



AHIMS Web Services (AWS)
Extensive search - Site list report

Your Ref Number : Ellerton Ext 2
 Client Service ID : 152717

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
57-2-0557	HQJOCFC Site 6	GDA	55	706367	6085091	Open site	Valid	Artefact : 1		100712,10095 3
	<u>Contact</u> S Scanlon									
	<u>Recorders</u> Mr.Giles Hamm									
	<u>Permits</u>									
57-2-0558	HQJOCFC Site 7	GDA	55	706441	6085019	Open site	Valid	Artefact : 1		100712,10095 3
	<u>Contact</u> S Scanlon									
	<u>Recorders</u> Mr.Giles Hamm									
	<u>Permits</u>									
57-2-0559	HQJOCFC Site 8	GDA	55	706533	6084965	Open site	Valid	Artefact : 4		100712,10095 3
	<u>Contact</u> S Scanlon									
	<u>Recorders</u> Mr.Giles Hamm									
	<u>Permits</u>									
57-2-0560	HQJOCFC Site 9	GDA	55	706493	6085206	Open site	Valid	Artefact : 1		100712,10095 3
	<u>Contact</u> S Scanlon									
	<u>Recorders</u> Mr.Giles Hamm									
	<u>Permits</u>									
57-2-0561	HQJOCFC Site 10	GDA	55	706656	6085135	Open site	Valid	Artefact : 24		100712,10095 3
	<u>Contact</u> S Scanlon									
	<u>Recorders</u> Mr.Giles Hamm									
	<u>Permits</u>									
57-2-0562	HQJOCFC Site 11	GDA	55	707187	6084945	Open site	Valid	Artefact : 12		100712,10095 3
	<u>Contact</u> S Scanlon									
	<u>Recorders</u> Mr.Giles Hamm									
	<u>Permits</u>									
57-2-0567	HQJOCFC Site 1	GDA	55	705092	6085887	Open site	Valid	Artefact : 2		100712,10095 3
	<u>Contact</u> S Scanlon									
	<u>Recorders</u> Mr.Giles Hamm									
	<u>Permits</u>									
57-2-0097	SJC 3;	AGD	55	704990	6082530	Open site	Valid	Artefact : -	Open Camp Site	1877
	<u>Contact</u>									
	<u>Recorders</u> Jon Winston-Gregson									
	<u>Permits</u>									
57-2-0623	Jumping Creek SU18/L2	GDA	55	704910	6083267	Open site	Valid	Artefact : 2		101510
	<u>Contact</u>									
	<u>Recorders</u> Doctor,Julie Dibden									
	<u>Permits</u>									
57-2-0608	Scabbing Flat Creek (Bungendore, Canberra)	GDA	55	707180	6084730	Open site	Valid	Artefact : 20		4780
	<u>Contact</u>									
	<u>Recorders</u> Tom Knight									
	<u>Permits</u>									
57-2-0609	Scabbing Flat Ridge (Bungendore, Canberra)	GDA	55	706900	6084800	Open site	Valid	Artefact : 2		4780
	<u>Contact</u>									
	<u>Recorders</u> Tom Knight									
	<u>Permits</u>									
57-2-0610	Jumping Creek SU2/L2	GDA	55	705247	6083037	Open site	Valid	Artefact : 6		101510
	<u>Contact</u>									
	<u>Recorders</u> Doctor,Julie Dibden									
	<u>Permits</u>									
57-2-0611	Jumping Creek SU2/L3	GDA	55	705222	6083049	Open site	Valid	Artefact : 4		101510
	<u>Contact</u>									
	<u>Recorders</u> Doctor,Julie Dibden									
	<u>Permits</u>									
57-2-0612	Jumping Creek SU2/L4	GDA	55	705177	6083046	Open site	Valid	Artefact : 2		101510
	<u>Contact</u>									
	<u>Recorders</u> Doctor,Julie Dibden									
	<u>Permits</u>									
57-2-0613	Jumping Creek SU3/L1	GDA	55	705131	6083344	Open site	Valid	Artefact : 2		101510
	<u>Contact</u>									
	<u>Recorders</u> Doctor,Julie Dibden									
	<u>Permits</u>									

Report generated by AHIMS Web Service on 30/10/2014 for Sophie Collins for the following area at Lat, Long From : -35.38, 149.21 - Lat, Long To : -35.34, 149.28 with a Buffer of 50 meters.

Additional Info : Heritage Impact Assessment. Number of Aboriginal sites and Aboriginal objects found is 87

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports	
57-2-0614	Jumping Creek SU6/L1	GDA	55	705027	6083305	Open site	Valid	Artefact : 4		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0615	Jumping Creek SU10/L1	GDA	55	704686	6083528	Open site	Valid	Artefact : 5		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0616	Jumping Creek SU10/L2	GDA	55	704724	6083445	Open site	Valid	Artefact : 2		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0617	Jumping Creek SU11/L1	GDA	55	704842	6083459	Open site	Valid	Artefact : 7		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0618	Jumping Creek SU15/L1	GDA	55	704461	6082470	Open site	Valid	Artefact : 1		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0619	Jumping Creek SU15/L2	GDA	55	704402	6082703	Open site	Valid	Artefact : 1		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0620	Jumping Creek SU15/L3	GDA	55	704505	6082657	Open site	Valid	Artefact : 1		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0621	Jumping Creek SU15/L4	GDA	55	704535	6082789	Open site	Valid	Artefact : 4		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0622	Jumping Creek SU18/L1	GDA	55	704905	6083285	Open site	Valid	Artefact : 3		101510	
	Contact	Recorders	Doctor,Julie Dibden								Permits
57-2-0634	JCR1	GDA	55	704589	6082951	Open site	Valid	Artefact : -			
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd							Permits	3252
57-2-0635	JCR2	GDA	55	704476	6083278	Open site	Valid	Artefact : -			
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd							Permits	3252
57-2-0637	OCR 5	GDA	55	703171	6082491	Open site	Valid	Artefact : 1			
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd								Permits
57-2-0672	ELP 5 (relocated)	GDA	55	702990	6082480	Open site	Valid	Artefact : 5			
	Contact	Recorders	Mr.Charles Dearling								Permits
57-2-0682	JCR12/14	GDA	55	704638	6083018	Open site	Valid	Artefact : -		102088	
	Contact	Recorders	Doctor.Rebecca Parkes								Permits
57-2-0683	JCR2a	GDA	55	704476	6083278	Open site	Valid	Artefact : 3		102088	
	Contact	Recorders	Doctor.Rebecca Parkes								Permits
57-2-0684	JCR1a	GDA	55	704589	6082951	Open site	Valid	Artefact : 3		102088	
	Contact	Recorders	Doctor.Rebecca Parkes								Permits
57-2-0699	Lot 65 DP242927 46 Pindari Cr	AGD	55	702945	6083690	Open site	Valid	Artefact : 1			
	Contact	Recorders	Mr.Ian Barndt								Permits

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57-2-0907	ED1- Ellerton Drive 1	GDA	55	703680	6082620	Open site	Valid	Artefact : -		
	<u>Contact</u>									<u>Permits</u>
57-2-0908	ED2 - Ellerton Drive 2	GDA	55	703762	6082652	Open site	Valid	Artefact : -		
	<u>Contact</u>									<u>Permits</u>
57-2-0909	ED3 - Ellerton Drive 3	GDA	55	704158	6083102	Open site	Valid	Artefact : -		
	<u>Contact</u>									<u>Permits</u>
57-2-0910	ED6 - Ellerton Drive 6	GDA	55	704458	6083504	Open site	Valid	Artefact : -		
	<u>Contact</u>									<u>Permits</u>
57-2-0918	ED4 - Ellerton Drive	GDA	55	704356	6083417	Open site	Valid	Artefact : 1		
	<u>Contact</u>									<u>Permits</u>
57-2-0919	ED5 - Ellerton Drive	GDA	55	704285	6083346	Open site	Valid	Artefact : 4		
	<u>Contact</u>									<u>Permits</u>

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APPENDIX N
RMS UNEXPECTED ARCHAEOLOGICAL FINDS PROCEDURE

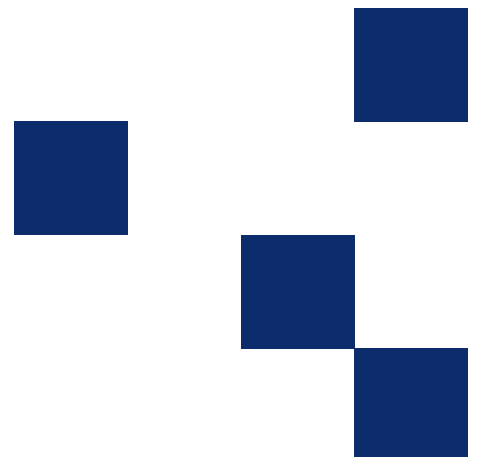


Transport
Roads & Maritime
Services

STANDARD MANAGEMENT PROCEDURE

Unexpected Archaeological Finds

July 2012



About this release

RMS/ISBN numbers	RMS 12.003 ISBN 9781922040305
Title	Unexpected Archaeological Finds Procedure

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

Location	File name
G:\ENVIRNMNT\Policy\Heritage\Cultural Heritage (Non-Aboriginal)\Unexpected Finds Procedure\Procedure\Final July 2012	Unexpected Archaeological Finds Procedure.doc

Document status	Date
Final	23 July 2012

Version	Date	Revision Description
Final	1 November 2011	First Draft
Revised	23 July 2012	Amended to reflect that (a) unexpected finds do not include items covered by a relevant approval; (b) Aboriginal people must be consulted where an unexpected find is likely to be an Aboriginal object; (c) the Department of Planning and Infrastructure must be notified in accordance with Step 5 of this procedure for Part 3A and Part 5.1 projects.

