of all correspondence from those authorities, must be provided with the relevant CEMP Sub-Plan . | Section 1.4 |
| C7 | Any of the CEMP Sub-plans may be submitted along with, or subsequent to, the submission of the CEMP but in any event, no later than one (1) month before construction for approval by the Planning Secretary. | CEMP (main section) Section 1.4 |
| C8 | Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary, or as otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans , as approved by the Planning Secretary, including any minor amendments approved by the ER must be implemented for the duration of construction. Where construction of the SSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been approved by the Planning Secretary. | CEMP (main section) Section 1.4 |
| PART E – HERITAGE | | |
| E14 | An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected Aboriginal and non-Aboriginal heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW and Heritage NSW. | Appendix A Unexpected Heritage Finds and Human Remains Procedure - prepared separately to this ACHMP (by TfNSW) |
| E15 | The Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in consultation with Heritage NSW and the Heritage Council of NSW (or its delegate) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of any work. | Appendix A Unexpected Heritage Finds and Human Remains Procedure - prepared separately to this ACHMP (by TfNSW) |
| E16 | The Unexpected Heritage Finds and Human Remains Procedure , as submitted to the Planning Secretary, must be implemented for the duration of work. <i>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.</i> | Chapter 6 mitigation measure ID ACHMM2. Appendix A Unexpected Heritage Finds and Human Remains Procedure - prepared separately to this ACHMP (by TfNSW) |

| CoA No. | Condition requirements | Document reference |
|-------------------------------------|--|---|
| Aboriginal Cultural Heritage | | |
| E17 | The surface salvage of sites RP2J AFT3, RP2J AFT 4, RP2J IF 1 and RP2J IF 2, and the subsurface salvage of RP2J AFT3, must be undertaken in accordance with the salvage methodology described in the <i>SPiR, Appendix H - Technical Paper 10 – Aboriginal Cultural Heritage Assessment Report, April 2018</i> . | TfNSW has completed salvage in accordance with this CoA E17 as documented in the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022). |
| E18 | The management of any salvaged of Aboriginal objects must be undertaken in accordance with the documents identified in Condition A1 and in consultation with the Registered Aboriginal Parties. | TfNSW has undertaken the management of salvaged Aboriginal objects in accordance with this CoA E18 as documented in the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022). |
| E19 | Following completion of salvage of Aboriginal objects (Conditions E17), the Proponent must prepare a Cultural Heritage Salvage Report which includes details of any archival recording, further archaeological research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by Heritage NSW. | TfNSW has prepared the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022) in accordance with this CoA E19. |
| E20 | The Cultural Heritage Salvage Report must be submitted to the Planning Secretary, Heritage NSW, relevant councils and RAPs, where relevant, for information no later than 12 months after the completion of the salvage work referred to in Condition E17 . | TfNSW has submitted the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022) in accordance with this CoA E20. |

3.4. Revised environmental management measures

Relevant construction-related REMMs from the Modification 1 Submissions Report are listed in Table 3. A cross reference is also included to indicate where the measure is addressed in this ACHMP or other project management documents.

Table 3: Revised environmental management measures relevant to ACHMP

| ID no. | Revised environmental management measure | Document reference |
|--|--|--------------------|
| Aboriginal heritage | | |
| Avoidance of impacts to known Aboriginal heritage sites | | |

Appendix B4: Aboriginal Cultural Heritage Management Sub-Plan

Newcastle Inner City Bypass Rankin Park to Jesmond (Stage 4 – Main Works)



| ID no. | Revised environmental management measure | Document reference |
|--|---|--|
| AH01 | During detailed design, Roads and Maritime will avoid impacts to sites RP2J AFT 1 and RP2J AFT 2. In the event impacts are unavoidable further consultation with Awabakal Local Aboriginal Land Council will be carried out. | Chapter 6 mitigation measure ID ACHMM6, ACHMM7. |
| Impacts to Aboriginal heritage sites | | |
| AH02 | An Aboriginal heritage management plan will be prepared to manage potential direct project impacts to Aboriginal heritage. The plan will include management recommendations contained in the Newcastle Inner City Bypass – Rankin Park to Jesmond NSW, Aboriginal Cultural Heritage Assessment Report (Kelleher Nightingale Consulting 2018). The plan will include: <ul style="list-style-type: none"> As part of the site induction, all workers will be advised of their obligations in relation to heritage under the National Parks and Wildlife Act 1974 Procedures for management of unexpected finds. | This ACHMP Section 7.2 |
| | | Appendix A Unexpected Heritage Finds and Human Remains Procedure - prepared separately to this ACHMP (by TfNSW) |
| Impact to known Aboriginal heritage site (RP2J AFT 3) | | |
| AH03 | Roads and Maritime will carry out sub-surface archaeological salvage of site RP2J AFT 3 before construction starts in the affected area. The salvage will be carried out in accordance with the methodology contained in the Aboriginal Cultural Heritage Assessment Report (Kelleher Nightingale Consulting 2018) and in consultation with the Aboriginal community. | TfNSW has completed salvage as documented in the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022). |
| Impact to known Aboriginal heritage sites (RP2J AFT 3, RP2J AFT 4, RP2J IF 1 and RP2J IF 2) | | |
| AH04 | Roads and Maritime will carry out surface archaeological collection of the identified sites in the construction footprint before construction starts in the affected area. The collection will be carried out in accordance with the methodology contained in the Aboriginal Cultural Heritage Assessment Report (Kelleher Nightingale Consulting 2018) and in consultation with the Aboriginal community. | TfNSW has completed surface archaeological collection as documented in the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022). |

4. Existing environment

This Chapter provides a brief summary of what is known about Aboriginal heritage within and adjacent to the project based on information provided in Chapter 15 of the EIS as amended by the SPIR and the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022).

4.1. Physical context

The project is located within a landscape with varying levels of natural and human disturbance. The construction of roads, utilities and structures in addition to historic mining, clearance of native vegetation, landscaping and natural process such as erosion had disturbed both subsurface deposits and removed old growth trees (SPIR, p219).

The local topography is dominated by a ridgeline along which Lookout Road is located which forms the boundary between the catchments of Ironbark Creek and Dark Creek to the north and west and Styx Creek to the east. The southern part of the project is located on steep slopes which gradually reduce and extend through to the central part of the project. The northern portion of the project consists of lower slopes (SPIR, p219).

4.2. Cultural context

The project area and surrounding region are known to have been important to and extensively used by past Aboriginal people. The project is located within the territory of the Awabakal people (SPIR, p220).

While it is believed the majority of Aboriginal activity near the project would have focused on the Hunter River, freshwater sources, swamps and coastal areas, the Newcastle region remains important to local Aboriginal people, who have maintained their traditional ties to the area through the sharing of knowledge and lore between generations (SPIR, p220).

The consultation identified the local area has cultural heritage value (social value) to the local Aboriginal community in general however, no specific places of cultural heritage value were identified (SPIR, p220).

