

## Issue of Aboriginal Heritage Impact Permit

Your reference: Wilton South East Stage 1 and Stage 2  
Our reference: AHIMS 4642  
Notice number: DOC20/709228  
Contact: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Country Garden Wilton East Pty Ltd  
Suite 7.02  
207 Kent Street  
SYDNEY NSW 2000

ATT: Ben Cork, Project Manager via email: [ben.cork@smec.com](mailto:ben.cork@smec.com)

### NOTICE OF THE ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 4642

Issued pursuant to section 90C(4) of the *National Parks and Wildlife Act 1974*

#### BACKGROUND

- A. Country Garden Wilton East Pty Ltd (the applicant) applied to the Department of Planning, Industry and Environment (DPIE) under section 90A of the *National Parks and Wildlife Act 1974* (NPW Act) for an Aboriginal Heritage Impact Permit (AHIP). The AHIP application was in relation to development of Wilton South East Stage 1 and Stage 2 residential subdivision.
- B. DPIE received the application on 9 March 2020.
- C. On 1 July 2020 the Aboriginal Cultural Heritage Regulation functions under the NPW Act were transferred from the DPIE into Heritage NSW in the Department of Premier and Cabinet.
- D. Heritage NSW received further information on 3 and 7 September 2020.

#### ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT

1. Heritage NSW has considered the application and supporting information provided, and matters under section 90K of the NPW Act and has decided to issue an AHIP #4642 subject to conditions.
2. The AHIP is attached.
3. You must read the AHIP carefully and ensure you comply with its conditions. In particular please note the following conditions:
  - Site Wilton 01 (AHIMS #52-2-3590) must be protected from impacts by a 10m no-go zone.

Notice No. DOC20/709228

Application Ref No. SF20/20815

Printed: 4:15:31 PM 10/09/2020

Heritage NSW | Department of Premier and Cabinet | Locked Bag 5020 Parramatta NSW 2124 | Phone: 02 9873 8500

Email: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au) | [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

## Issue of Aboriginal Heritage Impact Permit

It is an offence under section 90J NPW Act to fail to comply with the conditions of the AHIP. The maximum penalty that a court may impose on a corporation for failing to comply with this AHIP is \$1.1m. Heritage NSW can also issue penalty notices for this offence.



.....  
**Jackie Taylor**  
**Senior Team Leader**  
**Aboriginal Cultural Heritage Regulation - South**  
**Heritage NSW**

(by Delegation)

Date: 10 September 2020

### INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on Heritage NSW's Public Register in accordance with section 188F of the NPW Act.

### Variation of this AHIP

- This AHIP may only be varied on application by the AHIP holder or by Heritage NSW to correct typographical errors or resolve inconsistencies between conditions of the AHIP. A permit can only be varied by subsequent variation notices.

### Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.

Notice No. DOC20/709228

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## Aboriginal Heritage Impact Permit

**AHIP number: 4642**

**AHIP Issued To:**

Country Garden Wilton East Pty Ltd  
Suite 7.02  
207 Kent Street  
SYDNEY NSW 2000

**Heritage NSW Office issuing this AHIP**

Heritage NSW

Aboriginal Cultural Heritage Regulation - South

Telephone number: 02 9873 8500

Email: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

**Additional details for public register**

<b>a) Name of development or project</b>	Wilton South East Stage 1 and Stage 2 residential subdivision
<b>b) Location</b>	Lot 101 DP1232533 and Lot 102 DP1232533 990 Picton Road and 15 Janderra Lane, Picton
<b>c) Local Government Area(s)</b>	Wollondilly
<b>d) Description of harm authorised</b>	<ul style="list-style-type: none"><li>• Certain Aboriginal objects must not be harmed</li><li>• Harm to certain Aboriginal objects through the proposed works</li></ul>
<b>e) AHIP commencement date and duration</b>	<i>Commencement:</i> 10 September 2020 <i>Duration:</i> 10 years

## AHIP TO HARM ABORIGINAL OBJECTS

### A. Background

- (i) On 9 March 2020 an application was made to the Department of Planning, Industry and Environment for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act).
- (ii) Archaeological test excavation has been conducted in accordance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010).
- (iii) This AHIP includes conditions requiring that some Aboriginal objects must not be harmed.
- (iv) On 1 July 2020 the Aboriginal Cultural Heritage Regulation functions under the NPW Act were transferred from the Department of Planning, Industry and Environment into Heritage NSW in the Department of Premier and Cabinet.
- (v) Heritage NSW considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

### B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

### C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for **ten (10) years** from the date of commencement.

### D. Proposed Works

This AHIP is for Stage 1 and Stage 2 of the Wilton South East Precinct project and impacts will result from bulk earthworks, construction of houses, roads and associated amenities, landscaping and installation of utilities.