Prepared by
Environment Branch
Roads and Maritime Services
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Please note

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

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

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Unexpected Archaeological Finds Procedure

1. Purpose

The unexpected archaeological finds procedure has been developed to provide a consistent approach on how to proceed in the event of uncovering an unexpected archaeological find (both Aboriginal and non-Aboriginal) during Roads and Maritime Services' (RMS) activities. This includes RMS' heritage notification obligations under the following legislation: *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 cultural heritage assessment has been undertaken prior to project approval or determination. Such assessment would have identified all heritage items, including areas of archaeological potential, likely to be present within the project area.

However, in some cases, despite appropriate and adequate investigation, unexpected archaeological finds may be encountered during the project construction phase. 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 RMS construction and maintenance activities

This procedure **applies to**:

- The discovery of any unexpected archaeological find (usually during construction), where RMS does not have specific approval to disturb that find.
- All RMS 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 all RMS staff, RMS 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 the purposes of RMS.

This procedure **does not apply** to:

- The legal discovery and disturbance of archaeological finds 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*.

- The legal discovery and disturbance of archaeological finds 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 archaeological finds 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*; or the Minister for Planning's conditions of project approval.

All new 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 approved CEMPs do 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 archaeological finds and their legal protection

Project, field and environment staff will be critical to the early identification and protection of unexpected archaeological finds. Appendix A illustrates the wide range of archaeological discoveries found on RMS projects and provides a useful photographic guide to this early identification. Subsequent confirmation of archaeological discoveries must then be identified and assessed by technical specialists (usually an archaeologist).

An 'unexpected find' is any unanticipated archaeological discovery, for which RMS does not have existing approval to disturb³.

These discoveries are categorised as either:

- (a) Aboriginal objects
- (b) 'Non-Aboriginal' unexpected finds
- (c) Human skeletal remains.

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

¹ RMS' heritage obligations are incorporated into either the conditions of heritage approval or within the RMS standard consultant's brief for undertaking archaeological investigations.

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

³ This is considered to be any physical interference with the find such as manually picking it up and putting it back, moving it to another location near by, removing it from site, crushing or excavation it, or any other type of physical action that results in it being destroyed, defaced, damaged, harmed, impacted or altered in any way (this includes archaeological investigation activities).

3.1 Aboriginal objects

Unexpected archaeological finds may include '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 are subject to statutory controls and protections.

If any impact is expected to an Aboriginal object, an Aboriginal Heritage Impact Permit (AHIP) is usually required from the Office of Environment and Heritage (OEH)⁵. Also, when a person becomes aware of an Aboriginal object they must notify the Director-General of OEH about its location⁶. Assistance on how to do this is provided in Section 7 (Step 5).

3.2 Non-Aboriginal unexpected finds

Non-Aboriginal unexpected finds may include statutory 'relics' or other non-statutory archaeological features (ie works).

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 may relate to past domestic, industrial or agricultural activities in NSW, and can include items such as bottles, items of clothing, pottery, building materials and general refuse.

IMPORTANT!

All relics are subject to statutory controls and protections.

If any impact is expected to a relic, a heritage approval is usually required from the NSW Heritage Council⁸. Also, when a person discovers a relic they must notify the

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

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

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

⁷ Section 4(1) *Heritage Act 1977*.

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

NSW Heritage Council of its location⁹. Advice on how to do this is provided in Section 7 (Step 5).

Some non-Aboriginal archaeological features such as historic utilities and infrastructure are not considered to be 'relics'; instead they are considered to be 'works'. Examples of works that the RMS may encounter include former road infrastructure features and services, culverts, previous historic road formation, historic pavement, buried road retaining walls, tramlines, cisterns and conduits. Although an approval under the *Heritage Act 1977* may not be required, the discovery of works must also be managed in accordance with this procedure.

3.3 Human skeletal remains

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

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

IMPORTANT!

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

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

However, where it is suspected that less than 100 years has elapsed since death, the human skeletal remains come under the jurisdiction of the State Coroner and the *Coroners Act 2009* (NSW). Such a case would be considered a 'reportable death' and under legal notification obligations set out in s35(2); a person must report the death to a police officer, a coroner or an assistant coroner as soon as possible. This applies to all human remains less than 100 years old¹⁰ regardless of ancestry (ie both Aboriginal and non-Aboriginal remains). Public health controls may also apply.

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

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.

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

4. Responsibilities

The following roles and responsibilities are relevant to this procedure.

Role	Definition / Responsibility
Aboriginal Cultural Heritage Advisor (ACHA)	Provides Aboriginal cultural heritage advice to project teams. Acts as Aboriginal community liaison for projects on cultural heritage matters. Engages and consults with the Aboriginal community as per the RMS <i>Procedure for Aboriginal Cultural Heritage Consultation and Investigation</i> .
Aboriginal Sites Officer	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 RMS <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).
Project (<i>on-call</i>) Archaeologist	Professional consultant contracted for the implementation phase of a construction project to provide heritage and archaeological advice and technical services when required. Major projects with complex heritage issues often have a Project archaeologist.
Project Manager (PM)	Ensuring all aspects of this procedure are implemented. The PM can delegate specific site tasks to a construction environment manager, RMS site representatives or regional environment staff, where appropriate.
Regional Environment Staff (RES)	Providing 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 the RMS to be consulted about a proposed RMS project or activity in accordance with OEH's Aboriginal cultural heritage consultation requirements for proponents (2010).
RFS Environment Manager	Ensuring RFS field staff are aware of the RFS Escalation Protocol and RFS Unexpected Find Recording Form 418. Supporting the RFS Section Manager, where required, during the implementation of this procedure and ensuring reporting of unexpected finds through environment management systems.
RFS Section Manager	Responding to escalated unexpected finds that have been uncovered during RFS maintenance works.

	Liaising with the RES and RFS Environment Manager and heritage staff, where required, during the uncovering of unexpected finds and the implementation of this procedure.
RFS Team Leader	Ensuring RFS field crew stop works in vicinity of the find. Completing RFS Unexpected Find Recording Form 418 and escalating issues to RFS Section Manager, as per RFS Escalation Protocol.
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.
Technical Specialist	Professional consultant contracted to provide specific technical advice that relates to the specific type of unexpected find (eg a forensic or physical anthropologist who can identify and analyse human skeletal remains).

5. Acronyms

The following acronyms are relevant to this procedure.

Acronym	Meaning
AHIP	Aboriginal Heritage Impact Permit
ASO	Aboriginal Site Officer
CEMP	Construction Environment Management Plan
DSEWPC	Commonwealth Department of Sustainability, Environment, Water, Populations and Communities
EPRG	Environmental Planning and Regulatory Group. <i>Please note at the time of finalisation EPRG became part of Environment Protection Authority.</i>
OEH	Office of Environment and Heritage
PACHCI	Procedure for Aboriginal Cultural Heritage Consultation and Investigation
RAP	Registered Aboriginal Party/ies
RFS	Road and Fleet Services
RMCC	Road Maintenance Council Contracts
RMS	Roads and Maritime Services

6. Overview of the procedure

On discovering something that could be an unexpected archaeological find ('the find'), the project manager must implement the following procedure with the assistance of the regional environment staff and RMS heritage staff, where required.

There are eight steps in the procedure. These steps are shown briefly in Figure 1 below and explained in detail in Section 7.

