

Appendix B9: Non- Aboriginal 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	31/08/2022	█ ████	█ ████	Initial issue for TfNSW & ER review
1	11/10/2022	█ ████	█ ████	Revised in response to comments from TfNSW & the ER
2	20/02/2023	█ ████	█ ████	Revised the definition of non-compliance and non-conformance in the Glossary/ Abbreviations; and the wording in Section 1.4 to align with other Sub-Plans.
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Appendix A: Unexpected Heritage Finds and Human Remains Procedure

Glossary/ Abbreviations

Term/ abbreviation	Definition
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
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.
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: 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.

Appendix B9: Non-Aboriginal Heritage Management Sub-Plan

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



NPI	National Pollutant Inventory
OEH	NSW Office of Environment and Heritage (now Heritage NSW)
OEMP	Operational Environmental Management Plan
OEMS	Operational Environmental Management System
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.
PV	Project Verifier
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.
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 (previously RMS)
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 Non-Aboriginal Heritage Management Sub-Plan (NAHMP) 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 non-Aboriginal heritage are minimised.

This NAHMP 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 NAHMP 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 NAHMP) 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 16 of the EIS assessed the extent and magnitude of potential impacts of construction and operation of the project on non-Aboriginal heritage. A detailed non-Aboriginal heritage assessment was undertaken and included as:

- EIS Appendix N – Technical Paper 9 – Non-Aboriginal Heritage Assessment, prepared by baker archaeology for RMS, dated November 2016.

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. It was identified that the potential impacts as a result of the design refinements are consistent with those identified in the EIS. As such, the non-Aboriginal heritage assessment (EIS Technical paper 9) was not updated and no further assessment was deemed required (SPIR, p157).

The subsequent Modification 1 Submissions Report identified there would be potential impacts to non-Aboriginal heritage as a result of the proposed modification. No listed non-Aboriginal heritage items were identified as occurring within the modification area (Modification 1 Submissions Report, p38). The closest Section 170 listed non-Aboriginal heritage item identified was Tickhole Tunnel, a brick lined 153 metre long double track railway tunnel constructed in 1887 on the northern-leg of the Main Northern Rail Line which passes under Charlestown Road. Tickhole Tunnel is located about 65 metres to the south of the Peatties Road compound site.

An additional assessment was carried out for Section 170 listed Kotara (Tickhole) Railway Tunnel. The construction noise and vibration assessment was also updated to assess potential vibration impacts (Modification 1 Submissions Report, p38). The Modification 1 Submissions Report (p39) identified that while Tickhole Tunnel is outside the 35 metre buffer distance for heritage structures at risk from vibratory rolling, due to the nature of this structure and importance for operation of the Main Northern Rail Line an additional mitigation (ID HH04) measure was recommended.

Notwithstanding the outcomes of the Modification 1 Submissions Report, Fulton Hogan does not intend on using the Peatties Road or Cardiff Road sites, so the potential impacts associated with the use of these sites are no longer applicable to the delivery of the project.

1.3. Structure of NAHMP

This NAHMP 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 NAHMP are described in Chapters 11 and 12 respectively of the CEMP.

1.4. Consultation for preparation of the NAHMP

In accordance with CoA C4, no consultation with public authorities is required during the preparation of this NAHMP.

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 NAHMP 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 NAHMP is to ensure that impacts to non-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 non-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 NAHMP.

2.2. Targets

The following targets have been established for the management of non-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 non-Aboriginal heritage sites
- Follow correct procedure and ensure notification of any non-Aboriginal heritage objects/places uncovered during construction.

2.3. Environmental performance outcomes

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

Table 1: Environmental performance outcomes relevant to non-Aboriginal heritage management

Key issue	Environmental performance outcome	How implemented and achieved
Non-Aboriginal heritage	Impacts on heritage are managed in accordance with relevant legislation, including the EP&A Act, the Heritage Act 1977, and relevant guidelines.	Section 3.1 Section 3.2 Chapter 6 mitigation measures

3. Legal and other requirements

3.1. Legislation

Legislation relevant to heritage management includes:

- *Environmental Planning and Assessment Act 1979* (EP&A Act)
- *Heritage Act 1977* (Heritage Act)
- *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) (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 NAHMP include:

- Altering Heritage Assets (Heritage Office and DUAP 1996)
- Assessing Significance for Historical Archaeological Heritage Sites and ‘Relics’ (NSW Heritage Branch Department of Planning 2009)
- Archaeological Assessment Guidelines (NSW Heritage Office and NSW Department of Urban Affairs and Planning 1996)
- How to Prepare Archival Recording of Heritage Items (Heritage Office, 1998)
- NSW Skeletal Remains: Guidelines for Management of Human Remains (Heritage Office, 1998).

3.3. Conditions of approval

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

Table 2: Conditions of approval relevant to NAHMP

CoA No.	Condition requirements	Document reference																								
PART C - CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN																										
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN																										
C4	<p>The following CEMP Sub-plans must be prepared in consultation with the relevant public authorities identified for each CEMP Sub-plan:</p> <p>Table 3: CEMP Sub-plan and relevant public authorities</p> <table border="1"> <thead> <tr> <th></th> <th>Required CEMP Sub-plan</th> <th>Relevant public authorities to be consulted for each CEMP Sub-plan</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td>Traffic and transport</td> <td>Relevant council and Health Administration Corporation</td> </tr> <tr> <td>(b)</td> <td>Noise and vibration</td> <td>Relevant council and Health Administration Corporation</td> </tr> <tr> <td>(c)</td> <td>Flora and Fauna</td> <td>DPI Fisheries and Relevant council</td> </tr> <tr> <td>(d)</td> <td>Air quality</td> <td>Relevant council and Health Administration Corporation</td> </tr> <tr> <td>(e)</td> <td>Soil and water</td> <td>Relevant council, DPI Fisheries and DPE Water,</td> </tr> <tr> <td>(f)</td> <td>Aboriginal cultural heritage</td> <td>Heritage NSW and Registered Aboriginal Parties</td> </tr> <tr> <td>(g)</td> <td>Flood management</td> <td>Relevant council</td> </tr> </tbody> </table>		Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan	(a)	Traffic and transport	Relevant council and Health Administration Corporation	(b)	Noise and vibration	Relevant council and Health Administration Corporation	(c)	Flora and Fauna	DPI Fisheries and Relevant council	(d)	Air quality	Relevant council and Health Administration Corporation	(e)	Soil and water	Relevant council, DPI Fisheries and DPE Water,	(f)	Aboriginal cultural heritage	Heritage NSW and Registered Aboriginal Parties	(g)	Flood management	Relevant council	Section 1.4
	Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan																								
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(c)	Flora and Fauna	DPI Fisheries and Relevant council																								
(d)	Air quality	Relevant council and Health Administration Corporation																								
(e)	Soil and water	Relevant council, DPI Fisheries and DPE Water,																								
(f)	Aboriginal cultural heritage	Heritage NSW and Registered Aboriginal Parties																								
(g)	Flood management	Relevant council																								
C5	The CEMP Sub-Plans must state how:																									

Appendix B9: Non-Aboriginal Heritage Management Sub-Plan

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



CoA No.	Condition requirements	Document reference
(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 NAHMP (in particular refer to Section 3.4).
(c)	the relevant terms of this approval will be complied with; and	Through the implementation of this NAHMP (in particular refer to Part E Heritage CoA cross references below).
(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 NAHMP (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	Appendix A Unexpected Heritage Finds and Human Remains Procedure - prepared separately to this