**Note:** A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.



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**Jackie Taylor**  
**Senior Team Leader**  
**Aboriginal Cultural Heritage Regulation - South**  
**Heritage NSW**

(by Delegation)

DATED: 10 September 2020

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## Aboriginal Heritage Impact Permit

### LAND TO WHICH THIS AHIP APPLIES

Those Aboriginal objects in, on or under the land outlined in red on the map in **Appendix A** as part of works associated with the development of Lot 101 DP1232553 and Lot 102 DP1232553 at 990 Picton Road and 15 Janderra Lane, Picton NSW 2571 as part of Wilton South East Stage 1 and Stage 2 subdivision.

### CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

#### Administrative Conditions

##### Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

##### Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, Heritage NSW must be notified of their contact details within 14 days of this appointment.

##### Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

#### Operational Conditions

##### Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4.
7. The Aboriginal objects described in Schedule A must not be harmed.
8. To ensure that the Aboriginal objects described in Schedule A are not harmed, the following measures must be implemented as soon as practicable and complied with:
  - (a) Temporary fencing must be installed around the “no go” area surrounding site AHIMS #52-2-3590 as outlined in black in **Appendix A** before the start of works.

## Aboriginal Heritage Impact Permit

- (b) Site #52-2-3590 as outlined in black in **Appendix A** must be identified by signage visible to all persons entering the development area as a “no go” area.
- (c) The Aboriginal Cultural Heritage Management Plan (ACHMP) prepared by Biosis (April 2020) that was provided with the application must be followed.
- (d) The mitigation measures in section 6 of the ACHMP (Biosis April 2020) and included at **Appendix B** must be followed.
- (e) Plant, equipment or any materials including fill, must not be stored on any part of a ‘no-harm area’ described in Schedule A.

### Harm of certain Aboriginal objects through the proposed works

9. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or ‘no-harm areas’).

### Temporary storage of certain Aboriginal objects

10. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location in the table below, pending any agreement reached about the long term management of the Aboriginal objects.
11. The temporary storage location is as follows:

<b>Location name:</b>	Biosis Office
<b>Address:</b>	30 Wentworth Street, Port Kembla NSW
<b>Storage particulars:</b>	In a locked cabinet

12. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

### Long term management of certain Aboriginal objects

13. Requirement 26 “Stone artefact deposition and storage” in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010, available online at: <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>) must be complied with.

## Notification and Reporting Conditions

### Notification of commencement and completion of actions

14. Written notice must be provided to Heritage NSW at least 7 days prior to the commencement of actions authorised by this AHIP.
15. Written notice must be provided to Heritage NSW within 7 days of the completion of actions authorised by this AHIP.

### Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

16. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from Heritage NSW.

## Aboriginal Heritage Impact Permit

17. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

### Human remains

18. If any human remains (other than any human remains described in Schedule B4) are discovered and/or harmed in, on or under the land, the AHIP holder must:
- (a) not further harm these remains
  - (b) immediately cease all work at the particular location
  - (c) secure the area so as to avoid further harm to the remains
  - (d) notify the local police and Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
  - (e) not recommence any work at the particular location unless authorised in writing by Heritage NSW.

### Incidents which may breach the Act or AHIP

19. The AHIP holder must notify the Heritage NSW office in writing as soon as practicable after becoming aware of:
- (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
  - (b) any contravention of the conditions of this AHIP.

### Reports about incidents which may breach the Act or AHIP

20. Where Heritage NSW suspects that an incident has occurred which may have breached the Act or AHIP, Heritage NSW may request a written incident report, which includes the following:
- (a) the nature of the incident
  - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
  - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
  - (d) any conditions of an AHIP which may have been breached, and
  - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
21. The incident report must be provided to the Heritage NSW office within the timeframe specified in the request.

### Provision of Aboriginal Site Impact Recording Form

22. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within **4 months** of the completion of the actions authorised by this AHIP.

#### Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the website:  
<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>
- (ii) Contact details for the AHIMS Registrar can be found on the website:  
<https://www.heritage.nsw.gov.au/search-for-heritage/aboriginal-heritage-information-management-system/>



## Aboriginal Heritage Impact Permit

### Report about harm to Aboriginal objects (Harm Report)

23. A Harm Report must be prepared about the actions relating to the harm of Aboriginal objects (as permitted by this AHIP). The report must:
- (a) include a short summary of the report
  - (b) describe any ongoing consultation with or involvement of representatives of Registered Aboriginal Parties in relation to this AHIP
  - (c) describe how any Aboriginal objects or 'no-harm areas' described in Schedule A were managed during the period covered by the AHIP
  - (d) provide details of the Aboriginal objects which were fully or partially harmed in the course of undertaking the actions
  - (e) comment on the effectiveness of the Aboriginal Cultural Heritage Management Plan (ACHMP) which was in place
  - (f) if any Aboriginal objects were moved to a temporary storage location, a description of the nature and types of Aboriginal objects which are now at that location
  - (g) detail the long term management arrangements for any Aboriginal objects, and
  - (h) include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted to the AHIMS Registrar.
24. The Harm Report must be submitted to the Heritage NSW office within **six (6) months** of the completion of the actions authorised by this AHIP.
25. A copy of the Harm Report, including a summary of the report in plain English, must be sent by registered post to each Registered Aboriginal Party within 14 days of the report being submitted to Heritage NSW