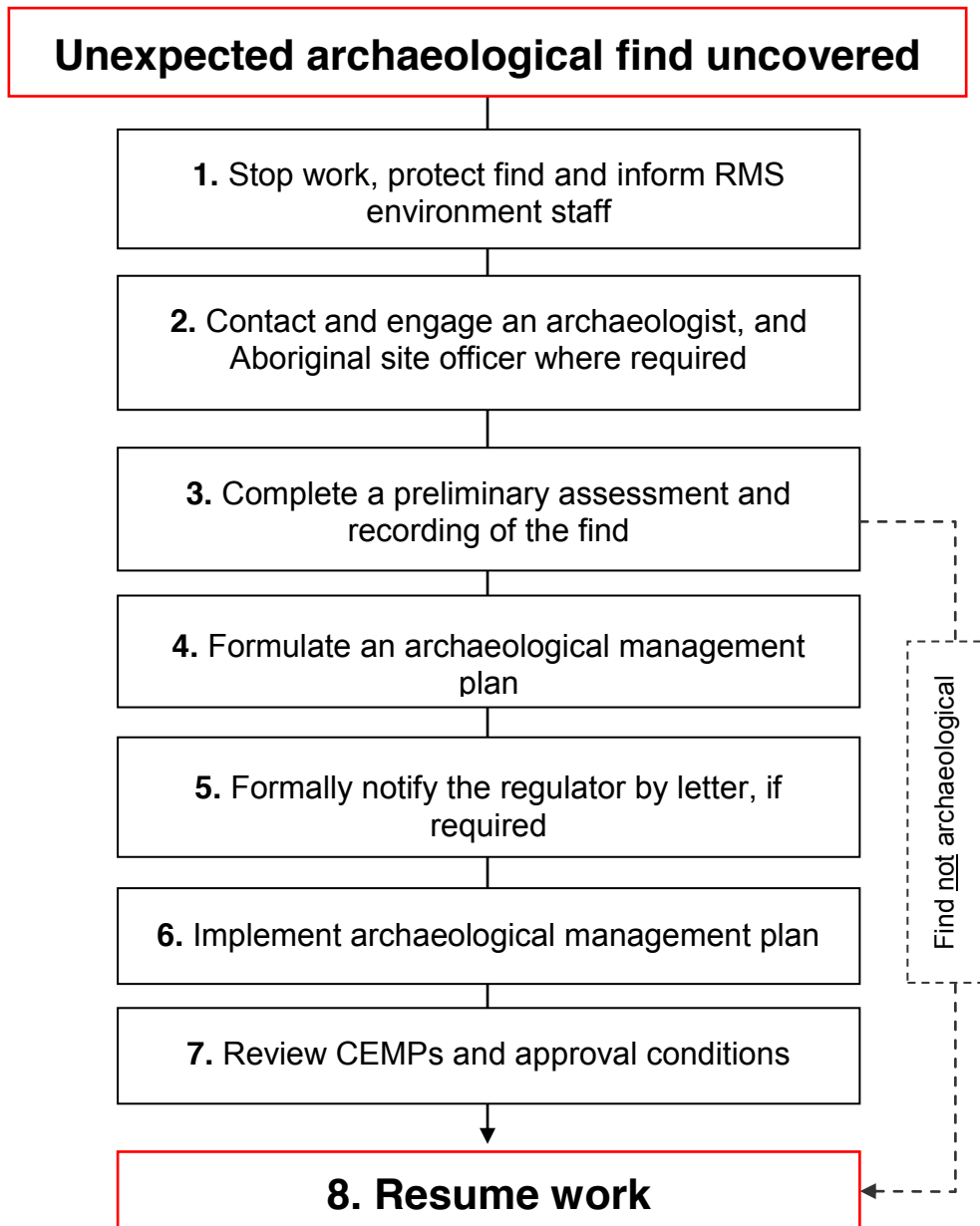


Figure 1: Overview of steps to be undertaken on the discovery of an unexpected archaeological find.

7. Unexpected Archaeological Finds Procedure

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

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)).

Step	Task	Responsibility	Guidance & Tools
1	Stop work, protect find and inform RMS environment staff		
1.1	Stop all work in the immediate area of the find and notify the PM.	All	Appendix A (Identifying Unexpected Archaeological Finds)
1.2	RFS routine maintenance crews are required to follow the escalation protocol outlined in Appendix B and return to this procedure when directed by that protocol.	RFS Team Leader	Appendix B (RFS Escalation Protocol) Appendix C (RFS Find Recording Form 418)
1.3	Take a number of photographs that captures the general context and specific detail of the find.	PM	Appendix D (Photographing Unexpected Archaeological Finds)
1.4	Inform relevant RMS regional environment staff, Senior Environmental Specialist (Heritage) and Regional Aboriginal Cultural Heritage Advisor (where the find is thought to be an Aboriginal object).	PM	Appendix E (Key Environmental Contacts)
1.5	Delineate and protect the find with appropriate (high visibility) fencing, where practical.	PM	
1.6	No further interference, including works, ground disturbance, touching or moving the find of any kind, must occur to the find or within the protected area.	PM	
1.7	Inform all site personnel of the protected area (a new environmentally sensitive zone).	PM	

Step	Task	Responsibility	Guidance & Tools
1.8	Where, at this stage, the find is reasonably suspected to be human remains proceed directly to notifying the local police who may take command of all or part of the site. Where the find does not involve human remains, continue progressing through this procedure.	PM	Appendix F (Uncovering Bones)
1.9	Report the find as a 'Notifiable Event' in accordance with the RTA <i>Incident Classification and Reporting Procedure</i> . Also implement any additional reporting requirements related to the project's approval and CEMP.	PM/RES	RTA Incident Classification and Reporting Procedure
2	Contact and engage an archaeologist, and Aboriginal site officer where required		
2.1	Contact the project (<i>on-call</i>) archaeologist to discuss the location and extent of the find and to arrange a site inspection, if required. The project CEMP contains contact details of the project archaeologist.	PM/RES	Also see Appendix E (Key Environmental Contacts)
2.2	Where there is no project archaeologist engaged for the project, engage a suitably qualified and experienced archaeological consultant to undertake a site inspection, conduct a preliminary assessment and prepare an archaeological management plan. Lists of consultants are available from online sources, including the yellow pages. Regional environment staff and RMS heritage staff can also advise on appropriate consultants.	PM/RES	Online lists of heritage consultants: <ul style="list-style-type: none"> • OEH List • AACAI List
2.3	Where the find is likely to be an Aboriginal object, arrange for an Aboriginal sites officer to inspect the find. Generally, this person would be a sites officer 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/ACHA	
2.4	If requested, provide photographs of the find taken at Step 1.3 to the archaeologist, and Aboriginal sites officer if relevant.	PM/RES	Appendix D (Photographing Unexpected Archaeological Finds)
3	Preliminary assessment and recording of the find		
3.1	In a minority of cases, the archaeologist (and Aboriginal sites officer, if relevant) may	A/PM/ASO	Proceed to Step 8

Step	Task	Responsibility	Guidance & Tools
	determine from the photographs that no site inspection is required because no archaeological constraint exists for the project (<i>eg the find is not a 'relic', a heritage 'work' or an 'Aboriginal object'</i>). Any such advice should be provided in writing by the archaeologist (eg via email) and confirmed by the project manager.		
3.2	Arrange site access for the archaeologist (and Aboriginal sites officer, if relevant) to inspect the find as soon as practicable. In the majority of cases a site inspection is required to conduct a preliminary assessment.	PM	
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 find. 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 1.5 may need to be adjusted to reflect the extent of the newly assessed protective area. No works are to take place within this area once established.	A/PM/ASO	
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 find is not a 'relic', a heritage 'work' or an 'Aboriginal object'</i>). Any such advice should be provided in writing by the archaeologist, (and Aboriginal sites officer if relevant) (eg via email) and confirmed by the project manager.	A/PM/ASO	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 RMS heritage staff can provide contacts for such specialist consultants.	PM/RES	Appendix E (Key Environmental Contacts)
3.6	Where the find has been identified as a 'relic', 'work' or an 'Aboriginal object' the archaeologist should record the find on a proforma recording form.	A	<ul style="list-style-type: none"> • Aboriginal site recording form • Non-Aboriginal site recording form
3.7	The regulator can be notified informally by telephone at this stage by the archaeologist or project manager (or delegate). Any verbal conversations with regulators must be noted on the project file for future reference.	PM/A	

Step	Task	Responsibility	Guidance & Tools
4	Prepare an archaeological management plan		
4.1	The archaeologist must prepare an archaeological 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 G (Archaeological 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, any conditions of project approval (and or Minister's Conditions of Approval) and heritage assessment documentation (eg Aboriginal Cultural Heritage Assessment Report). This will outline if the unexpected find is consistent with previous heritage/project approval(s) and/or previously agreed management strategies. The project manager and regional environment staff must provide all relevant documents to the archaeologist to assist with this. Discussions should occur with design engineers to consider if re-design options exist and are appropriate.	A/RES/PM	Appendix G (Archaeological Advice Checklist)
4.3	The archaeologist must submit this plan as a letter, brief report or email to the project manager outlining all relevant archaeological 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 must review the archaeological management plan to ensure all requirements can reasonably be implemented. Seek additional advice from regional environment staff and RMS heritage staff, if required.	PM/RES/SES (H)	
5	Notify the regulator, if required.		
5.1	Review the archaeological management plan to confirm if regulator notification is required. It may state notification is not required.	PM/RES/SES (H)	Proceed to Step 6