4.3. Aboriginal sites within and adjacent to the project identified in the EIS as amended by the SPIR

Sites identified in the EIS

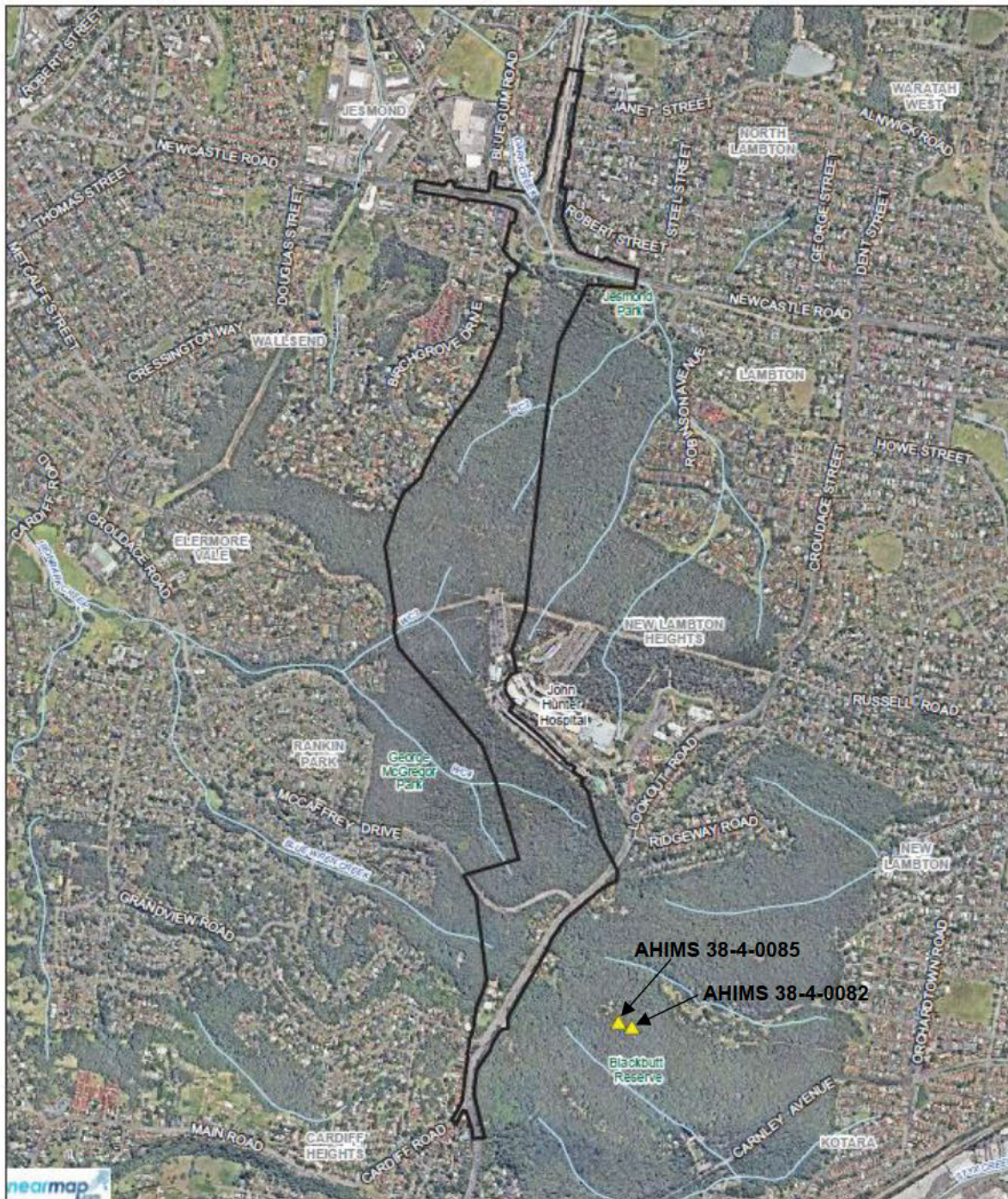
As part of the EIS, a search of the OEH AHIMS was carried out on 9 July 2014 and 23 March 2016. The search area included the construction footprint and a one kilometre buffer. Two registered Aboriginal heritage sites (axe grinding grooves and associated artefact scatter (38-4-0082 and 38-4-0085) were identified in the search area, outside the project, about 375 metres to the south-east of the project in Blackbutt Reserve as shown in Figure 1.

The EIS (p532) identified that field investigations of the study area by Brayshaw and Associates (1984), Umwelt Environmental Consultants (2006c) and Roads and Maritime site inspection (2015c) (Appendix M of the EIS) did not identify any Aboriginal heritage objects or places. These studies concluded that due to the lack of key resources in the study area, any use of the area would have been transitory and any unrecorded sites are likely to be limited to isolated artefacts. Due to the lack of evidence of Aboriginal occupation of the study area and historical disturbance the likelihood of unrecorded sites was assessed as low (EIS, p532).

The Stage 1 assessment conducted in accordance with the Roads and Maritime Procedure for Aboriginal cultural heritage consultation and investigation (Roads and Maritime 2011a) concluded that the cultural and archaeological significance of the study area was low and that no further archaeological investigation or consultation was required for the project (EIS, p532).

Appendix B4: Aboriginal Cultural Heritage Management Sub-Plan

Newcastle Inner City Bypass Rankin Park to Jesmond (Stage 4 – Main Works)



LEGEND

- Aboriginal heritage site
- Watercourse
- Study area

Paper Size A4
 0 70 140 280 420 560
 Metres
 Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 56



Rankin Park to Jesmond

Figure 15-1
Aboriginal heritage

Figure 1: Aboriginal heritage sites identified adjacent to the project in the EIS (p531)

Sites identified in the SPIR

RMS carried out additional consultation and investigations as detailed in Appendix H of the SPIR. The additional investigations identified the following six Aboriginal sites:

- four artefact scatters (RP2J AFT 1, RP2J AFT 2, RP2J AFT 3, RP2J AFT 4), and
- two potential archaeological deposits (PADs) (RP2J PAD 1 and RP2J PAD 2, subsequently renamed RP2J IF 1 and RP2J IF 2 respectively).

A description and statement of significance for each if these sites was included in the SPIR and is replicated in Table 4. The sites are shown on Figure 2. The remainder of the area displayed low archaeological potential due to combinations of topography, geology, erosion, fluvial activity or disturbance from land use practices (SPIR, p220).

Refer to Chapter 5 for details about the impacts to these Aboriginal heritage sites.

Table 4: Aboriginal heritage sites identified in the SPIR (p220-222)