CoA No.	Condition requirements	Document reference
	than one (1) month before the commencement of any work.	NAHMP (by TfNSW)
E16	<p>The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of work.</p> <p><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></p>	<p>Chapter 6 mitigation measure ID NAHMM2.</p> <p>Appendix A Unexpected Heritage Finds and Human Remains Procedure - prepared separately to this NAHMP (by TfNSW)</p>
Non-Aboriginal Heritage		
E21	<p>Before any direct impact on the Hollywood shanty town site and the Wallsend Plattsburg tramway, the Proponent must engage a suitably qualified archaeologist whose experience complies with the Heritage Council of NSW’s Criteria for Assessment of Excavation Directors (July, 2011) (referred to as the Excavation Director) to oversee and advise on matters associated with historic archaeology and to prepare an Historical Archaeological Research Design and Excavation Methodology generally consistent with the documents listed in Condition A1.</p>	<p>Chapter 6 mitigation measure ID NAHMM6.</p> <p>Historical Archaeological Research Design and Excavation Methodology (Casey & Lowe, February 2021) – prepared separately to this NAHMP (by TfNSW)</p>
E22	<p>The investigation and salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items must be undertaken in accordance with the Historical Archaeological Research Design and Excavation Methodology. The Proponent must submit the Historical Archaeological Research Design and Excavation Methodology to the relevant council for review and comment prior to finalisation. The Historical Archaeological Research Design and Excavation Methodology must:</p> <p>(a) be consistent with the documents listed in Condition A1 and NSW Heritage Council’s Archaeological Assessments Guideline (1996) or as updated;</p> <p>(b) provide for the detailed analysis of any heritage items discovered during the investigations;</p> <p>(c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display);</p> <p>(d) for unexpected finds that are determined to be relics, set out the assessment process that will determine an appropriate archaeological response to managing their significance;</p> <p>(e) include procedures for notifying the Planning Secretary and City of Newcastle of any relic findings; and</p> <p>(f) if the findings of the investigations are significant, provide for the preparation and implementation of a Heritage Interpretation Plan, as required under Condition E24.</p>	<p>TfNSW has completed investigation of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items, the findings of which are documented in the RP2J Hollywood 2021 Testing Report (November 2021).</p> <p>Chapter 6 mitigation measure ID NAHMM7.</p> <p>Historical Archaeological Research Design and Excavation Methodology (Casey & Lowe, February 2021) – prepared separately to this NAHMP (by TfNSW)</p>

CoA No.	Condition requirements	Document reference
E23	The Proponent must prepare an Archaeological Excavation Report containing the findings of any excavations, including artefact analysis and the identification of a final repository of any finds. The report must be submitted to the Planning Secretary within 12 months of completing all archaeological investigations. The Archaeological Excavation Report must also be submitted to the relevant council, the local library and the local Historical Society.	Chapter 6 mitigation measure ID NAHMM8. Section 7.6
E24	The Proponent must prepare a Heritage Interpretation Plan which identifies and interprets the key heritage values and stories of heritage items and heritage conservation areas impacted by the SSI. The Heritage Interpretation Plan must include, but not be limited to: (a) a discussion of the key interpretive themes, stories and messages proposed to interpret the history and significance of the affected heritage items and sections of heritage conservation areas including, but not limited to, Hollywood shanty town site and the Wallsend Plattsburg tramway in Jesmond Park; and (b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the SSI. The Heritage Interpretation Plan must be prepared in consultation with the relevant council. A copy of the Plan must be provided to the Planning Secretary, relevant council, the local library and the local Historical Society, before operation of the SSI commences.	Chapter 6 mitigation measure ID NAHMM9.

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 NAHMP or other project management documents.

Table 3: Revised environmental management measures relevant to NAHMP

ID no.	Revised environmental management measure	Document reference
Non-Aboriginal heritage		
Construction impact on potential heritage item		
HH01	Roads and Maritime will consult with DP&E, OEH Heritage Division and the Heritage Council of New South Wales to finalise the salvage program for the Hollywood shanty town site and associated impacted portion of the tramway. The salvage program will include sub-surface archaeological investigations as part of a salvage program, archival recording of any discovered items, further historical research and documentation of the history of the site. The final salvage program will be implemented in accordance with the approved salvage program.	The salvage program has been finalised as part of the Historical Archaeological Research Design and Excavation Methodology (Casey & Lowe, February 2021) – prepared separately to this NAHMP (by TfNSW) Chapter 6 mitigation measure ID NAHMM7.

ID no.	Revised environmental management measure	Document reference
Potential finds during construction		
HH02	Contractors will be given awareness training on non-Aboriginal heritage before carrying out any construction work to ensure understanding of potential heritage items and the procedure in the event of discovery of non-Aboriginal heritage materials, features or deposits, or the discovery of skeletal remains.	Section 7.2
HH03	In the event that either non-Aboriginal heritage items or skeletal remains are identified in the course of construction, the procedure detailed in Roads and Maritime Standard Management Procedure, Unexpected Heritage Items (Roads and Maritime 2015f) will be followed.	Appendix A Unexpected Heritage Finds and Human Remains Procedure - prepared separately to this NAHMP (by TfNSW)
Construction vibration impact on Tickhole Tunnel		
HH04	Transport will carry out further investigation during detailed design to confirm appropriate construction buffer distances and additional mitigation measures to be implemented for Tickhole Tunnel.	NA - As noted in Section 1.2 last paragraph, Fulton Hogan does not intend on using the Peatties Road ancillary facility, so there will be no associated vibration impacts to Kotara (Tickhole) Railway Tunnel and therefore, no need for additional mitigation measures.

4. Existing environment

This Chapter provides a brief summary of what is known about non-Aboriginal heritage within and adjacent to the project based on information provided in Chapter 16 of the EIS and the RP2J Hollywood 2021 Testing Report (November 2021).

4.1. Historical context

4.1.1. Establishment of Newcastle

The study area is situated in the western suburbs of the City of Newcastle (EIS, p537). The City of Newcastle was unsuccessfully settled in 1801, but found success as a penal settlement in 1804 under military administration. The settlement of Newcastle enabled the use of the locally abundant coal, timber and lime shell resources. The end of military administration in Newcastle came in 1823, with the opening of a road between Sydney and the Upper Hunter Valley and following on from the Hunter Valley being opened to free settlement in 1820. This led to convicts in Newcastle (not assigned to the Australian Agricultural Company) being sent to the penal settlement in Port Macquarie (EIS, p537).

4.1.2. Colliery village development

The study area has previously been undermined by the former Lambton Colliery that was established in 1862 on 1280 acres by the Scottish Australia Mining Company. A study from 1985 (Department of Main Roads 1985) determined that surface evidence of mining in the study area was minimal with known sites of adits, drifts and vertical shafts found to have been infilled. The Lambton Colliery extracted coal from both the Borehole and Victoria Tunnel Seams using bord and pillar and total extraction mining methods. In 1868, a new mine was developed by the Brown brothers called New Lambton, which was near the south-east of Lambton Colliery. Mining buildings were established well to the east of the study area and are no longer present (EIS, p537).

Croudace House, still present in the John Hunter Hospital precinct, was constructed for the Lambton colliery manager, Thomas Croudace, in 1863. Croudace House and the Remnant Garden Croudace House is a listed heritage item under the Newcastle LEP 2012 (EIS, p537).

At the northern end of the study area, Jesmond village developed in this period around the steam sawmills of William Steel and soap works of John Campion. The original name of Dark Creek relates to the now-canalised creek running through Jesmond Park in the northern end of the study area (EIS, p537).

4.1.3. Hospital development

Limited information is available for the development of the hospital. The Newcastle LEP listing for the “Original Building” on Lookout Road states that it was an emergency hospital built during World War Two, in case the Royal Newcastle Hospital had to be evacuated (EIS, p537).

4.2. Previous investigations

The assessment carried out for the EIS built upon the previous investigations conducted by Umwelt Environmental Consultants (2006b) and Parsons Brinckerhoff (2014) as part of earlier phases of the project development. In addition, two broader studies were carried out which cover the study area. These investigations are briefly described in the following section (EIS, p537).

4.2.1. State Highway 23 Lookout Road to Newcastle Road Environmental Impact Statement 1985

The Department of Main Roads (1985) prepared an EIS for the State Highway 23 connection from Lookout Road, New Lambton to Newcastle Road, Jesmond. The assessment identified Croudace House (located in the John Hunter Hospital precinct) as being the only item of non-Aboriginal heritage significance near the study area (EIS, p537).