Step	Task	Responsibility	Guidance & Tools
5.2	If notification is required, complete the template notification letter.	PM	Appendix H (Template Notification Letter)
5.3	Forward the draft notification letter, archaeological 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)	
5.4	Forward the signed notification letter to the relevant regulator (ie notification of non-Aboriginal relics must be given to the Heritage Branch of OEH, while notification for Aboriginal objects must be given to the Environmental Protection and Regulation Group 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 Infrastructure must also be notified.	PM	Appendix E (Key Environmental Contacts)
5.5	A copy of the final signed notification letter, archaeological management plan and the site recording form should be kept on file by the project manager and a copy sent to the Senior Environmental Specialist (Heritage).	PM	
5.6	If requested by the regulator, arrange a site inspection of the find for them.	PM	
6	Implement archaeological management plan		
6.1	Modify the archaeological management plan to take into account any additional advice resulting from notification and discussions with the regulator.	A/PM	
6.2	Implement the archaeological 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/RAPs	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	

Step	Task	Responsibility	Guidance & Tools
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 Infrastructure. Seek advice from regional environment staff and Environment Branch specialist staff if unsure.	PM/RES	
6.5	Where statutory approvals (or project approval modification) are required, impact upon relics and/or Aboriginal objects must not occur until heritage approvals are issued by the appropriate regulator.	PM	
6.6	Where statutory approval (or Part 3A / Part 5.1 project modification) is not required and where archaeological recording is recommended by the archaeologist, sufficient time must be allowed for this to occur.	PM	
6.7	Ensure short term and permanent storage locations are identified for archaeological material 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	
6.8	Ensure all archaeological excavation and heritage recording are completed prior to RMS project work resuming.	PM	
7	Review CEMPs and approval conditions		
7.1	Clarify regulator expectations around written authorisation to commence project work. This may relate to situations where human remains are found or when they request to review preliminary archaeological excavation reports or assessments prior to the resumption of RMS project 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	

Step	Task	Responsibility	Guidance & Tools
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 heritage recording (where required) are complete. Resumption of project work must be in accordance with the all relevant project/heritage approvals/determinations.	RES/A/PM	
8.2	If required, ensure archaeological excavation reporting and other heritage approval conditions are completed in the required timeframes. This includes artefact retention repositories and/or disposal strategies.	PM/A	
8.3	Forward all heritage/archaeological assessments, heritage location data and its RMS ownership status to the Senior Environmental Specialist (Heritage). They will ensure all heritage items in RMS ownership and/or control are considered for the RMS S170 Heritage Register.	PM/SES(H)	
8.4	If additional unexpected finds are uncovered this procedure must begin again from Step 1.	PM	

8. Seeking advice

Advice regarding this procedure should be directed to regional environment staff in the first instance, and then RMS heritage staff, where required. RMS staff can contact RMS regional environment staff for advice on this procedure at any time. Contractors and alliance partners should ensure their own project environment managers are aware of and understand this procedure. Regional environment staff can assist non-RMS project environment managers with enquires concerning this procedure.

IMPORTANT!

RMS staff and contractors are not to seek advice on this procedure directly from OEH without first seeking advice from regional environment and heritage staff.

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

9. Related information

Contact details: Manager, Environmental Policy, Environment Branch, 02 8588 5740

Effective date: 1 November 2011

Review date: Final + 12 months

This procedure should be read in conjunction with:

- *RTA Incident Classification and Reporting Procedure.*
- *RMS Procedure for Aboriginal Cultural Heritage Consultation and Investigation.*
- *RTA Heritage Guidelines 2004.*
- *RTA Environmental Impact Assessment Guidelines.*

This procedure replaces:

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

Other relevant reading material:

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

¹¹ http://www.health.nsw.gov.au/policies/pd/2008/pdf/PD2008_022.pdf

10. List of appendices

The following appendices are included to support this procedure.

Appendix A	Identifying Unexpected Archaeological Finds
Appendix B	Road and Fleet Services Escalation Protocol
Appendix C	RFS Unexpected Find Recording Form 418
Appendix D	Photographing Unexpected Archaeological Finds
Appendix E	Key Environment Contacts
Appendix F	Uncovering Bones
Appendix G	Archaeological Advice Checklist
Appendix H	Template Notification Letter

Appendix A

Identifying Unexpected Archaeological Finds

The following images can be used to assist in the preliminary identification of a potential unexpected find (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*.

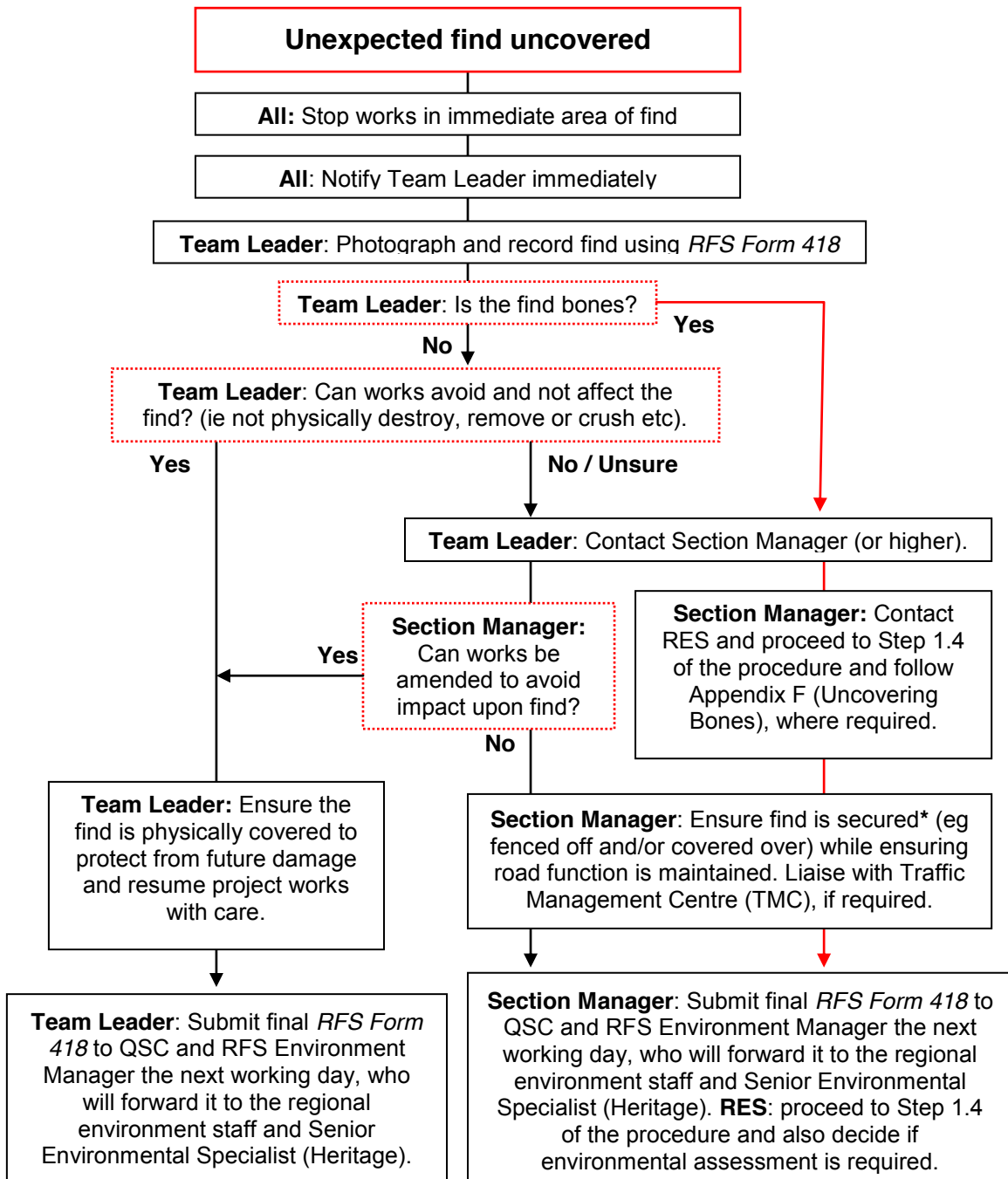


Top left hand corner: Culturally modified stone discovered on Main Road 92, about two kilometres west of Sassafras. The rest of the images show a selection of stone artefacts retrieved from test and salvage archaeological excavations during the Hume Highway Duplication and Bypass projects from 2006-2010.

Appendix B

Road and Fleet Services Escalation Protocol

Road crews in RMS Road and Fleet Services (RFS) undertake routine maintenance works such as patching, cleaning, line marking and milling within the road reserve. In addition, these works are often undertaken at night on urban thoroughfares. A specific escalation protocol has been developed to ensure that disruption to traffic is minimised if an unexpected find is encountered when carrying out such maintenance works.