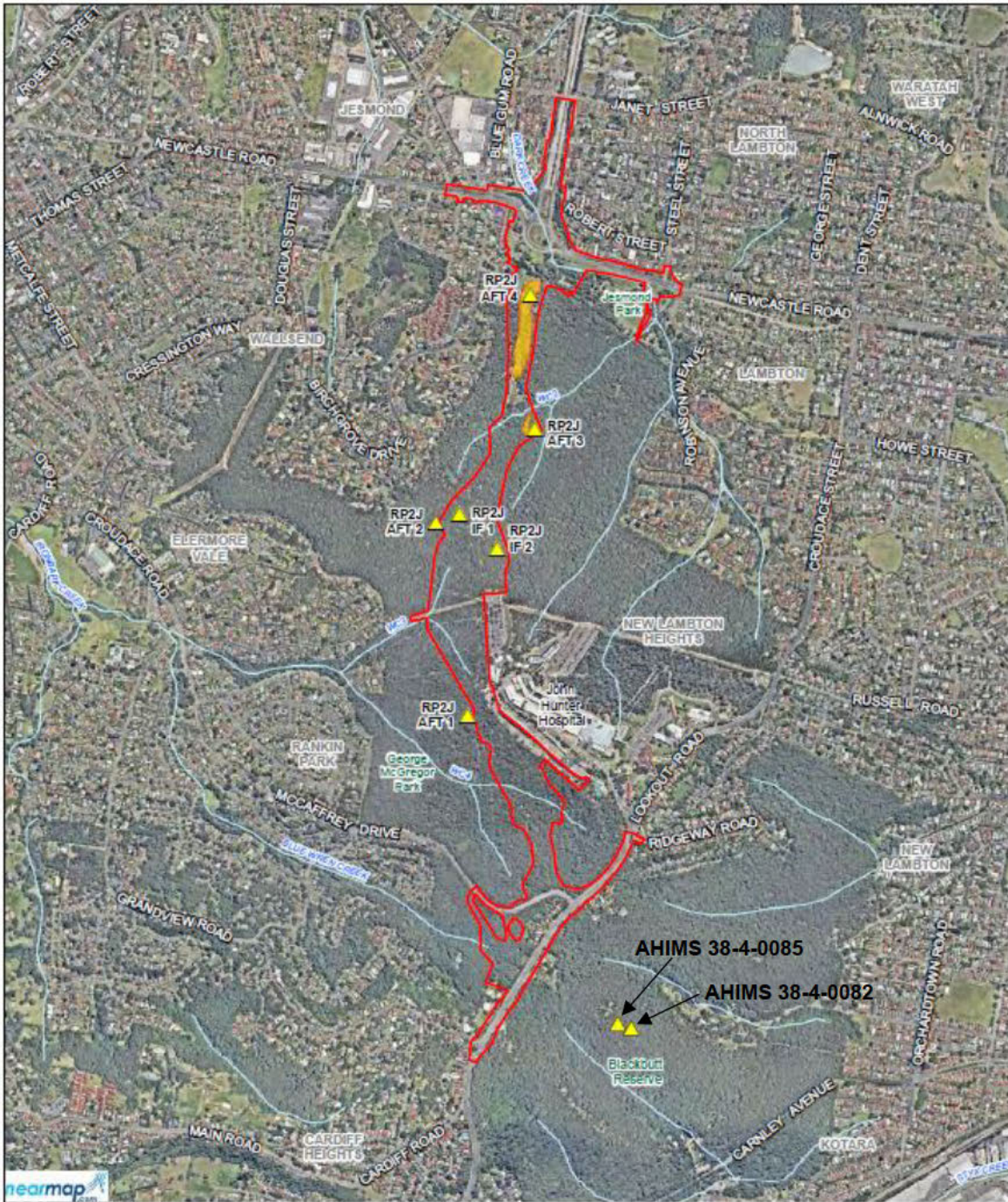
| Site | Description and statement of significance |
|------------|---|
| RP2J AFT 1 | <p>This artefact scatter is located on an upper south-west facing slope near the head of an unnamed ephemeral creek. The stage 2 survey identified a low density surface artefact scatter comprised of one silcrete flake and two greywacke flakes.</p> <p>This site was not subject to stage 3 test excavation as it is located outside the construction footprint.</p> <p>This site was assessed as having low archaeological potential and significance due to a high level of disturbance and imported gravels.</p> |

| Site | Description and statement of significance |
|---------------------------------|--|
| RP2J AFT 2 | <p>This artefact scatter is located on the crest of a west running ridge. The stage 2 survey identified a low density surface artefact scatter comprised of one tuff/mudstone flake fragment and one silcrete flake.</p> <p>This site was not subject to stage 3 test excavation as it is located outside the construction footprint.</p> <p>This site was assessed as having low archaeological potential and significance due to a high level of disturbance and imported gravel/brick fill.</p> |
| RP2J AFT 3 | <p>This artefact scatter is located on an elevated flat area overlooking the junction of two unnamed ephemeral creeks. The stage 2 survey identified a surface artefact scatter comprised of one tuff/mudstone flake and two pieces of a tuff/mudstone flake.</p> <p>The stage 3 test excavation identified a total of 13 artefacts and confirmed an intact archaeological deposit was present.</p> <p>Based on the intactness, representativeness and research potential, this site was assessed as displaying moderate archaeological significance. The cultural significance of the site, as part of the holistic and interconnected landscape was assessed as displaying high cultural significance by Aboriginal stakeholders.</p> |
| RP2J AFT 4 | <p>This artefact scatter is located on a crest and north facing slope of a ridge spur overlooking the junction of Dark Creek and its ephemeral tributaries. The stage 2 survey identified a surface artefact scatter comprised of one silcrete flake fragment and six silcrete and tuff/mudstone flakes and flake fragments.</p> <p>The stage 3 test excavation identified one artefact and the site was heavily disturbed by filling and other activities. As such, it was concluded the source of the artefacts discovered in the stage 2 survey were part of a disturbed archaeological deposit.</p> <p>Based on the intactness, representativeness and research potential, this site was determined to have low archaeological significance. The cultural significance of the site, as part of the holistic and interconnected landscape was assessed as displaying high cultural significance by Aboriginal stakeholders.</p> |
| RP2J IF 1 (formerly RP2J PAD 1) | <p>This isolated artefact is located on the crest of localised highpoint on a north-west ridgeline. It was initially identified as a potential archaeological deposit (RP2J PAD 1) during the stage 2 survey.</p> <p>The stage 3 test excavation only identified one artefact and concluded while subsurface deposits exist at the site, the low density of artefacts recovered and observed soil profile indicated a low potential for further archaeological information.</p> <p>Based on the intactness, representativeness and research potential, this site was determined to have low archaeological significance. The cultural significance of the site, as part of the holistic and interconnected landscape was assessed as displaying high cultural significance by Aboriginal stakeholders.</p> |

| Site | Description and statement of significance |
|---------------------------------------|--|
| RP2J IF 2 (formerly RP2J PAD 2) | <p>This isolated artefact is located on the crest of localised highpoint on a north-west ridgeline. It was initially identified as a potential archaeological deposit (RP2J PAD 2) during the stage 2 survey.</p> <p>The stage 3 test excavation only identified one artefact and concluded while subsurface deposits exist at the site, the low density of artefacts recovered and observed soil profile indicated a low potential for further archaeological information.</p> <p>Based on the intactness, representativeness and research potential, this site was determined to have low archaeological significance. The cultural significance of the site, as part of the holistic and interconnected landscape was assessed as displaying high cultural significance by Aboriginal stakeholders.</p> |

Appendix B4: Aboriginal Cultural Heritage Management Sub-Plan

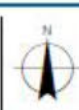
Newcastle Inner City Bypass Rankin Park to Jesmond (Stage 4 – Main Works)



LEGEND

- Aboriginal heritage site
- Aboriginal heritage area
- Watercourse
- Construction footprint

Paper Size A4
 0 70 140 280 420 560
 Metres
 Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 56



Rankin Park to Jesmond

Figure 6-11
 Identified Aboriginal sites

Figure 2: Aboriginal heritage sites identified within and adjacent to the project in the EIS as amended by the SPIR (SPIR, p223)

Summary of sites within the project footprint as identified in the EIS as amended by the SPIR

The EIS as amended by the SPIR identified that the following four sites located within the construction footprint for the project would be directly impacted:

- artefact scatter RP2J AFT 3
- artefact scatter RP2J AFT 4
- PAD RP2J IF 1 (formerly RP2J PAD 1)
- PAD RP2J IF 2 (formerly RP2J PAD 2)

Site RP2J AFT 3 was assessed as having moderate archaeological significance, while the remaining three sites were assessed as having low archaeological significance. All of these sites were assessed as having high cultural significance by Aboriginal stakeholders. A summary of the significance assessment, impact assessment and mitigation for the sites is provided in Table 5.