4.2.2. Newcastle City Wide Heritage Study 1996-97

A heritage study was carried out by a consortium of heritage specialists co-ordinated by Suturs Architects (1997a) to inform the development of a heritage schedule for the Newcastle LEP. Heritage items that are in or near the study area that were identified as warranting listing on the LEP were Rankin Park Hospital and Croudace House (located in the current John Hunter Hospital precinct) (EIS, p537).

4.2.3. Newcastle Archaeological Management Plan

An archaeological management plan was completed by Suturs Architects (1997b) to complement the heritage study (Suturs Architects 1997a) which had focussed on non-archaeological heritage. This study covered all of the City of Newcastle. No archaeological sites were identified near the study area (EIS, p538).

4.2.4. Non-Indigenous Heritage – Preliminary Assessment of the Proposed State Highway 23 Realignment from Rankin Park to Jesmond, NSW

As part of the route options selection process for the project, Umwelt Environmental Consultants (2006b) carried out an assessment of non-Aboriginal heritage, covering a corridor which encompasses a portion of the study area. The assessment included a review of previous investigations, database searches and field survey (EIS, p538).

The assessment identified two key historical associations located in the current study area. These are the:

- Former tramway, presently used as the shared path through Jesmond Park
- Hollywood shanty town, identified in the assessment as “Jesmond shanty town”.

The assessment noted that while the former tramway was not listed under the Newcastle LEP, another section of the line is listed under the Lake Macquarie Local Environmental Plan 2014 (EIS, p538).

The study also concluded that there was no evidence of the former shanty town (EIS, p538).

4.2.5. Newcastle Inner City Bypass, Rankin Park to Jesmond, Preliminary Environmental Investigation

The preliminary environmental investigation prepared by Parsons Brinckerhoff (2014) included a desktop assessment of non-Aboriginal heritage. The investigation identified six listed heritage items near the study area including one (Marquis of Midlothian Hotel) in the study area (EIS, p538). The investigation also noted that despite the conclusions of Umwelt Environmental Consultants (2006b), based on aerial photography, there was evidence of the former shanty town in the northern portion of the study area (EIS, p538).

4.2.6. Modification 1 Report as amended by the Modification 1 Submissions Report

The Modification 1 Report identified that there are no listed non-Aboriginal heritage items located in the modification area.

Feedback from an individual during the public exhibition of the Modification 1 Report noted Kotara (Tickhole) Railway Tunnel as an item registered under Section 170 of the NSW *Heritage Act 1977* (Modification 1 Submissions Report, p39).

The Modification 1 Submissions Report (p39) identified that a search of the NSW State Heritage Inventory that includes Section 170 registers was completed on 10 August 2021. No listed non-Aboriginal heritage items were identified as occurring within the modification area (Modification 1 Submissions Report, p39). The closest Section 170 listed non-Aboriginal heritage item identified was Tickhole Tunnel, a brick lined 153 metre long double track railway tunnel constructed in 1887 on the northern-leg of the Main Northern Rail Line which passes under Charlestown Road. Tickhole Tunnel is located about 65 metres to the south of the Peatties Road compound, as shown in Figure 1. It is noted however that, as outlined in Section 1.2 and annotated on Figure 1, Fulton Hogan does not intend on using the Peatties Road compound, so there will be no associated impacts to Kotara (Tickhole) Railway Tunnel.

Tickhole Tunnel is not listed on the Newcastle Local Environment Plan, State Heritage Register or Australian Heritage Database.

As no listed non-Aboriginal heritage items were identified as occurring within the modification area, the environmental assessment focused on indirect impacts, particularly from vibration. The Construction Noise and

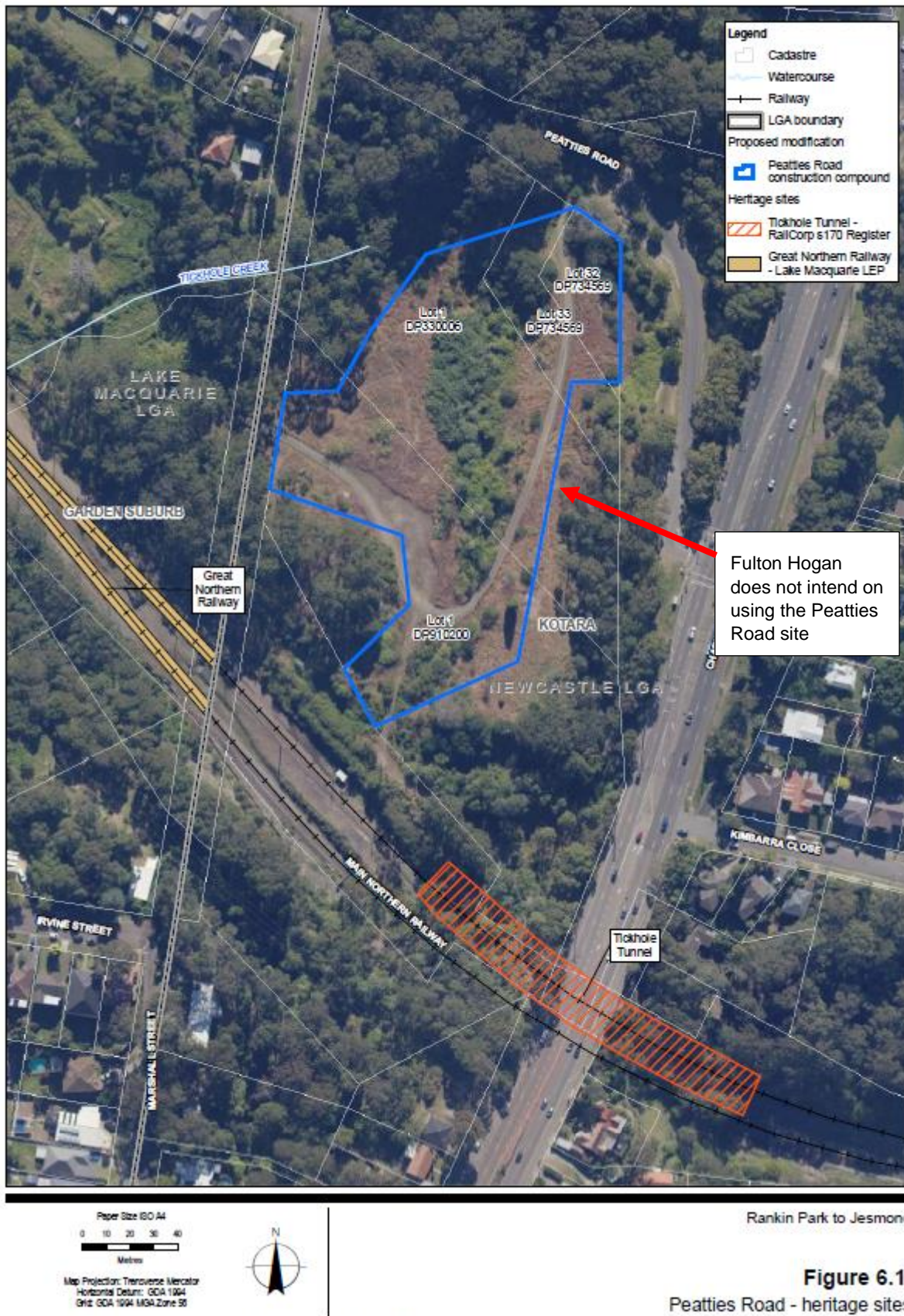
Vibration assessment within the Modification 1 Report was updated to assess potential impacts including structural damage on Tickhole Tunnel. The updated assessment was included as Appendix B of the Modification 1 Submissions Report. The findings are summarised below.

Summary of updated noise and vibration assessment

No heritage structures listed on the Section 170 register were identified within the relevant structural damage buffer distances. The closest Section 170 listed heritage item identified to the modification was Tickhole Tunnel. At the western portal Tickhole Tunnel is about 65 metres from the Peatties Road compound.

Tickhole Tunnel is outside the 35 metre buffer distance for heritage structures at risk from vibratory rolling (Modification 1 Submissions Report, p39). However, due to the nature of this structure and importance for operation of the Main Northern Rail Line an additional management measure, HH04 was recommended as part of the Modification 1 Submissions Report.