*Appropriate temporary covering of the find is something that protects it from further damage and that can be removed quickly the next day without damage from re-excavation. For example geofabric and loose, dry asphalt, or a metal plate. Certain unexpected finds (such as human remains) should not be covered with loose material as the re-excavation process is likely to

cause further damage to the find. Fencing and immediate action is appropriate in these rare cases.

Appendix C

RFS Unexpected Find Recording Form 418

Date:		Recorded by	
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 find (eg Within the road formation on Parramatta Road, east bound lane, at the corner of Johnston Street, Annandale, Sydney).			
Description of item found (eg Metal tram tracks running parallel to road alignment. Good condition. Tracks set in concrete, approximately 10cms (100 mm) below the current ground surface).			
Sketch (Provide a sketch of the find's general location in relation to other road features so its approximate location can be mapped without having to re-excavate it. Also annotate this sketch with the location and direction of any photographs of the item taken).			
Action Taken (Tick either A or B)			
A.	Unexpected find will not be affected by maintenance works	<input type="checkbox"/>	B. Unexpected find will be affected by maintenance works <input type="checkbox"/>
A. Describe if and how works were amended to avoid impact to the find and the action taken to cover the item.			
B. Describe how works will affect the find. (eg Milling is required to be continued to 200 mm depth to ensure road pavement requirements are met. Milling to required depth would affect the top 50 mm of potential heritage pavement).			



Attach Photographs. (Take a number of close up and general photographs so anyone off site can understand the location of the find, the material it is made from and any distinguishing features).

[Large empty rectangular box for attaching photographs]

Team Leader Signature	
------------------------------	--

Action: Refer issue to Section Manager (or higher) immediately where 'B' has been ticked.

To be completed by Section Manager

Describe any further considerations to amend project works to avoid unexpected find and if impact is still anticipated.

Describe action taken to secure site temporarily

Section Manager Signature	
----------------------------------	--

Action: Escalate to environment and heritage staff where impact to item cannot be avoided.

Appendix D

Photographing Unexpected Archaeological Finds

👉 Removal of the find from its context (eg excavating from the ground) for photographic purposes is not permitted.

Photographs of unexpected finds, in their original placement (*in situ*), assists heritage staff and archaeologists to identify 'finds' soon after being uncovered. 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 find include its position, the general find 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 find. 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 finds (eg artefacts) have a distinguishing feature, close up detailed photographs must be taken of this, where practicable. See Figures 3 and 4 for examples.



Figure 3: Ceramic bottle artefact with stamp.

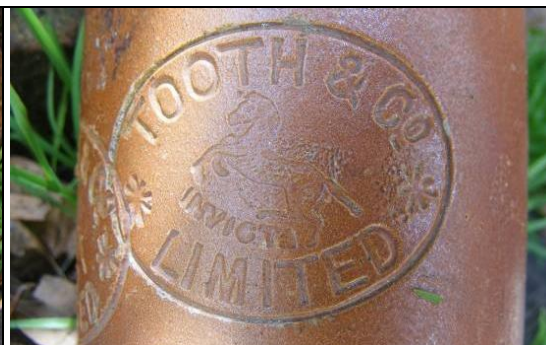


Figure 4: Detail of the stamp allows 'Tooth & Co Limited' to be made out. This is helpful to a specialist in gauging the artefact's origin, manufacturing date and likely significance.

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 RMS 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 E

Key Environmental Contacts

Hunter region	Senior Environmental Officer	4924 0281
	Aboriginal Cultural Heritage Advisor	4924 0383
Northern region	Senior Environmental Officer	6640 1072
	Aboriginal Cultural Heritage Advisor	6604 9305
Southern region	Senior Environmental Officer	4221 2765
	Aboriginal Cultural Heritage Advisor	4221 2767
South West region	Senior Environmental Officer	6938 1143
	Aboriginal Cultural Heritage Advisor	6937 1647
Sydney region	Senior Environmental Officer	8814 2516
	Aboriginal Cultural Heritage Advisor	8849 2006
Western region	Senior Environmental Officer	6861 1628
	Aboriginal Cultural Heritage Advisor	6861 1658
Pacific Highway Office	Environmental Services Manager	6640 1375
Hume Highway Office	Senior Environmental Officer	6923 3419
Road and Fleet Services	Environment Manager	9598 7721
Environment Branch	Senior Environmental Specialist, Heritage	8588 5754

Heritage Regulators

Heritage Branch Office of Environment and Heritage Locked Bag 5020 Parramatta NSW 2124 Phone: (02) 9873 8500	Minister for Sustainability, Environment, Water, Populations and Communities GPO Box 787 Canberra ACT 2601 Phone: (02) 6274 1111
Planning and Aboriginal Heritage Section Environment Protection and Regulation Group* (Metropolitan) Office of Environment and Heritage PO Box 668 Parramatta NSW 2124 Phone: (02) 9995 5000	Planning and Aboriginal Heritage Section Environment Protection and Regulation Group* (North East) Office of Environment and Heritage Locked Bag 914 Coffs Harbour NSW 2450 Phone: (02) 6651 5946
Environment and Conservation Programs Environment Protection and Regulation Group* (North West) Office of Environment and Heritage PO Box 2111 Dubbo NSW 2830 Phone: (02) 6883 5330	Aboriginal Heritage Protection Section Environment Protection and Regulation Group* (South) Office of Environment and Heritage PO Box 733 Queanbeyan NSW 2620 Phone: (02) 6229 7000

Project-Specific Contacts (*complete as needed*)

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

* **Please note:** at the time of finalising this procedure EPRG became part to the Environment Protection Authority (EPA); full title block was yet to be finalised.

Appendix F

Uncovering Bones

Hand icon All matters relating to uncovering bones and RMS' human remains notification obligations should involve RMS regional environment and heritage staff. They will guide project managers through occurrences of uncovering bones.

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

1. First uncovering bones

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

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

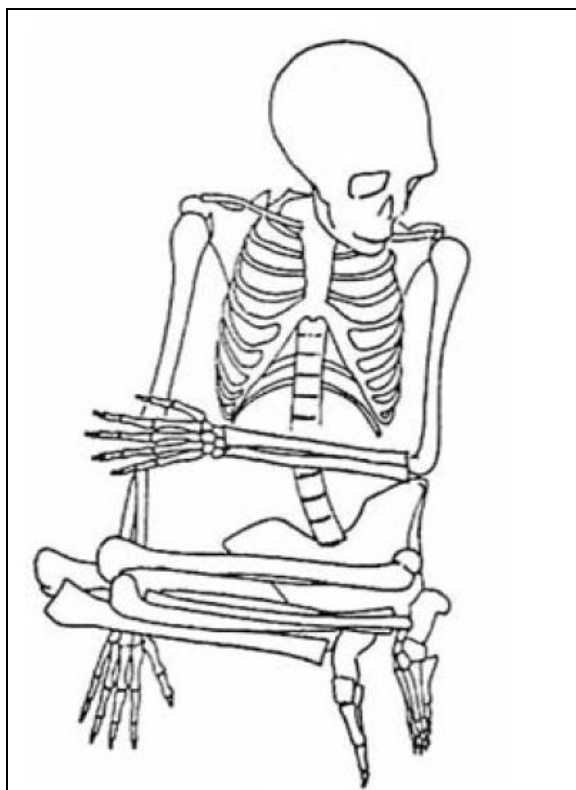


Figure 1: Schematic of a complete skeleton that is 'obviously' human¹².