It is noted that in consultation with the Aboriginal community, the program of surface and subsurface salvage has already been completed by TfNSW as documented in the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022). Refer to Section 4.4.

Table 5: Summary of the significance assessment, impact assessment and mitigation for the sites directly impacted by the project (SPIR Appendix H, p34)

| Site Name | Archaeological Significance/ Cultural Significance | Impact Assessment | Mitigating harm |
|------------|---|-------------------|--|
| RP2J AFT 3 | Moderate/ High | Total Impact | Archaeological salvage excavation. Collection of surface artefacts Relevant project approval required prior to commencement of works affecting the site. |
| RP2J AFT 4 | Low/ High | Total Impact | Collection of surface artefacts Relevant project approval required prior to commencement of works affecting the site. |
| RP2J IF 1 | Low/ High | Total Impact | Collection of surface artefacts Relevant project approval required prior to commencement of works affecting the site. |
| RP2J IF 2 | Low/ High | Total Impact | Collection of surface artefacts Relevant project approval required prior to commencement of works affecting the site. |

4.4. Summary of the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022)

The archaeological salvage program has been completed in accordance with the project approval conditions for SSI 6888 and approved salvage methodology outlined in the CHAR (Aboriginal Archaeological Salvage Excavation Report, Kelleher Nightingale Consulting, August 2022, p33).

All fieldwork conditions related to Aboriginal objects within the boundary of the project area are complete and no further fieldwork mitigation is required. Salvage excavation was completed prior to any pre-construction or construction activities which may have harmed Aboriginal objects at the site locations (Aboriginal Archaeological Salvage Excavation Report, Kelleher Nightingale Consulting, August 2022, p33).

For additional details, refer to the Aboriginal Archaeological Salvage Excavation Report (Kelleher Nightingale Consulting, August 2022) prepared separately to this ACHMP (by TfNSW).

5. Environmental aspects and impacts

The key construction activities and the associated potential sources of Aboriginal heritage impact are identified through a risk management approach. The consequence and likelihood of each activity's impact on the environment has been assessed to prioritise its significance. The results of this risk assessment are included in Appendix A3 of the CEMP.

Ongoing environmental risk analysis will be undertaken during construction through regular inspections, monitoring and auditing as described in Chapter 7. This will ensure that issues requiring management (including cumulative impacts) are appropriately managed.

5.1. Impact avoidance

The SPIR (p222) identified that the construction footprint has been minimised as far as practical in order to avoid and minimise impacts to the environment and community while achieving the project objectives for delivery of the fifth stage of the Newcastle Inner City Bypass.

The following sites are located outside the project boundary for the project and as a result, will be avoided:

- AHIMS registered Aboriginal heritage site (axe grinding grooves 38-4-0082)
- AHIMS registered Aboriginal heritage site (associated artefact scatter 38-4-0085)
- artefact scatter RP2J AFT 1
- artefact scatter RP2J AFT 2.

As outlined in Section 4.4, the archaeological salvage program within the project boundary has been completed and no further fieldwork mitigation is required. Salvage excavation was completed prior to any pre-construction or construction activities which may have harmed Aboriginal objects at the site locations (Aboriginal Archaeological Salvage Excavation Report, Kelleher Nightingale Consulting, August 2022, p33).

6. Environmental mitigation measures

Specific mitigation measures to address impacts on Aboriginal heritage are outlined in Table 6.

Table 6: Aboriginal heritage mitigation measures

| ID | Mitigation measure | Timing | | Responsibility |
|----------------------------|--|-----------------|----------------|--|
| | | PC ¹ | C ² | |
| GENERAL | | | | |
| ACHMM1 | Manage Aboriginal sites identified to be retained and protected as 'environmentally sensitive areas'. In this regard, erect exclusion fencing and signage to ensure that environmentally sensitive areas are protected. Consider the heritage significance of each site and take care to not draw unnecessary attention to Aboriginal heritage sites. Environmentally sensitive areas are shown on the Sensitive Area Plans included in Appendix A6 of the CEMP. | ✓ | ✓ | Project/Site Engineers Foreman Environmental Manager |
| ACHMM2 | Adopt and implement the Unexpected Heritage Finds and Human Remains Procedure (Appendix A) prepared separately to the CEMP (by TfNSW) in the event that unexpected Aboriginal heritage finds are encountered during construction, including human skeletal remains. <i>Note: In the Unexpected Heritage Finds and Human Remains Procedure (Appendix A), 'vicinity' means within 5 metres of the unexpected heritage find determined in consultation with the Project Archaeologist.</i> | | ✓ | Project/Site Engineers Foreman Environmental Manager |
| ACHMM3 | Do not harm, modify or otherwise impact any Aboriginal heritage items associated with the project except as authorised by the project approval. | | ✓ | Project/Site Engineers Foreman Environmental Manager |
| ACHMM4 | If exclusion fencing boundaries cannot be identified, seek advice from the project Archaeologist. | ✓ | ✓ | Environmental Manager |
| ACHMM5 | For sites located outside of the project boundary delineation and enforcement of the project boundary is required rather than individual identification of sites and drawing unnecessary attention to those sites. <i>For example, refer to mitigation measure ID ACHMM6.</i> | ✓ | ✓ | Environmental Manager |
| ABORIGINAL HERITAGE | | | | |
| ACHMM6 | Erect exclusion fencing and signage (or permanent boundary fencing) for the portion of the following Aboriginal | ✓ | ✓ | Environmental Manager |

| ID | Mitigation measure | Timing | | Responsibility |
|--------|---|-----------------|----------------|--|
| | | PC ¹ | C ² | |
| | heritage sites adjoining the project boundary to avoid inadvertent impacts: <ul style="list-style-type: none"> ▪ artefact scatter RP2J AFT 1 as shown in Figure 2 ▪ artefact scatter RP2J AFT 2 as shown in Figure 2. | | | |
| ACHMM7 | In the event that changes to the proposed works occur and impacts to RP2J AFT 1 and RP2J AFT 2 (as shown in Figure 2) are unavoidable, carry out further consultation with Awabakal Local Aboriginal Land Council in accordance with REMM AH01. Further consultation with Awabakal Local Aboriginal Land Council would entail the provision of a consistency assessment for comment (28 working days) detailing the impacts and any mitigation strategies proposed. This consultation would be undertaken before commencement of the subject changes to the works. | ✓ | ✓ | Project Engineers Environmental Manager |

¹ PC means pre-construction; ² C means construction

7. Compliance management

7.1. Roles and responsibilities

Fulton Hogan’s Project Team organisational structure and overall roles and responsibilities are outlined in Section 4.1 of the CEMP. Specific responsibilities for the implementation of environmental controls are detailed in Table 6 of this ACHMP.