Notwithstanding the outcomes of the Modification 1 Submissions Report, Fulton Hogan does not intend on using the Peatties Road site, so the potential impacts associated with the use of this site is no longer applicable to the delivery of the project.



Fulton Hogan does not intend on using the Peatties Road site

Figure 1: Peatties Road site – Non-Aboriginal heritage sites identified in the Modification 1 Submissions Report (p40)

4.3. Non-Aboriginal sites within and adjacent to the project

4.3.1. Listed items identified in the EIS

There are nine listed non-Aboriginal heritage items (consisting of seven separate heritage items due to duplication of some listings across the heritage registers) within 500 metres of the project however, the nearest heritage buildings are located more than 100 metres from the construction footprint (EIS, p544). Table 4 summarises these items and they are also shown on Figure 2.

Table 4: Listed non-Aboriginal heritage items in the study area (EIS, p539)

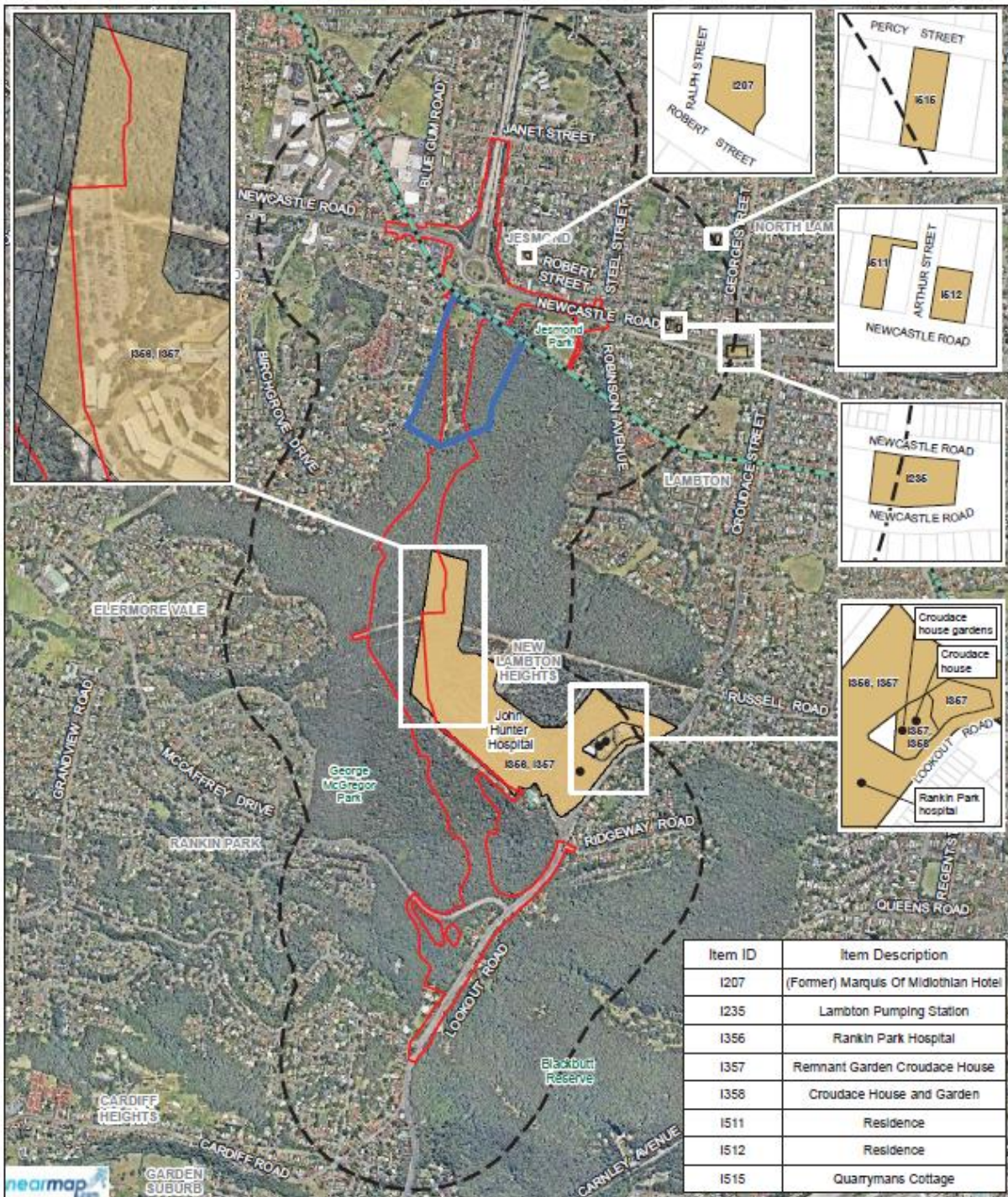
Heritage item	Listing	Location	Present condition
Croudace House and Garden (John Hunter Hospital precinct, New Lambton Heights)	Local (Newcastle LEP 2012 Schedule 5 I358)	Actual house located in the eastern extent of the John Hunter Hospital precinct near Lookout Road. The Newcastle LEP listed curtilage includes most of the existing John Hunter Hospital precinct including the modern car park on the western edge.	Croudace House is maintained in good condition in the John Hunter Hospital precinct. Its current function is as a café.
Remnant Garden, Croudace House (John Hunter Hospital precinct, New Lambton Heights)	Local (Newcastle LEP 2012 Schedule 5 I357)	Garden associated with Croudace House located in the eastern extent of the John Hunter Hospital precinct near Lookout Road.	The gardens are actively maintained in good condition as part of the grounds of the private hospital campus in the John Hunter Hospital precinct.
Rankin Park Hospital (John Hunter Hospital precinct, New Lambton Heights)	Local (Newcastle LEP 2012 Schedule 5 I356)	The building is located in the eastern extent of the John Hunter Hospital precinct near Lookout Road. The Newcastle LEP listed curtilage includes most of the existing John Hunter Hospital precinct including the modern car park on the western edge.	The building is a functioning hospital building and maintained in good condition.
Original Building (John Hunter Hospital precinct, New Lambton Heights)	Local (NSW Department of Health section 170 Register).	As described for Rankin Park Hospital.	As described for Rankin Park Hospital.
Marquis of Midlothian Hotel (42 Robert St Jesmond)	Local (Newcastle LEP 2012 Schedule 5 I207)	Building on small standard suburban land parcel block located on the corner of Robert Street and Ralph Street in Jesmond about 160 metres north-east of the existing Jesmond roundabout.	The building is currently used as a house and is maintained in good condition as a private residence.

Appendix B9: Non-Aboriginal Heritage Management Sub-Plan

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



Heritage item	Listing	Location	Present condition
Lambton Pumping Station (307A Newcastle Road)	Local (Newcastle LEP 2012 Schedule 5 I235)	A well-detailed, large-scale water pumping facility located in a prominent position in the wide grassed median of Newcastle Road. It is located about one kilometre east of the existing Jesmond roundabout and about 150 metres east of the Newcastle Road/Croudace Street/Dent Street intersection.	The facility is a robust brick building in good condition. The item has high integrity and continues in service for its original function.
Residence (288 Newcastle Road)	Local (Newcastle LEP 2012 Schedule 5 I511)	Face stonework house on residential block fronting Newcastle Road just to the west of its intersection with Arthur Street. It is located about 750 metres east of the existing Jesmond roundabout.	The house is maintained in good condition as a private residence.
Residence (298 Newcastle Road)	Local (Newcastle LEP 2012 Schedule 5 I512)	Two-storey face stone built house (circa 1892) with detached stone building at rear on residential block fronting Newcastle Road on the eastern corner of its intersection with Arthur Street. It is located about 780 metres east of the existing Jesmond roundabout.	The house is maintained in good condition as a private residence.
"Quarrymans Cottage" 15 Percy Street	Local (Newcastle LEP 2012 Schedule 5 I515)	A 1980s reconstruction of a quarrymans stone cottage built "to the original plan and form" (State Heritage Inventory listing). Located about 950 metres north-east of the existing Jesmond roundabout.	The cottage is in a newly renovated condition with modern roof and serves as a private residence.