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

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

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

Where it is not 'obvious' that the bones are human (in the majority of cases, illustrated by Figure 2), specialist assessment is required to establish the species of the bones. Photographs of the bones can assist this assessment if they are clear and taken in accordance with guidance provided in Appendix D. 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 RMS formal letter notification as per Appendix H 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

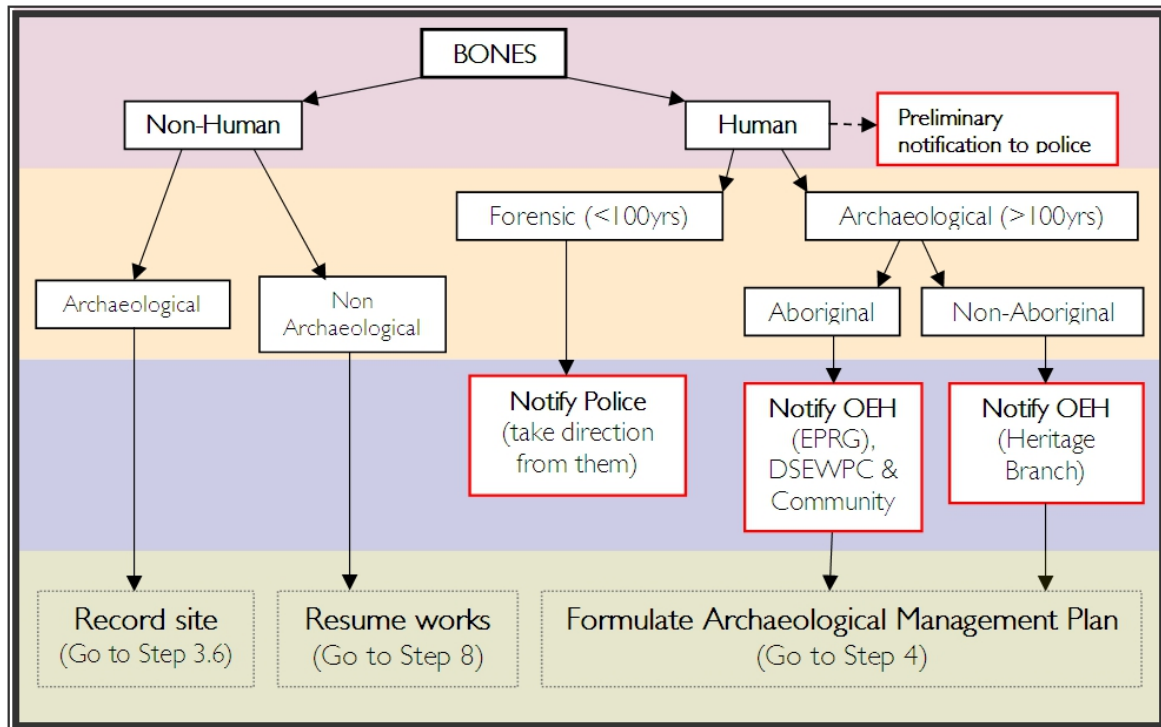
The OEH (*EPRG*) and the RMS Aboriginal Cultural Heritage Advisor (ACHA) must be notified immediately. The ACHA must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site. Relevant stakeholders are determined by the RTA's *Procedure for Aboriginal Cultural 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 Archaeological Finds 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). RMS 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, RMS 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 advised, when works uncover human remains adjacent to cemeteries, to confirm the cemetery's exact boundaries.

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

Appendix G

Archaeological Advice Checklist

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

	Required	Outcome/notes
Assessment and investigation		
• Assessment of significance	Yes / No	
• Assessment of heritage impact	Yes / No	
• Archaeological excavation	Yes / No	
• Archival photographic recording	Yes / No	
Heritage approvals and notifications		
• AHIPs, Section 140, S139 exceptions etc	Yes / No	
• Regulator relics/objects notification	Yes / No	
• RMS' S170 Heritage 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</i> (PACHCI).	Yes / No	
• Advice from regional environmental staff, Aboriginal Cultural Heritage Advisor, RMS heritage team.	Yes / No	
Artefact management		
• Disposal strategy for non-Aboriginal relics or heritage material (eg former road pavement): short term and permanent storage locations (interested third parties should be consulted on this issue).	Yes / No	
• Control Agreement for Aboriginal objects.	Yes / No	
Program and budget		
• Time estimate associated with archaeological work.		
• Total cost of archaeological work.		

Appendix H

Template Notification Letter

[Select and type date]

[Select and type reference number]

[Select and type file number]

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

[Select and type salutation and name],

Re: Unexpected archaeological find uncovered during Roads and Maritime Services project works.

I write to inform you of an unexpected archaeological [select: relic and/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: 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 find, 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 find. A preliminary assessment indicates [provide a summary description and likely significance of the find]. 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 approach (eg develop archaeological research design, seek heritage approvals and undertake archaeological investigation). Also include preliminary justification of such archaeological impact with regard to project design constraints and delivery program].

The proposed archaeological approach will be further developed in consultation with a nominated Office of Environment and Heritage [select either **EPRG / Heritage Branch, Conservation Team**] staff member.

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

Yours sincerely

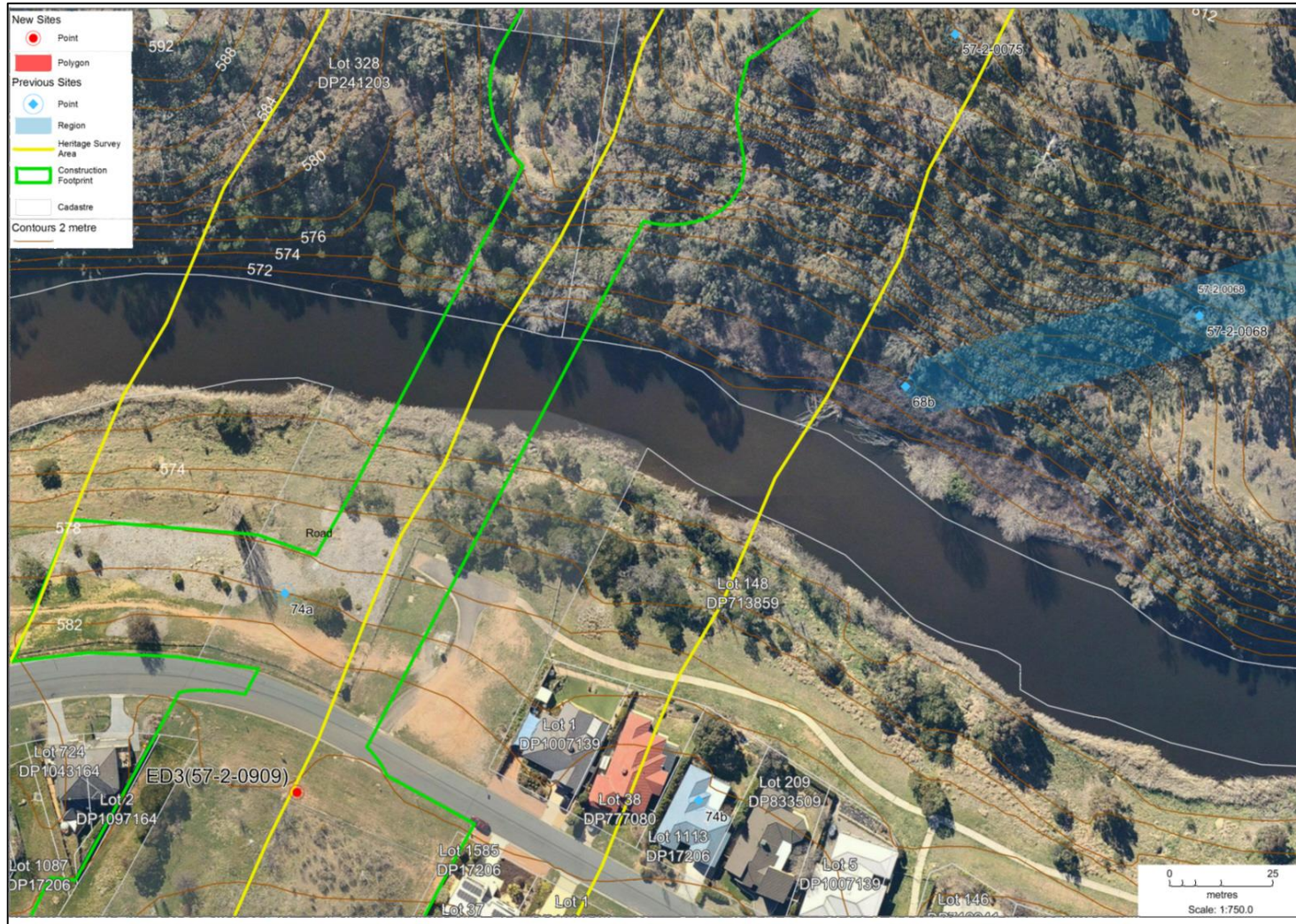
[Sender name and position]