7.2. Training

All employees, subcontractors and utility staff working on site will undergo site induction training relating to Aboriginal heritage management issues, including:

- requirements of this ACHMP
- relevant legislative obligations, including under the *National Parks and Wildlife Act 1974* (NSW)
- roles and responsibilities, including under the *National Parks and Wildlife Act 1974* (NSW)
- identification of potential Aboriginal heritage finds and human remains
- Aboriginal cultural awareness training with input sought by the Registered Aboriginal Parties (RAPs) during its preparation.
- the Unexpected Heritage Finds and Human Remains Procedure (Appendix A) prepared separately to this ACHMP (by TfNSW). *Note: In the Unexpected Heritage Finds and Human Remains Procedure (Appendix A), ‘vicinity’ means within 5 metres of the unexpected heritage find determined in consultation with the Project Archaeologist.*
- Aboriginal archaeological sites and areas of cultural sensitivity
- exclusion or ‘no-go’ zones.

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

7.3. Complaints

Complaints will be recorded and addressed in accordance with Section 6.2.3 of the CEMP and the Community Communication Strategy (CCS).

7.4. Inspections and monitoring

Regular inspections and monitoring of exclusion fencing and signage (to ensure that environmentally sensitive areas are protected) and activities with potential to impact Aboriginal heritage will be undertaken during construction as documented in Sections 8.1 and 8.2 of the CEMP respectively.

7.5. Auditing

Auditing (both internal and external) will be undertaken to assess the effectiveness of environmental mitigation measures, compliance with this ACHMP, TfNSW specifications and other relevant approvals, permits and licences. Auditing requirements are detailed in Section 8.4 of the CEMP.

7.6. Reporting

General reporting requirements and responsibilities are documented in Chapter 9 of the CEMP.

7.7. Non-conformances

Non-conformances will be dealt with and documented in accordance with Chapter 10 of the CEMP.

8. Review and improvement of ACHMP

The ACHMP will be reviewed to ensure compliance with legislative requirements and its suitability and effectiveness for the project.

The review may be in the form of:

- A formal management review
- An audit, and/or
- An inclusion as a separate item at a site meeting.

The Environmental Manager may review and update the ACHMP more regularly where:

- Significant changes in construction activities occur
- Where targets are not being achieved, or
- In response to audits and non-conformance reports.

Any minor changes to the ACHMP will be approved by the ER and the remainder approved by the Planning Secretary in accordance with CoA C8. For additional information about the document review process, refer to Section 1.6 of the CEMP.

Appendix A: Unexpected Heritage Finds and Human Remains Procedure

Unexpected Heritage Finds and Human Remains Procedure

Newcastle Inner City Bypass –
Rankin Park to Jesmond


Roads and Maritime Services | August 2019



Document control

| | |
|-------------|--|
| File name | RP2J - RMS Unexpected Heritage Finds and Human Remains Procedure V4 |
| Report name | Newcastle Inner City Bypass – Rankin Park to Jesmond Unexpected Heritage Finds and Human Remains Procedure |

Approval and authorisation

| Plan reviewed by: | Plan reviewed by: | Plan approved by: |
|---|---|---|
|  |  |  |
| 17/06/19 | 08/07/19 | 08/08/19 |
| Roads and Maritime Senior Environment Officer | Roads and Maritime Project Manager | Environmental Representative |

Revision history

| Revision | Date | Description |
|----------|------------|---|
| 0 | 08/07/2019 | Draft for Roads and Maritime review |
| 1 | 08/08/2019 | Draft for ER approval |
| 2 | 09/08/2019 | Draft including OEH consultation |
| 3 | 15/08/2019 | Draft including NSW Heritage Council consultation |
| 4 | 23/08/2019 | Final for submission to Secretary for information |

Procedure development

The Procedure was developed in consultation with Heritage Division archaeologists. The following OEH guidelines and policies were referenced during the drafting of the Procedure:

- Assessing heritage significance (2001), NSW Heritage Office
- Photographic recording of heritage items using film or digital capture (NSW Heritage Office, 2006)
- Skeletal remains: Guidelines for management of human skeletal remains (NSW Heritage Office, 1988)
- Due diligence code of practice for the protection of Aboriginal objects in NSW (OEH, 2010)
- Aboriginal cultural heritage consultation requirement for proponents (OEH, 2010)
- Code of practice for the archaeological investigation of Aboriginal objects in NSW (OEH, 2010)
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH, 2011)

Procedure developer's skill and experience

The Procedure was prepared by two suitably qualified and experienced heritage specialists:

- Gretta Logue, former Environment Officer (Heritage) with Roads and Maritime Services. Gretta has a B.Sc. Hons (Archaeology), M.Sc. Hons (Forensic Anthropology, PG Diploma (Environment Law) and at the time of preparation of the procedure had 10 years professional heritage experience
- Daniel Percival, Environment Officer (Heritage) with Roads and Maritime Services. Daniel has a BA Hons (Archaeology) (First Class) with over 10 years professional heritage experience

The Procedure includes the requirement that consultation with Registered Aboriginal Parties will be undertaken in the event that previously unidentified Aboriginal heritage is discovered.

Agency Consultation

| Agency | Comment | RMS Response |
|---|---|---------------------------------------|
| NSW Office of Environment and Heritage. Steven Cox. Senior Team Leader Planning. Hunter Central Coast Branch | No detailed comment provided to RMS. <i>"Referred RMS to NSW Heritage Council on 09/08/19"</i> | RMS consult with NSW Heritage Council |
| Heritage, Community Engagement, Department of Premier and Cabinet (formerly NSW Heritage Council). Dr. Sioban Lavelle Senior Team Leader Specialist Services | <i>"Considered adequate to guide the Inner City Bypass Project" 15/08/19</i> | No changes made to document. |

THIS PAGE LEFT INTENTIONALLY BLANK

Contents

| | |
|--|-----------|
| 1 Purpose | 1 |
| 2 Scope | 2 |
| 3 Types of unexpected heritage items and their legal protection | 4 |
| 3.1 Aboriginal objects | 4 |
| 3.2 Historic heritage items | 5 |
| 3.3 Human skeletal remains | 6 |
| 4 Responsibilities | 7 |
| 5 Acronyms | 9 |
| 6 Overview of the Procedure | 10 |
| 7 Unexpected heritage items procedure | 11 |
| 8 Seeking advice | 20 |
| 9 Related information | 21 |
| Key environmental contacts | 37 |
| About this release | 47 |

Appendices

| | |
|------------|---|
| 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 H | Identifying Unexpected Heritage items |

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).

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 completed before work commences on site. In some cases, 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

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.

|

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:

*"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

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).

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.

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.

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* (NSW) 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* 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).

⁶ This is required under s89(A) of the *National Park and Wildlife Act 1974* (NSW) 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*.

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.

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 classed as:

- Reportable deaths
- Aboriginal objects
- Relics

Where it is suspected that less than 100 years has elapsed since death, human skeletal remains come under the jurisdiction of the State Coroner and the *Coroners Act 2009* (NSW). Under s 35(2) of the Act, 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. Public health controls may also apply.

Where remains are suspected of being more than 100 years old, they are considered to be either Aboriginal objects or non-Aboriginal relics depending on the ancestry of the individual. Aboriginal human remains are protected under the *National Parks and Wildlife Act 1974*, while non-Aboriginal remains are protected under the *Heritage Act 1977*.