LEGEND

- ▭ Construction footprint
- Study area
- Item - General
- Hollywood Shanty Town site boundary
- ▬ Wallsend Plattsburg Tramway

Paper Size A4
 0 75 150 300 450 600
 Metres
 Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 58



Rankin Park to Jesmond

Figure 16-2
 Heritage items and the project

Figure 2: Non-Aboriginal heritage sites identified within and adjacent to the project (EIS p545)

4.3.2. Potential items not listed on any heritage register

The EIS (p540) identified two potential non-Aboriginal heritage items in the study area not currently listed on any heritage register, including:

- Hollywood shanty town
- Wallsend Plattsburg tramway (noting that another section of the line is listed under the *Lake Macquarie Local Environmental Plan 2014*).

Refer to Figure 3. No further potential heritage items were identified (EIS, p540).

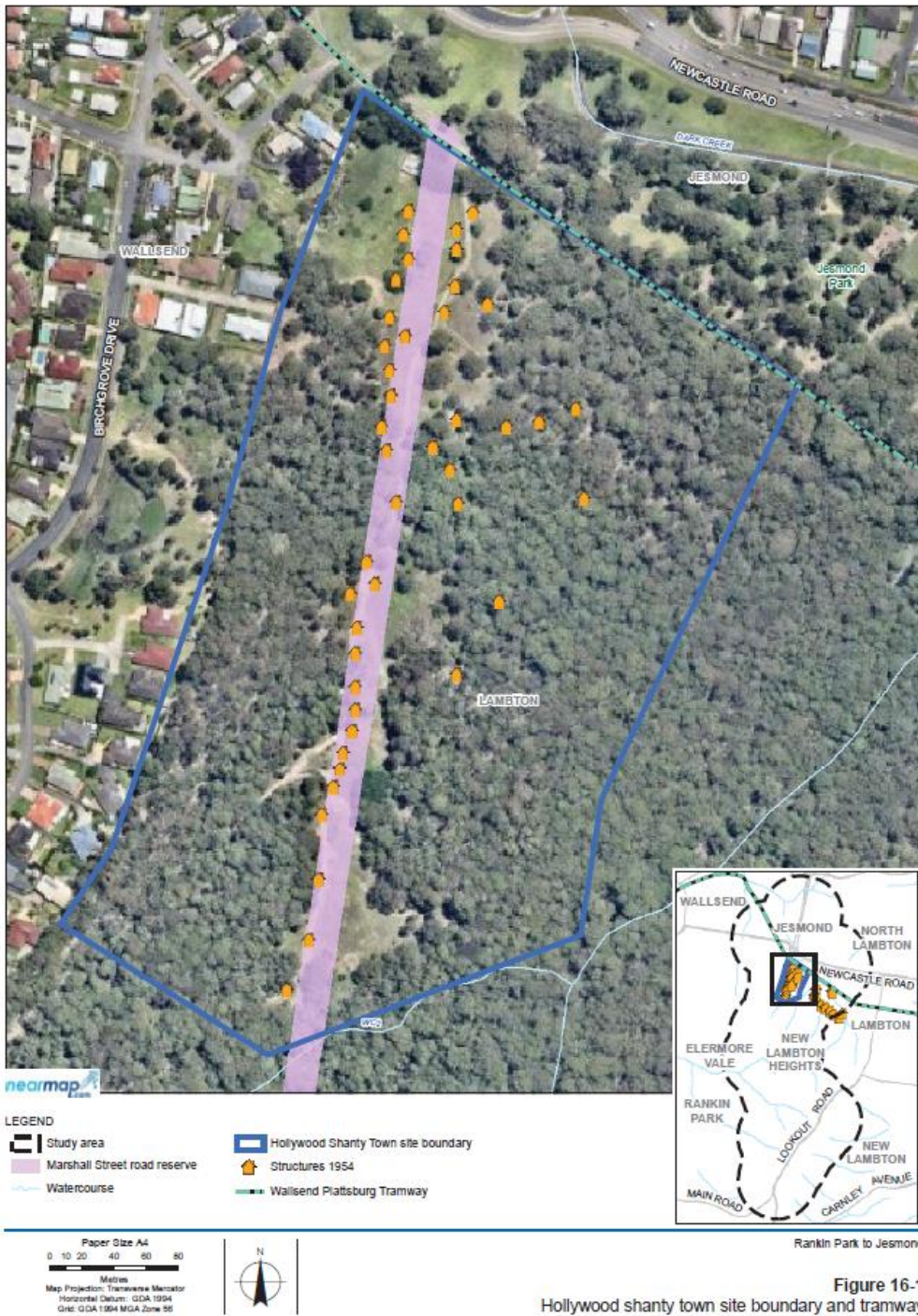


Figure 3: Hollywood shanty town and Wallsend Plattsburg tramway (EIS p542)

Hollywood shanty town

The current bushland portion of the study area south of Jesmond Park has a central 'paper road' (Crown road reserve for Marshall Street (known as the Marshall Street road reserve)) which serves as the division between the Parish of Newcastle to the east and the Parish of Kahibah to the west (EIS, p540). It is along this paper road, presently visible in part as a dirt track, that the shanty town of Hollywood (Figure 3) developed in the Great Depression following clearance of Nobbys Camp when it was taken over by the Department of Defence (EIS, p540). By 1949, 70 to 80 families lived in shanties primarily along the paper road from the tramway at Jesmond stretching for about 550 metres to the heavily incised creek valley to the south. The shanty town is documented in historical newspaper articles from the 1940s and 1950s and in grainy features on a 1954 air photo (EIS, p540).

Archaeological evidence of the shanty town and associated activities was identified during the field survey, in an area from the former tramway and south for about 600 metres (EIS, p540). This evidence included corrugated iron, kerosene tins and other metal fragments concentrated at several sites and a distinctive low mound of sandstone cobble-sized rocks (EIS, p540).

Subsidence and possible unauthorised mining in bushland areas to the south of Jesmond Park limited land suitability for structures to the east. A track south from the tramway provided access to bushland shacks and a travel route from the shacks to the single source of water at the Jesmond Park tap, which was reportedly located at the north end of the track near the tramway (EIS, p540). To the south a steep creek gully marked the end of the settlement. With the exception of the tap, evidence of these features were also apparent during the EIS field survey (EIS, p540).

The archaeological evidence of the settlement has diminished integrity through natural decay and the effects of the demolition of the shanty town in the late 1950s or 1960s, but survives in a landscape setting relatively untouched since the clearances (EIS, p540). The area also provides a valuable opportunity to enhance knowledge of a form of settlement no longer in existence in the local area (EIS, p540).

Hollywood shanty town heritage significance assessment

The study area includes archaeological remains of the Hollywood shanty town dating from the era of the great Depression in the early 1930s to the late 1950s or 1960s (EIS, p543). The entire Hollywood shanty town area is considered a single heritage item (EIS, p543). The Wallsend Plattsburg tramway forms the northern boundary of the shanty town and was integral to the pattern of the shanty settlement. The Hollywood shanty town area was assessed against the heritage significance criteria. The area has been identified as having local heritage significance for its scientific research potential and rarity. The Hollywood shanty town is a rare Depression-era archaeological site with scientific potential for expanding knowledge of Depression-era shanty town settlement patterning and material culture (EIS, p543).

As such, the Hollywood shanty town is considered to be of local heritage significance (EIS, p543).

Wallsend Plattsburg Tramway

The Wallsend Plattsburg tramway forms the northern boundary of the Hollywood shanty town and was integral to the pattern of the shanty settlement. Parish maps indicate that a corridor for the development of a steam tramway from Wallsend to Newcastle had been established in 1888 (EIS, p540). Umwelt Environmental Consultants (2006b) reported that the Wallsend Plattsburg tramway was constructed between 1886 and 1887 to provide reliable transportation between Newcastle and the satellite mining and industrial villages (EIS, p540).