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

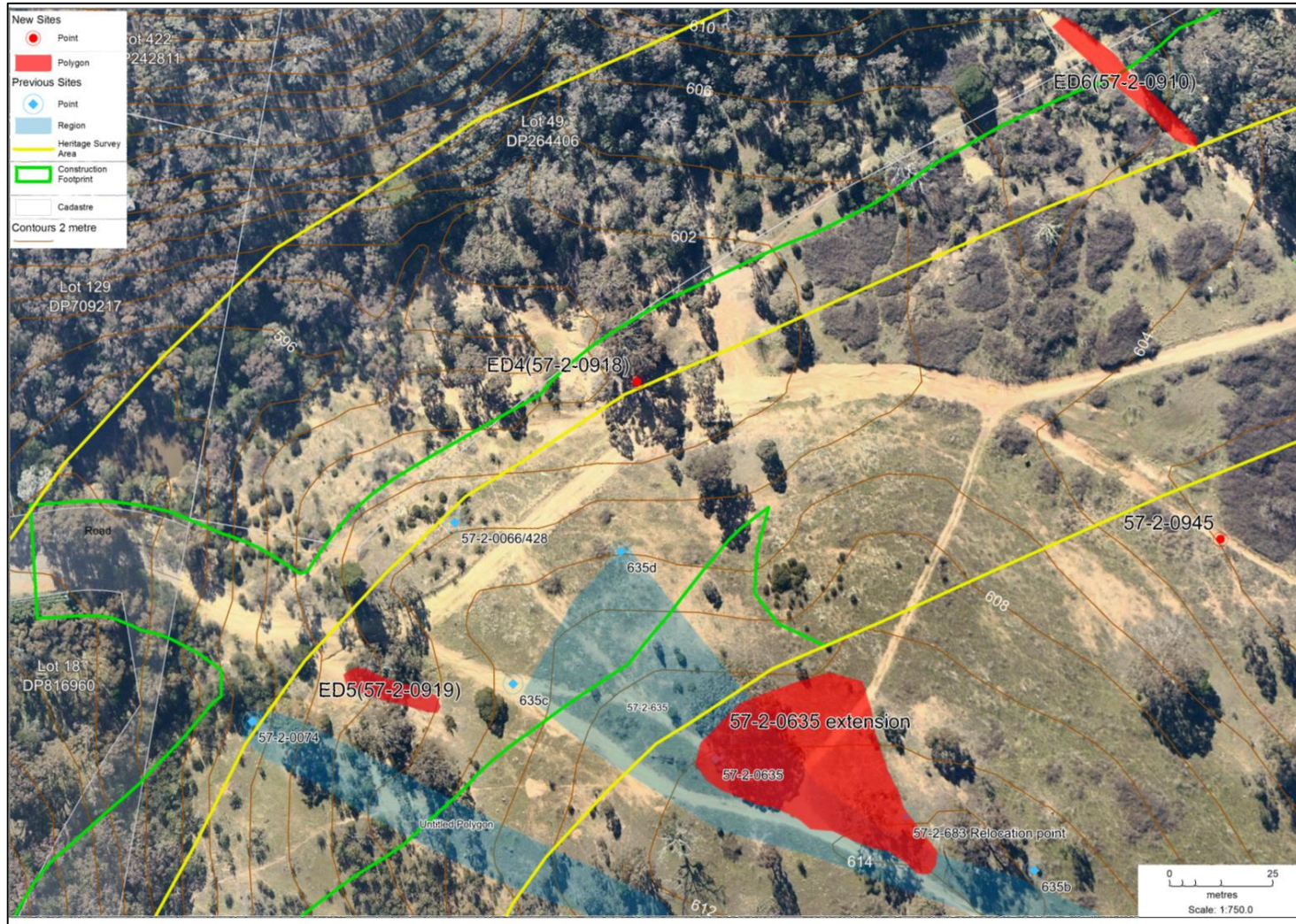
Map 1



Map 2



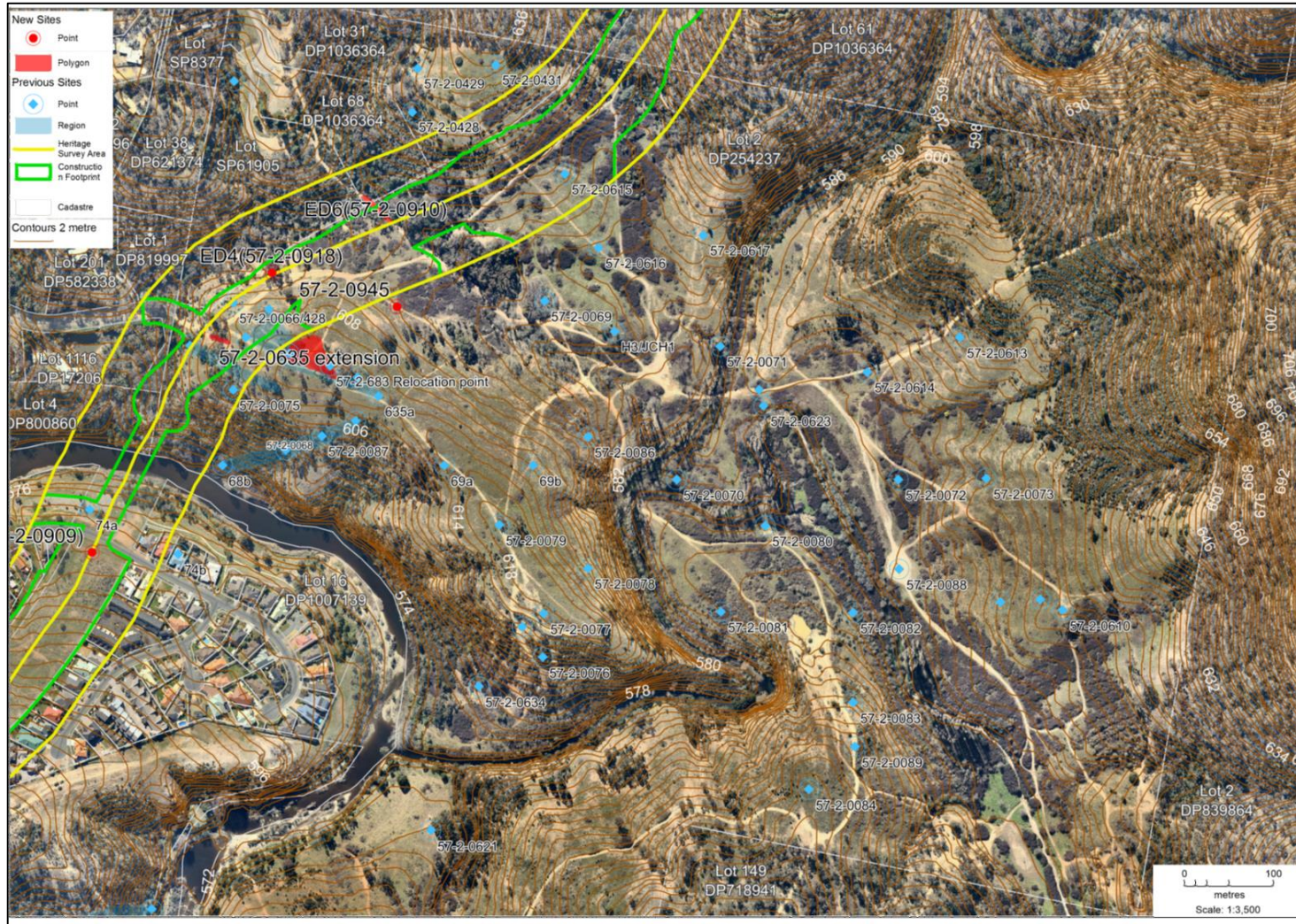
Map 3



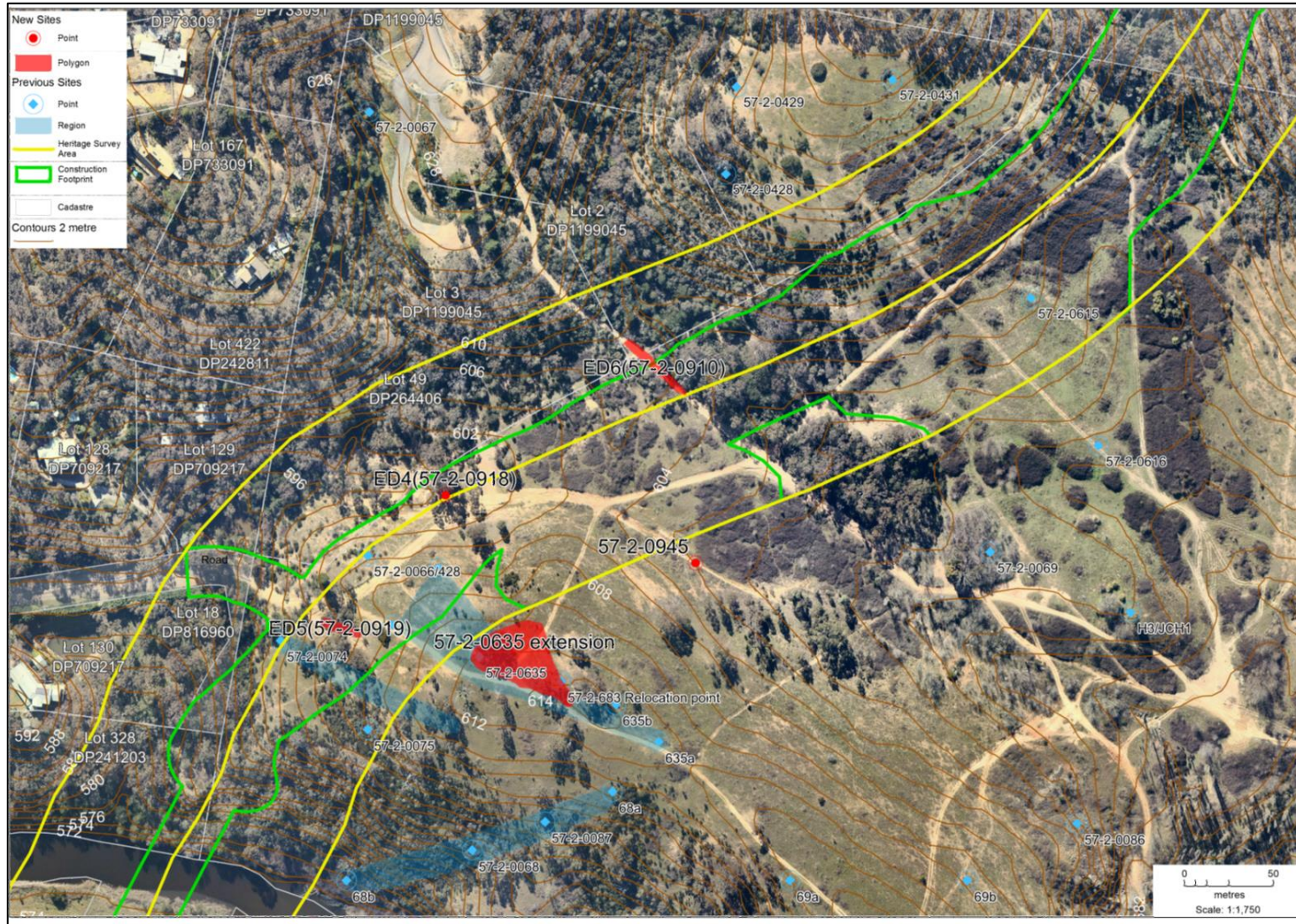
Map 4



Map 5



Map 6



Map 7



**APPENDIX A – COPY OF LETTERS SENT OUT BY CHMA REQUESTING LISTS OF
ABORIGINAL GROUPS KNOWN TO POSSESS CULTURAL KNOWLEDGE OF THE AREA
(First round consultation 2012)**



20th June 2012

Dear Sir/Madam,

RE: Ellerton Dr Extension, Queanbeyan - Cultural Heritage Investigations – request of a list of established Aboriginal reference groups within the area.

Cultural Heritage Management Australia (CHMA) has been engaged by the Queanbeyan City Council to undertake a Cultural Heritage Survey of a proposed extension to Ellerton Dr, Queanbeyan. In accordance with the NSW Aboriginal Heritage Consultation Requirements for Proponents, I am writing to you to request a list of established Aboriginal reference groups within the area with whom CHMA might consult.

The Ellerton Drive Extension is intended to provide a link between East Queanbeyan at the termination point of the existing Ellerton Dr and Karabar at Old Cooma Rd. The total length of the road is approximately 4.6km, with a proposed 80m wide corridor. The primary aim of the current study is to determine whether any archaeologically significant items/sites occur within the proposed corridor. Attached is a map of the proposed route, showing its location within the Queanbeyan area.

Any assistance/contact details you may be able to offer us would be greatly appreciated.

We look forward to hearing from you soon.

Yours sincerely,

Dr Sophie Collins
Senior Archaeologist
Cultural Heritage Management Australia

<p>Contact: Dr Sophie Collins</p>	<p>T: 0414 306 762 E: SophCollins@me.com P: 6 Flierl Pl, Flynn ACT 2615</p>
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APPENDIX B – RESPONSES PROVIDED BY REQUESTS SENT IN APPENDIX A (First round consultation 2012).



**Office of
Environment
& Heritage**

Our reference: DOC12/25192; FIL12/517
Contact: Sandie Jones
(02) 6229 7066

Cultural Heritage Management Australia
PO Box 9463
DEAKIN NSW 2600

Attention: Sophie Collins

Dear Ms Collins

WRITTEN NOTIFICATION OF PROPOSAL AS REQUIRED UNDER DECCW ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010

RE: Proposed Works – Ellerton Drive, Queanbeyan

I refer to your email of 20 June 2012 to the Office of Environment and Heritage (OEH) regarding the above matter.

Attached is a list of known Aboriginal parties for the Queanbeyan local government area that OEH feels is likely to have an interest in the development. Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties and receipt of this list does not remove the requirement of a proponent/consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (April 2010).

If you wish to discuss any of the above matters further please contact me on (02) 6229 7066.

Yours sincerely

Sandie Jones 22/6/12

DR SANDIE JONES
A/Manager Landscape and Aboriginal Heritage Protection (South)
Conservation and Regulation Division

Enclosure: Attachment 1

PO Box 733 Queanbeyan NSW 2620
11 Farrer Place Queanbeyan NSW
Tel: (02) 6229 7188 Fax: (02) 6229 7001
ABN 30 841 387 271
www.environment.nsw.gov.au

ATTACHMENT 1**Queanbeyan Local Government Area**

Organisation/Individual Name	Address	Contact Details