The approval and notification requirements of these Acts are described above in sections 3.1 and 3.2. Additionally, the discovery of Aboriginal human remains also triggers notification requirements to the Commonwealth Minister for the Environment under s 20(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

IMPORTANT!

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

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

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

¹⁰ Under s 19 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.

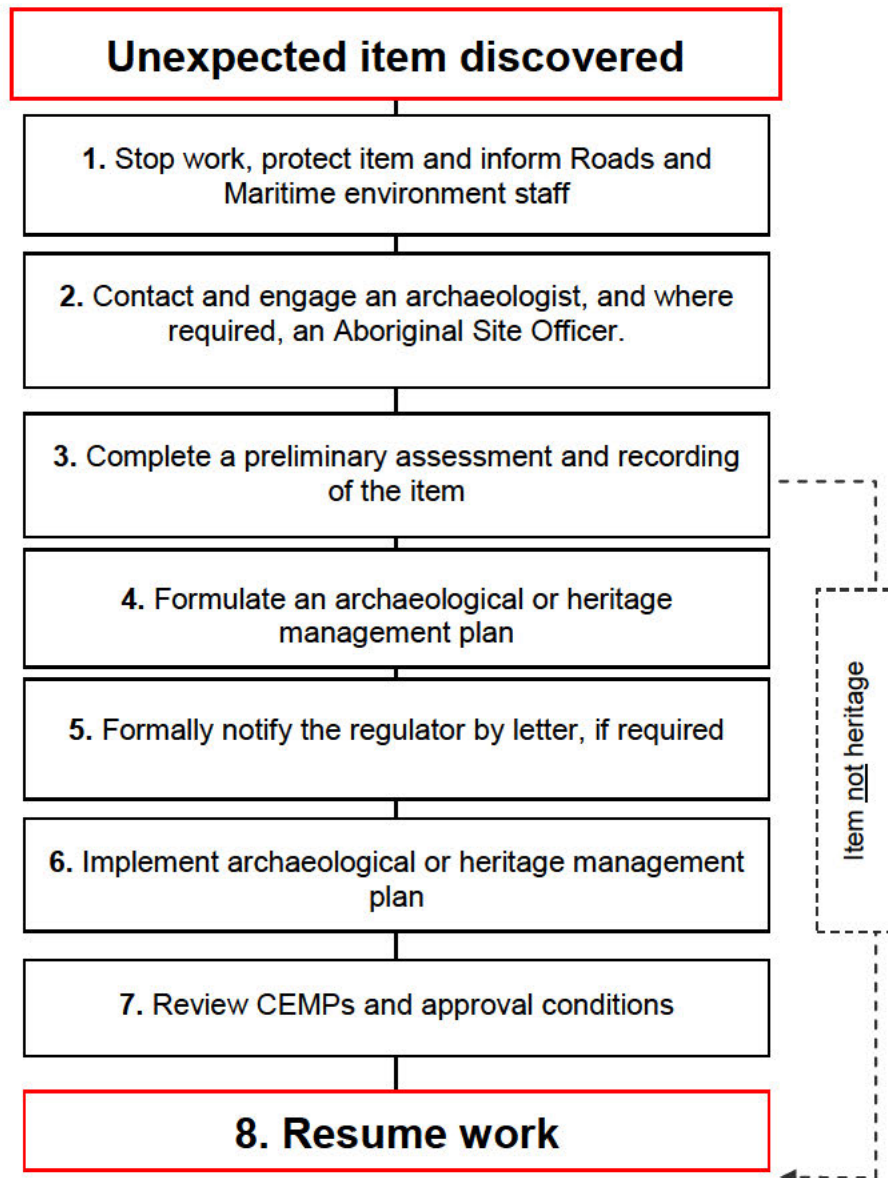


Figure 1: Overview of steps to be undertaken on the discovery of an unexpected heritage item.

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 | <p>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>).</p> <p>Does RMS have an approval, permit or appropriate safeguard in place to impact on the item?</p> <p>If yes, work may recommence in accordance with the approval, permit or safeguard. There is no further requirement to follow this procedure.</p> <p>If no, continue to next step.</p> | | |
| 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 | <u>RMS Environmental Incident Classification and Reporting Procedure</u> |
| 2 | Contact and engage an archaeologist and, where required, an Aboriginal site officer | | |
| 2.1 | <p>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.</p> <p>OR</p> | 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 (<i>eg via email</i>) 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 (<i>eg Aboriginal Cultural Heritage Assessment Report</i>). 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/AWS-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.

Roads & Maritime Services

9 Related information

Contact details: Senior Environmental Specialist (Heritage), Environment Branch, ■■■■■■■■

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

Appendix A

Identifying Unexpected Heritage Items

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



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



Wood stave water pipe



Tram tracks



Retaining wall



Cistern

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



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



Alignment pin



Survey tree



Alignment stone



Survey tree



Milestone



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



Remnant Bridge Piers



Mine Shaft



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



Unexpected heritage item recording form

| | | | | | |
|--|--------------------------|---|--|--|--|
| 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>Project manager / works supervisor signature</p> | |

Appendix C

Photographing Unexpected Heritage Items

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

Context and detailed photographs

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



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

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

Photographing distinguishing features

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



Figure 3: Ceramic bottle artefact with stamp.



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

Photographing bones

The majority of bones found on site will those of be recently deceased animal bones often requiring no further assessment (unless they are in archaeological context). However, if bones are human, Roads and Maritime must contact the police immediately (see Appendix F for detailed guidance). Taking quality photographs of the bones can often resolve this issue quickly. Heritage staff in Environment Branch can confirm if bones are human or non-human if provided with appropriate photographs.

Ensure that photographs of bones are not concealed by foliage (Figure 5) as this makes it difficult to identify. Minor hand removal of foliage can be undertaken as long as disturbance of the bone does not occur. Excavation of the ground to remove bone(s) should not occur, nor should they be pulled out of the ground if partially exposed. Where sediment (adhering to a bone found on the ground surface) conceals portions of a bone (Figure 6) ensure the photograph is taken of the bone (if any) that is not concealed by sediment.



Figure 5: Bone concealed by foliage.



Figure 6: Bone covered in sediment

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



Figure 7: Photograph showing complete bone.