The original steam tramway was converted to electric traction between 1923 and 1926. Decreasing patronage threatened the viability of the tramway, with the eventual closure of the Wallsend Plattsburg tramway in 1949 (EIS, p540).

The tramway has been converted to a shared path with all of the original fabric removed from the tramway leaving only the earthen embankment (for a length of about 1.5 kilometres) through Jesmond Park. Umwelt Environmental Consultants (2006b) reported that 'realistically, it is very unlikely that artefacts would be located in the immediate sub-surface' (EIS, p540).

No rails or other relics from the tramway remain apart from the earthen embankment (EIS, p540).

Wallsend Plattsburg Tramway heritage significance assessment

A section of former tramway corridor, including an original tramway embankment runs through Jesmond Park for about 1.5 kilometres, presently forming part of a shared path (EIS, p543). The corridor and embankment owes its origin to the original Wallsend to Plattsburg steam tramway. The embankment was constructed to provide a level track across the low lying areas surrounding Dark Creek between Lambton and Jesmond. No rails or other relics from the tramway construction remain apart from the earthen embankment. The tramway itself is not identified as a heritage item in the Newcastle Heritage Study (Suters Architects 1997a), although the study recommends that remains of past railway lines should be retained where possible (EIS, p543).

The tramway, which includes the embankment through Jesmond Park and associated corridor to the east through Rudd Park contains local historical value primarily as a tangible reminder of past light rail transport (EIS, p543). The primary heritage value rests in the role of the tramway embankment as an element of the Hollywood shanty town site. The tramway embankment served as an important boundary separating the rough shanty town bush environs from the manicured Jesmond Park environs (EIS, p543).

As such, the former Wallsend Plattsburg Tramway is considered to be of local heritage significance in its own right, but most importantly as an element of the Hollywood shanty town site (EIS, p543).

4.4. Summary of the RP2J Hollywood 2021 Testing Report (November 2021)

TfNSW has completed investigation of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items, the findings of which are documented in the RP2J Hollywood 2021 Testing Report (November 2021).

Results from the Archaeological Testing Program undertaken at the site of Hollywood Shantytown, Newcastle confirmed the assessment of the site being of local archaeological significance as the remains relics including evidence of the houses along the track had survived.

The results support the recommendations of the Historical Archaeological Research Design and Excavation Methodology (Casey & Lowe, February 2021).

For additional details, refer to the RP2J Hollywood 2021 Testing Report (November 2021) prepared separately to this NAHMP (by TfNSW).

5. Environmental aspects and impacts

The key construction activities and the associated potential sources of non-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. Impacts to listed heritage items

As outlined in Section 4.3.1 and shown on Figure 2, there are nine listed heritage items within 500 metres of the project, with the nearest heritage buildings located more than 100 metres from the construction footprint. The EIS (p544) identified there would be no impact to the heritage significance of these nine listed heritage items.

5.2. Impacts to items not listed on any heritage register

Hollywood shanty town and Wallsend Plattsburg tramway

Construction of the project would disturb most of the Hollywood shanty town area, including the earthen embankment of the former Wallsend Plattsburg tramway (Figure 3), with only a small number of unconfirmed

peripheral shanty locations untouched to the east. The impact would result in the total loss of heritage value of the impacted portion of the Hollywood shanty town. The physical evidence would be removed and the landscape completely changed by the project (EIS, p544).

The project would require excavation and filling over about 200 metres of the tramway embankment, which is currently used as a shared path. This would result in permanent loss of this portion of the tramway embankment however, about 1.3 kilometres of embankment outside the construction footprint would not be impacted (EIS, p544).

Impact on the Hollywood shanty town site and tramway is unavoidable given that the Hollywood shanty town is located in the construction footprint, the alignment of which was developed and approved considering environmental and engineering constraints. Due to the northern connection of the project to the existing Jesmond to Shortland section of the Newcastle Inner City Bypass, all feasible alignment options considered for the project impact on both the Hollywood shanty town site and tramway. The preferred alignment that was chosen best balanced these considerations. As the shanty town is located in the middle of the preferred alignment, it could not be avoided (EIS, p544).

To mitigate the impacts, a salvage program for the Hollywood shanty town site and associated impacted portion of the tramway has been finalised (by TfNSW) as part of the Historical Archaeological Research Design and Excavation Methodology (Casey & Lowe, February 2021). The salvage program will be completed early in the delivery of the project.

Apart from subsidence depressions near the shanty town, there are no physical traces of past mining activity with heritage value in the study area (EIS, p544).

The curtilage of the Rankin Park Hospital (ID I356) and Remnant Garden, Croudace House (ID I357) Newcastle LEP listings (Table 4) extend into the construction footprint (Figure 2). However, the impacted portion of the curtilage contains a modern car park and largely undisturbed bushland with no heritage value. The heritage listings (Appendix N of the EIS) only discuss the heritage significance of the building fabric itself, garden plantings and their historic associations, all of which are located in the eastern extent of the John Hunter Hospital precinct near Lookout Road. As such, the EIS identified (p544) there are no expected heritage impacts on the listed heritage buildings or gardens due to the impacted portion of the curtilages.

The noise and vibration assessment carried out for the project (Chapter 9 of the EIS) identified that vibration from general construction activities would not result in any damage to heritage buildings at distances greater than 35 metres. However, should blasting be required the noise and vibration assessment identified that there may be vibration impacts to heritage listed buildings and this would be investigated as part of the Blast Management Strategy to be prepared (separately to the CEMP) before blasting commences in about mid-2023.

The mitigation measures detailed in Chapter 6 of this NAHMP will be implemented to manage potential impacts during construction.

6. Environmental mitigation measures

Specific mitigation measures to address impacts on non-Aboriginal heritage are outlined in Table 5.

Table 5: Non-Aboriginal heritage mitigation measures

ID	Mitigation measure	Timing		Responsibility
		PC ¹	C ²	
GENERAL				
NAHMM1	Manage non-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. Environmentally sensitive areas are shown on the Sensitive Area Plans included in Appendix A6 of the CEMP.	✓	✓	Project/Site Engineers Foreman Environmental Manager
NAHMM2	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 non-Aboriginal heritage finds are encountered during construction, including human skeletal remains.		✓	Project/Site Engineers Foreman Environmental Manager
NAHMM3	Do not harm, modify or otherwise impact any non-Aboriginal heritage items associated with the project except as authorised by the project approval.		✓	Project/Site Engineers Foreman Environmental Manager
NAHMM4	If exclusion fencing boundaries cannot be identified, seek advice from the project Archaeologist.	✓	✓	Environmental Manager
NAHMM5	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 NAHMM6.</i>	✓	✓	Environmental Manager
NON-ABORIGINAL HERITAGE				
NAHMM6	Before any direct impact on the Hollywood shanty town site and the Wallsend Plattsburg tramway, engage a suitably qualified archaeologist whose experience complies with the Heritage Council of NSW’s Criteria for Assessment of Excavation Directors (July, 2011) (referred to as the	✓	✓	Environmental Manager

ID	Mitigation measure	Timing		Responsibility
		PC ¹	C ²	
	Excavation Director) to oversee and advise on matters associated with historic archaeology.			
NAHMM7	Undertake salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway in accordance with the Historical Archaeological Research Design and Excavation Methodology (Casey & Lowe, February 2021) prepared separately to this NAHMP (by TfNSW).		✓	Project Engineers Environmental Manager
NAHMM8	Prepare an Archaeological Excavation Report containing the findings of any excavations of the Hollywood shanty town site and the Wallsend Plattsburg tramway, including artefact analysis and the identification of a final repository of any finds in accordance with CoA E23. Submit the report to the Planning Secretary within 12 months of completing all archaeological investigations. Also submit the Archaeological Excavation Report to the relevant council, the local library and the local Historical Society.		✓	Environmental Manager
NAHMM9	Prepare a Heritage Interpretation Plan which identifies and interprets the key heritage values and stories of heritage items and heritage conservation areas impacted by the project in accordance with CoA E24. Prepare the Heritage Interpretation Plan in consultation with the relevant council. Provide a copy of the Plan to the Planning Secretary, relevant council, the local library and the local Historical Society, before operation of the SSI commences.		✓	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 5 of this NAHMP.