Ngunnawal Local Aboriginal Land Council	16 Lowe St, PO Box 150, Queanbeyan NSW 2620	Ph: (02) 6297 4152 Fax: (02) 6299 3941 ngunnawal1@bigpond.com
Mrs Dorothy Carroll: Ngunawal Heritage Aboriginal Corporation	245 Ash Road, PRESTONS NSW 2170	0412 176 081 Fax. 07 5630 8597 email: ngunawalhac@gmail.com
Matilda House (on behalf of Williams, Freeman and Simpson-Wedge families)	6 McNamara Street Pearce ACT 2607	Mobile: 0406074492
Ngarigo Elders Iris White	Email: iriswite@bigpond.net.au	Mobile: 0412 709 121
Buru Ngunawal Aboriginal Corporation. Contact Person: Wally Bell	Address: PO Box 6900 Charnwood ACT 2615	Mob: 0419 425 347; email: walbell@bigpond.net.au
Konanggo Aboriginal Cultural Heritage Services - Mr Robert Young	postal: 773 Princes Highway, Tempe NSW 2044. residential: 4 Cunningham Place, South Windsor NSW 2756	Ph. 0450 497 270 & 02 4577 8401 konanggo_consultancy@hotmail.com
Mr Arnold Williams CEO <i>Ngunnawal Elders Corportion</i>	13 Fitzgibbon Place, QUEANBEYAN NSW 2620	0431 600 987
Dean Bell Yurwang Gundana Consultancy Cultural Heritage Services	PO Box 5628 South Windsor NSW 2756	0403 744 008 Fax. 02 4577 8707 Email.yurwang_gundana@bigpond.com
Carl and Tina Brown	17 Cassia Crescent, Queanbeyan NSW 260	
Yukembruk Merung Ngarigo Consultancy Pty Ltd	PO Box 413 BEGA NSW 2550	Mob: 0488749193 ngarigo@y7mail.com
Colleen Dixon	Unit 2 49 East Street BEGA NSW 2550	02 6492 4740
Gunjee Wong Cultural Heritage Aboriginal Corporation: Cherie Carroll Turrise	1 Bellevue Place Portland NSW 2847	mob: 0429341488, email: b.mturrisse@bigpond.com.au

A phone call was also received from the Murrumbidgee Water Catchment Authority providing details of the Ngambri Local Aboriginal Land Council. 23rd June 2012.

APPENDIX C – NEWSPAPER ADVERTISEMENTS REQUESTING EXPRESSIONS OF INTEREST FROM ABORIGINAL PARTIES HOLDING CULTURAL KNOWLEDGE IN THE QUEANBEYAN AREA (First round consultation 2012).

The Canberra Times – 27th June 2012

**Aboriginal Heritage
Ellerton Dr Extension, Queanbeyan**

The Queanbeyan City Council proposes to conduct a heritage study along the proposed route for an extension to Ellerton Drive, Queanbeyan. The Ellerton Drive Extension is intended to provide a link between East Queanbeyan at the termination point of the existing Ellerton Dr and Karabar at Old Cooma Rd. The total length of the road is approximately 4.6km.

Cultural Heritage Management Australia (CHMA) invites submissions from Aboriginal persons and organisations holding cultural knowledge relevant to the Queanbeyan Area who wish to be consulted regarding cultural heritage investigations of the proposed Ellerton Drive Extension.

Please register your interest with CHMA by contacting Sophie Collins on 0414306762 or in writing to PO Box 9463 Deakin, ACT, 2600. Submissions must be received by 5pm Saturday 20th July 2012.


The Chronicle – 3rd July 2012

**Aboriginal Heritage
Ellerton Dr Extension, Queanbeyan**

The Queanbeyan City Council proposes to conduct a heritage study along the proposed route for an extension to Ellerton Drive, Queanbeyan. The Ellerton Drive Extension is intended to provide a link between East Queanbeyan at the termination point of the existing Ellerton Dr and Karabar at Old Cooma Rd. The total length of the road is approximately 4.6km.

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 **Queanbeyan
City Council**

12-06012/1