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

Appendix C

Key Environmental Contacts

Key environmental contacts

| | | |
|-------------------------------|--|----------|
| Hunter region | Environmental Manager (Hunter) | ████████ |
| | Aboriginal Cultural Heritage Advisor | ████████ |
| Northern region | Environment Manager (North) | ████████ |
| | Aboriginal Cultural Heritage Advisor | ████████ |
| Southern region | Environmental Manager (South) | ████████ |
| | Aboriginal Cultural Heritage Advisor | ████████ |
| South West region | Environment Manager (South West) | ████████ |
| | Aboriginal Cultural Heritage Advisor | ████████ |
| Sydney region | Environment Manager (Sydney) | ████████ |
| | Aboriginal Cultural Heritage Advisor | ████████ |
| Western region | Environment Manager (West) | ████████ |
| | Aboriginal Cultural Heritage Advisor | ████████ |
| Pacific Highway Office | Environment Manager | ████████ |
| Regional Maintenance Delivery | Environment Manager | ████████ |
| Environment Branch | Senior Environmental Specialist (Heritage) | ████████ |

Heritage Regulators

| | |
|---|---|
| Heritage Division Office of Environment and Heritage Locked Bag 5020 Parramatta NSW 2124 Phone: (██████████) | Department of the Environment (Clth) GPO Box 787 Canberra ACT 2601 Phone: (██████████) |
| Office of Environment and Heritage (Sydney Metropolitan) Planning and Aboriginal Heritage Section PO Box 668 Parramatta NSW 2124 Phone: (██████████) | Office of Environment and Heritage (North Eastern NSW) Planning and Aboriginal Heritage Section Locked Bag 914 Coffs Harbour NSW 2450 Phone: (██████████) |
| Office of Environment and Heritage (North Western NSW) Environment and Conservation Programs PO Box 2111 Dubbo NSW 2830 Phone: (██████████) | Office of Environment and Heritage (Southern NSW) Landscape and Aboriginal Heritage Protection Section PO Box 733 Queanbeyan NSW 2620 Phone: (██████████) |

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

This appendix provides Project Managers with (1) advice on what to do when bones are discovered; (2) guidance on the 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.

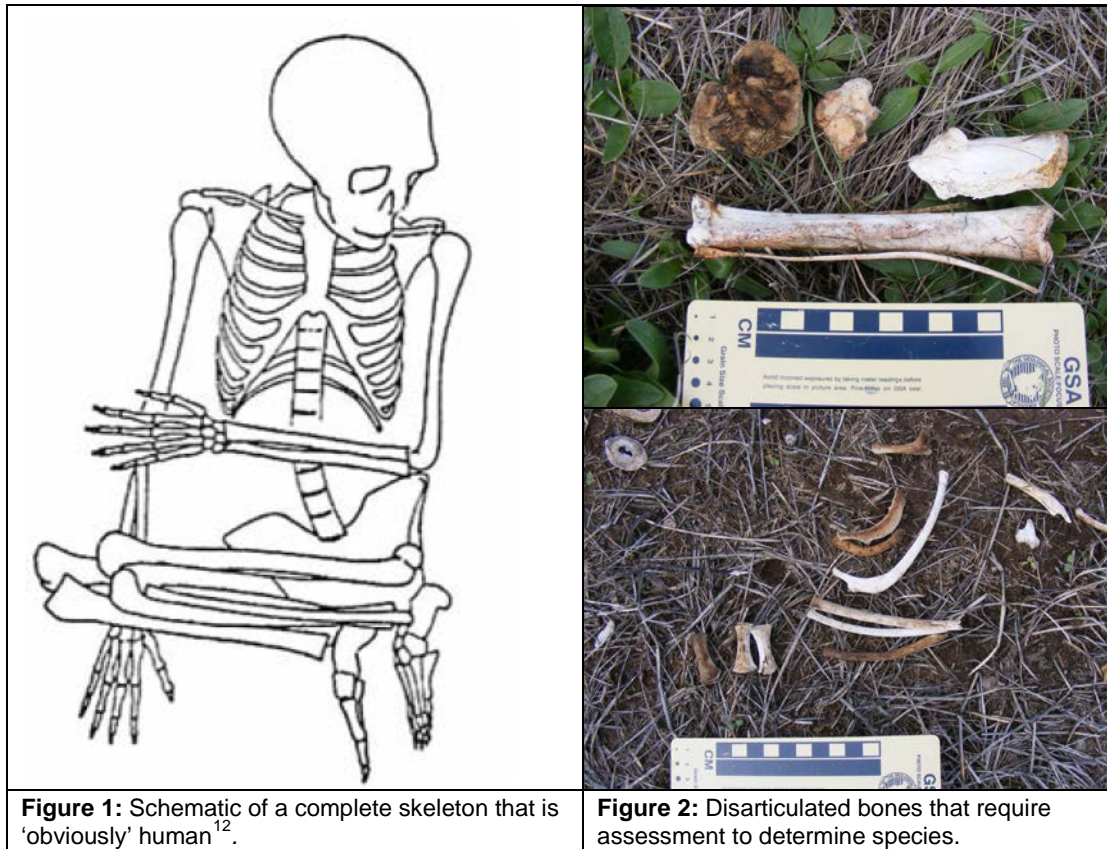


Figure 1: Schematic of a complete skeleton that is 'obviously' human¹².

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

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.

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

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

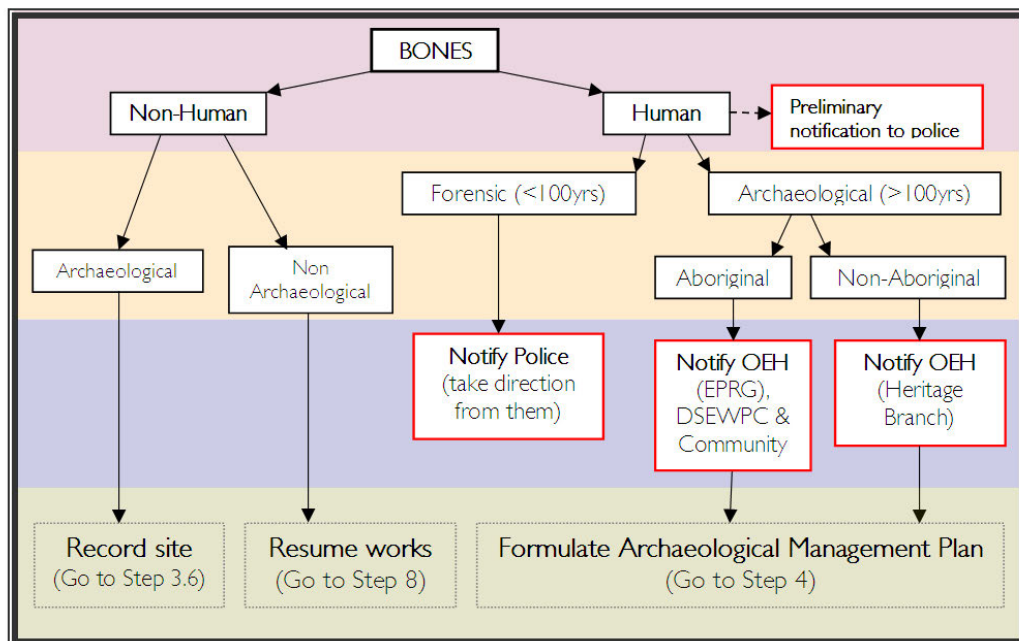
The OEH and the RMS Aboriginal Cultural Heritage Advisor (ACHA) must be notified immediately. The ACHA must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site. Relevant stakeholders are determined by the RTA's *Procedure for Aboriginal Cultural Heritage 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 following checklist can be used by the Project Manager and the archaeologist to ensure all relevant archaeological issues are considered when developing the management plan required at Step 4 of this procedure.

An archaeological or heritage management plan can include a range of activities and processes, which differ depending on the find and its significance.

| | 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) | Yes/No | |
| • Disposal strategy (eg former road pavement) | | |
| • Short term and permanent storage locations (interested third parties should be 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

PASTE INTO RMS LETTER TEMPLATE

"[Select and type date]"

[Select and type reference number]

[Select and type file number]

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

[Select and type salutation and name],

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

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

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

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

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

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

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

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

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

Yours sincerely

[Sender name and position]

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

Appendix B: Consultation summary

Heritage NSW

On 18/10/22 Heritage NSW provided comments, generally related to:

- A suggestion that the site induction training also include an element of Aboriginal cultural awareness training that is prepared with input by the RAPs for the project.
- Clarification around the size of the stop work area. The term 'vicinity' may be interpreted to be a very small area that could lead to additional impacts to suspected human remains if works continue.