7.2. Training

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

- identification of potential non-Aboriginal heritage finds and human remains
- the Unexpected Heritage Finds and Human Remains Procedure (Appendix A) prepared separately to this NAHMP (by TfNSW)
- 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, the Community Communication Strategy (CCS) and Complaints Management System (CMS).

7.4. Inspections and monitoring

Regular inspections and monitoring of sensitive areas and activities with potential to impact non-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 NAHMP, TfNSW specifications and other relevant approvals, permits and licences. Auditing requirements are detailed in Section 8.4 of the CEMP.

7.6. Reporting

An Archaeological Excavation Report containing the findings of any excavations, including artefact analysis and the identification of a final repository of any finds will be prepared in accordance with CoA E23. The report will be submitted to the Planning Secretary within 12 months of completing all archaeological investigations. The Archaeological Excavation Report will also be submitted to the relevant council, the local library and the local Historical Society for their information.

In addition, 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 NAHMP

The NAHMP 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 NAHMP 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 NAHMP 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
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Report name	Newcastle Inner City Bypass – Rankin Park to Jesmond Unexpected Heritage Finds and Human Remains Procedure
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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:

- [REDACTED] [REDACTED] former Environment Officer (Heritage) with Roads and Maritime Services. [REDACTED] 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
- [REDACTED] [REDACTED] Environment Officer (Heritage) with Roads and Maritime Services. [REDACTED] 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. [REDACTED] [REDACTED] 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). [REDACTED] [REDACTED] [REDACTED] Senior Team Leader Specialist Services	<i>"Considered adequate to guide the Inner City Bypass Project" 15/08/19</i>	No changes made to document.

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Appendix E	Uncovering Bones
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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.

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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

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	remains).
Works Supervisor - Regional Maintenance Delivery (WS-RMD)	Ensures Regional Maintenance Delivery staff are aware of this procedure. Supports the Team Leader - Regional Maintenance Delivery during the implementation of this procedure and ensures reporting of unexpected heritage items through environment management systems.

5 Acronyms

The following acronyms are relevant to this procedure:

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

6 Overview of the Procedure

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

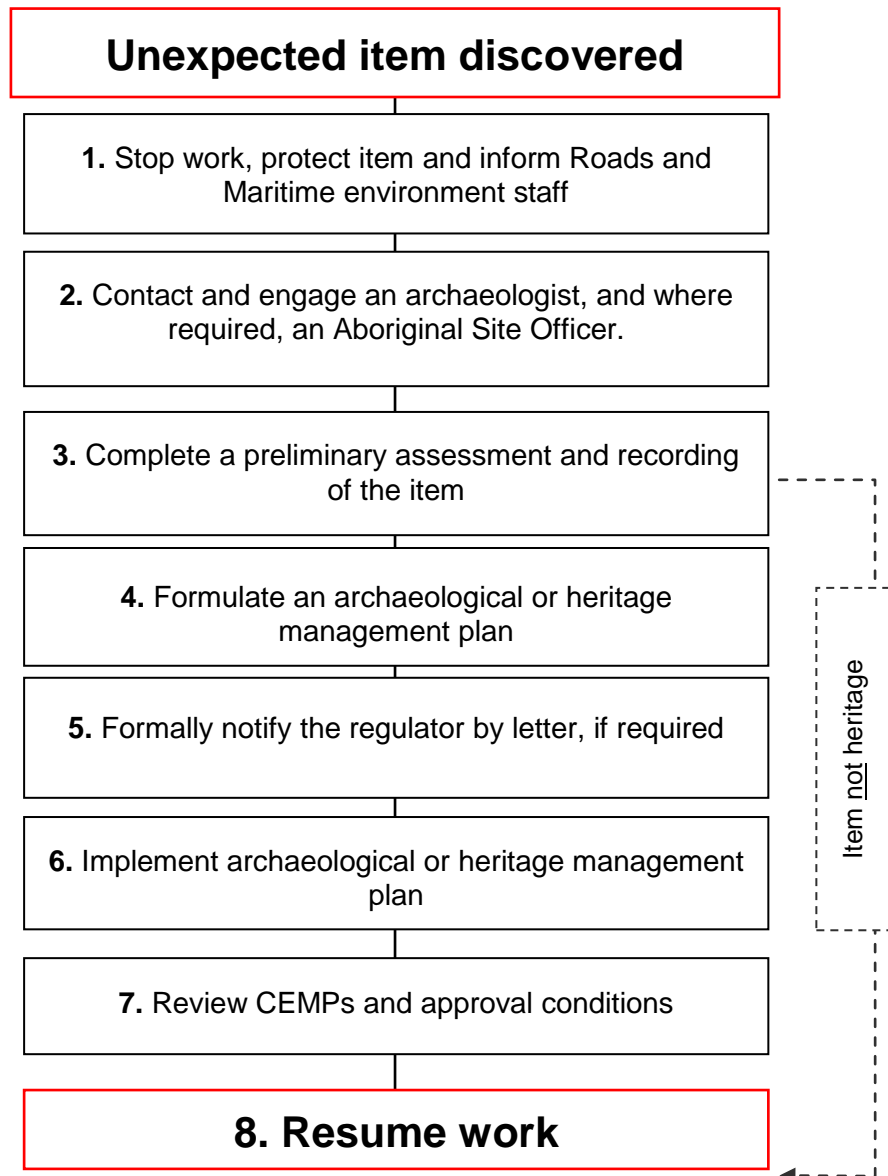


Figure 1: Overview of steps to be undertaken on the discovery of an unexpected heritage item.

IMPORTANT!

RMS may have approval or specific safeguards in place (apart from this procedure) to impact on certain heritage items during construction. If you discover a heritage item and you are unsure whether an approval or safeguard is in place, STOP works and follow this procedure.

7 Unexpected heritage items procedure

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

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

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

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

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

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

Step	Task	Responsibility	Guidance & Tools
	reflect the extent of the newly assessed protective area. No works are to take place within this area once established.		
3.4	The archaeologist (and Aboriginal Sites Officer, if relevant) may provide advice after the site inspection and preliminary assessment that no archaeological constraint exists for the project (<i>eg the item is not a 'relic', a 'heritage item' or an 'Aboriginal object'</i>). Any such advice should be provided in writing (<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



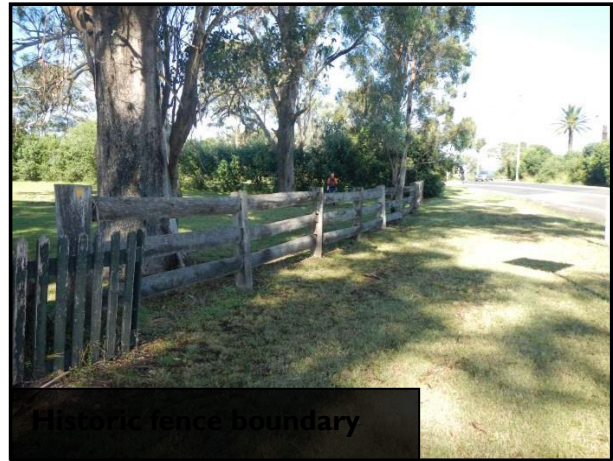
Top left hand corner continuing clockwise: Alignment Pin (Great Western Highway, Wentworth Falls); Survey tree (MR7, Albury); Survey tree (Kidman Way, Darlington Point, Murrumbidgee); Survey tree (Cobb Highway, Deniliquin); Milestone (Great Western Highway, Kingswood, Penrith); Alignment Stone (near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

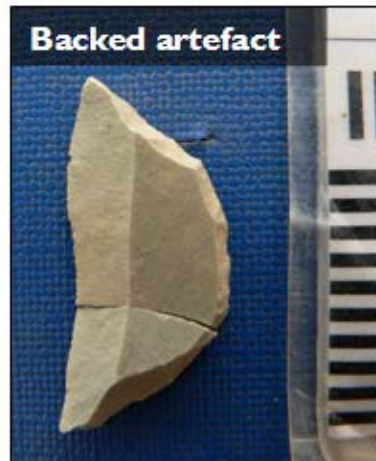


Historic fence boundary



Dairy shed

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



Top left hand corner: Culturally modified stone discovered on Main Road 92, about two kilometres west of Sassafras. The remaining images show a selection of stone

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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).

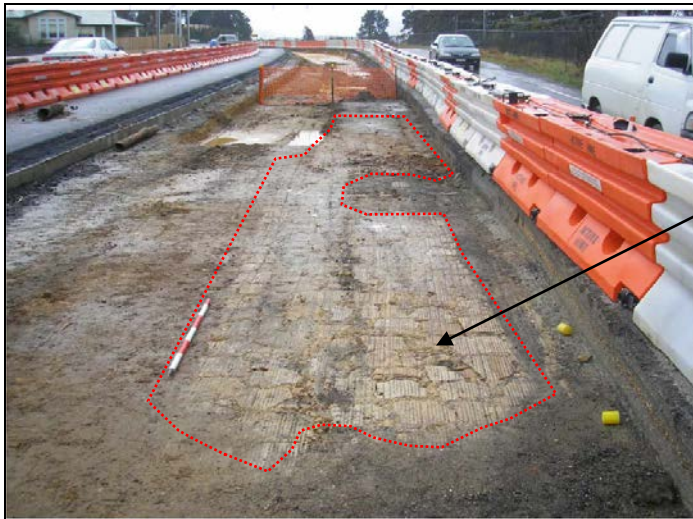


Figure 2: Close up detail of the sandstone surface showing material type, formation and construction detail. This is essential for establishing date of the feature.

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.

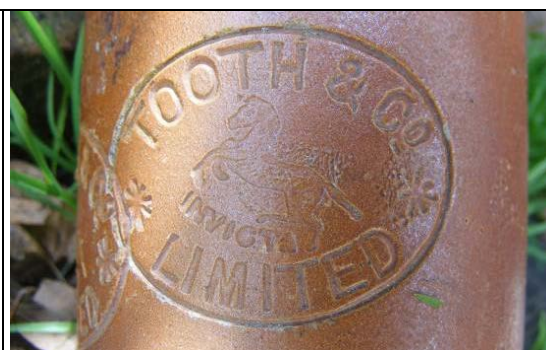


Figure 4: Detail of the stamp allows 'Tooth & Co Limited' to be made out. This is helpful to a specialist in gauging the artefact's origin, manufacturing date and likely significance.

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.

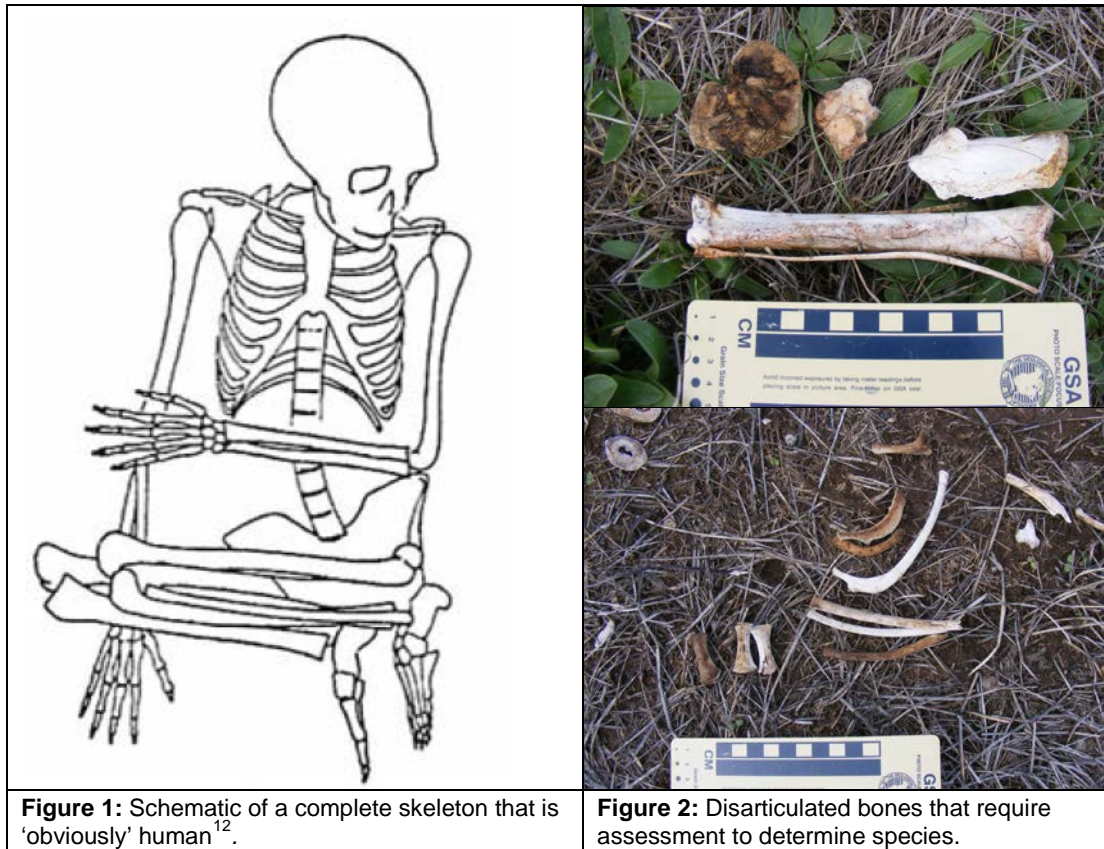


Figure 1: Schematic of a complete skeleton that is 'obviously' human¹².

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

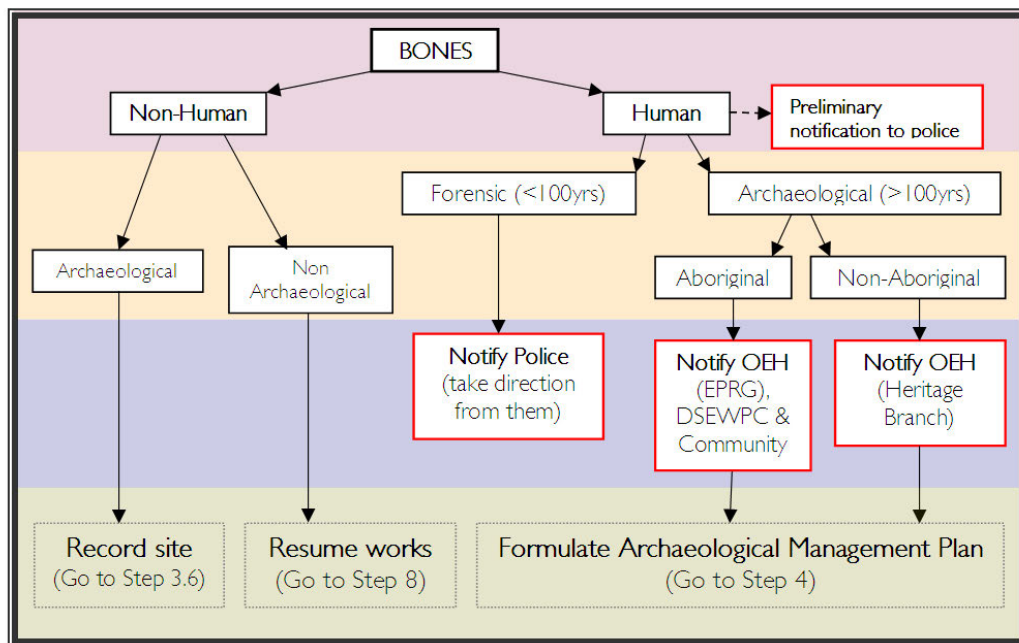
The OEH and the RMS Aboriginal Cultural Heritage Advisor (ACHA) must be notified immediately. The ACHA must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site. Relevant stakeholders are determined by the RTA's *Procedure for Aboriginal Cultural Heritage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