Fulton Hogan responded to Heritage NSW on 19/10/22 and advised Section 7.2 and Chapter 6 mitigation measure ID ACHMM2 would be amended to address the comments. Heritage NSW confirmed they were satisfied with the proposed changes.

Awabakal Local Aboriginal Land Council

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

14/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

17/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan's intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.

Wattaka Wonnarua Cultural Consultancy Services

15/08/22 via mobile - Fulton Hogan provided a status update on the ACHMP. The RAP advised they were not selected to complete the salvage work and therefore would not be commenting on the plan.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile - The RAP verbally advised they had no comments in relation to Revision 2 of the ACHMP and agreed that Fulton Hogan could send an email to confirm the same.

05/10/22 via email – Fulton Hogan confirmed in writing that the RAP had no comments in relation to Revision 2 of the ACHMP.

05/10/22 via email – The RAP confirmed no comments in relation to the ACHMP.

Awabakal Traditional Owners Aboriginal Corporation

15/08/22 via mobile - Fulton Hogan provided a status update on the ACHMP and advised about the upcoming Industry Participation session.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

30/09/22 via email – The RAP thanked Fulton Hogan for the reminder and advised a reply would be provided next week.

12/10/22 via email – Fulton Hogan asked whether the RAP had any comments on the ACHMP.

13/10/22 via mobile – Fulton Hogan confirmed the ACHMP was sent to all 17 RAPs and that the ACHMP focused on the implementation of the Transport for NSW Unexpected Heritage Finds and Human Remains Procedure as salvage operations had already been completed. The RAP verbally advised they had 'no problems with the plan'.

13/10/22 via email – Fulton Hogan confirmed the above verbal discussion in writing.

██████████ & Ors on behalf of the Awabakal and Guringai People (Awabakal and Guringai People)

Same consultation record as that above for the Awabakal Traditional Owners Aboriginal Corporation.

Hunter Valley Cultural Surveying

15/08/22 via mobile – Fulton Hogan left a voicemail message and requested a return phone call.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile – Fulton Hogan left a voicemail message and requested a return phone call.

05/10/22 via email – Fulton Hogan asked whether the RAP had any comments in relation to Revision 2 of the ACHMP.

14/10/22 via text message - Fulton Hogan asked whether the RAP had any comments in relation to Revision 2 of the ACHMP.

17/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan's intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.

Aboriginal and Native Title Corporation (Valley ELM Corp)

15/08/22 via mobile – Fulton Hogan left a voicemail message and requested a return phone call.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

05/10/22 via mobile – The RAP advised they appreciated the phone call. Fulton Hogan advised that the ACHMP focused on the implementation of the Transport for NSW Unexpected Heritage Finds and Human Remains Procedure as salvage operations had already been completed. The RAP confirmed no comments in relation to the ACHMP. Fulton Hogan advised a follow-up email would be sent to confirm no comments.

05/10/22 via email - Fulton Hogan confirmed verbal discussion that the RAP had no comments on Revision 2 of the ACHMP.

██████████ ██████████
17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

05/10/22 via email – The RAP advised no comments.

Wonnarua Elder LHWCS

15/08/22 via mobile – Fulton Hogan received a voicemail message that the number was not connected.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile – Fulton Hogan received a voicemail message that the number was not connected.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

14/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan's intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.

Widescope Indigenous Group

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

06/10/22 via email – The RAP confirmed support of the recommendation outlined in the ACHMP.

Amanda Hickey Cultural Services

15/08/22 via mobile - Fulton Hogan provided a status update on the ACHMP and advised about the upcoming Industry Participation session.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile – Fulton Hogan left a voicemail message and requested a return phone call or an email.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

17/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan's intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.

A1 Indigenous Services

15/08/22 via mobile - Fulton Hogan provided a status update on the ACHMP and advised about the upcoming Industry Participation session.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile – The RAP advised that comments would be sent through 'now via email'.

14/10/22 via mobile – Fulton Hogan requested comments and the RAP advised they would be sent through today (being 14/10/22).

17/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan's intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.

Lower Hunter Aboriginal Incorporated

15/08/22 via mobile – Fulton Hogan received a voicemail message that the number was not connected.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile – Fulton Hogan received a voicemail message that the number was not connected.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

05/10/22 via email – The RAP advised ‘no further comments to add’.

Wonn1 (Entity of Kauwul Pty Ltd)

15/08/22 via mobile - Fulton Hogan provided a status update on the ACHMP and advised about the upcoming Industry Participation session.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile – Fulton Hogan left a voicemail message and requested a return phone call.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

14/10/22 via mobile – Fulton Hogan left a message and requested a return phone call.

14/10/22 via mobile – The RAP called back and advised no objections to Revision 2 of the ACHMP and Fulton Hogan can move forward with the project. Fulton Hogan advised a follow-up email would be sent confirming the discussion.

14/10/22 via email – Fulton Hogan confirmed discussion that RAP had no objections to Revision 2 of the ACHMP and Fulton Hogan can move forward with the project.

Didge Ngunawal Clan

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

14/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan’s intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.

Murra Bidgee Mullangari Aboriginal Corporation Cultural Heritage

15/08/22 via mobile – Fulton Hogan left a voicemail message and requested a return phone call.

15/08/22 via mobile – The RAP returned the phone call. Fulton Hogan provided a status update on the ACHMP and invited the RAP to the Industry Participation session.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile - Fulton Hogan left a voicemail message to ask whether the RAP had any comments on the ACHMP.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

14/10/22 via text message - Fulton Hogan asked whether the RAP had any comments in relation to Revision 2 of the ACHMP.

17/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan's intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.

Yinarr Cultural Services

15/08/22 via mobile – Fulton Hogan received a voicemail message that the number was not connected.

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via mobile – Fulton Hogan received a voicemail message that the number was not connected.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

14/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan's intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.

Awabakal Descendants Traditional Owners

17/08/22 via email - Fulton Hogan provided a status update on the ACHMP and invited the RAP to an Industry Participation session to ask any questions about the ACHMP and discuss potential employment and training opportunities.

07/09/22 via email - Fulton Hogan provided Revision 2 of the ACHMP for review and comment. Comments were requested by 28/09/22.

30/09/22 via email - Fulton Hogan advised comments had not been received and although the comment period closed on 28/09/22, comments would be followed up again next week.

05/10/22 via email - Fulton Hogan asked whether the RAP had any comments on the ACHMP.

14/10/22 via email - Fulton Hogan advised comments had not been received and given the time elapsed since originally providing the ACHMP for comment (on 07/09/22), it was Fulton Hogan's intention to submit the ACHMP to the Planning Secretary of the Department of Planning and Environment (DPE) for approval. In so doing, allowing the CEMP approvals process to progress, without delaying the commencement of the project. Fulton Hogan advised that in the event comments were received after the approval of the CEMP, Fulton Hogan would work with the RAP to address those comments at that point in time.