## General Conditions

### Indemnity

26. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Secretary of Department of Premier and Cabinet, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
  - (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

### Release

27. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Secretary of Department of Premier and Cabinet, and, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and

## Aboriginal Heritage Impact Permit

- (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

### Written notice

28. Any requirement to provide written notice to Heritage NSW in this AHIP may be complied with by emailing the notice to Heritage NSW email address or by sending by registered post to the Heritage NSW address. The Heritage NSW's contact details are specified at the front of this AHIP.

## SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

### Schedule A: Aboriginal objects which must not be harmed

#### A1 Human remains

All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4, as specified by the conditions of this AHIP.

#### A2 Aboriginal objects that are identified on AHIMS

The following Aboriginal objects identified on AHIMS must not be harmed, as specified by the conditions of this AHIP.

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole – as outlined in black in <b>Appendix A</b> .	52-2-3590	Modified Tree	Wilton 01	N	286199	6209350	GDA

#### A3 No-harm areas

Not applicable.

### Schedule B: Aboriginal objects that may be harmed through the certain actions

#### B1 Movement only

Not applicable.

#### B2 Salvage excavations

Not applicable.

#### B3 Community collection

Not applicable.

#### B4 Other

Not applicable.

## Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

### C1 Harm of Aboriginal objects identified on AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	52-2-3954	Artefact	M2D PAD 1	N	285469	6208528	GDA

### C2 Areas where harm of Aboriginal objects is authorised

Those Aboriginal objects in, on or under the land outlined in red on the map in **Appendix A** as part of works associated with the development of Lot 101 DP1232553 and Lot 102 DP1232553 at 990 Picton Road and 15 Janderra Lane, Picton NSW 2571 as part of Wilton South East Stage 1 and Stage 2 subdivision.

### DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

<b>Aboriginal object</b>	has the same meaning as in the Act.
<b>Act</b>	means the <i>National Parks and Wildlife Act 1974</i> .
<b>AHIMS</b>	means the Aboriginal Heritage Information Management System maintained by Heritage NSW, as defined in s.90Q of the Act.
<b>AHIP</b>	means Aboriginal Heritage Impact Permit
<b>AHIP holder</b>	means the entity or person listed on the cover page under the heading "AHIP issued to".
<b>Application</b>	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
<b>Community collection</b>	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
<b>Community collection area</b>	means an area described as a community collection area in Schedule B3
<b>DPC</b>	means the Department of Premier and Cabinet
<b>Heritage NSW office</b>	means the office listed on the cover page of this AHIP.
<b>No-harm areas</b>	means those areas described in Schedule A3.
<b>Proposed works</b>	means the works described under the heading "D. Proposed Works" at the front of this AHIP.
<b>Public register</b>	means the public register established under s.188F of the Act, that contains details of AHIPs issued by Heritage NSW, as described under the heading "Information about this AHIP".
<b>Registered Aboriginal Parties</b>	means the Registered Aboriginal Parties listed in the application.
<b>Salvage excavation</b>	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
<b>Salvage excavation area</b>	means any area described as a salvage excavation area in Schedule B2.
<b>Test excavation</b>	means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.
<b>Test excavation area</b>	means any area described as a test excavation area in Schedule B2

### INFORMATION ABOUT THIS AHIP

#### Public Register

Under section 188F of the Act, Heritage NSW is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at <https://www.heritage.nsw.gov.au/protecting-our-heritage/aboriginal-heritage-impact-permit-public-register/>

#### Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

#### Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. Heritage NSW can also issue penalty notices for a breach of the Act or AHIP condition.

#### Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

#### Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Secretary of DPC under s.89A of the Act using the form available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

#### Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

#### Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

#### Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

#### Variation of AHIP

The AHIP holder may apply to the Heritage NSW office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au). Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

## Aboriginal Heritage Impact Permit

The conditions of an AHIP may be varied at any time by the Secretary of DPC in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Secretary of DPC to vary the conditions of the AHIP.

### **Transfer of AHIP**

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au).

### **Surrender of AHIP**

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au). The surrender must be approved by the Secretary of DPC and may be subject to conditions.

### **Suspension and revocation of AHIP**

An AHIP may be suspended or revoked at any time at the discretion of the Secretary of DPC . Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

### **Entry to land**

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

### **Disclosure of information pursuant to lawful requirement**

This AHIP does not prevent the disclosure of any information or document in Heritage NSW's possession in accordance with any lawful requirement.

### **Making copies of reports**

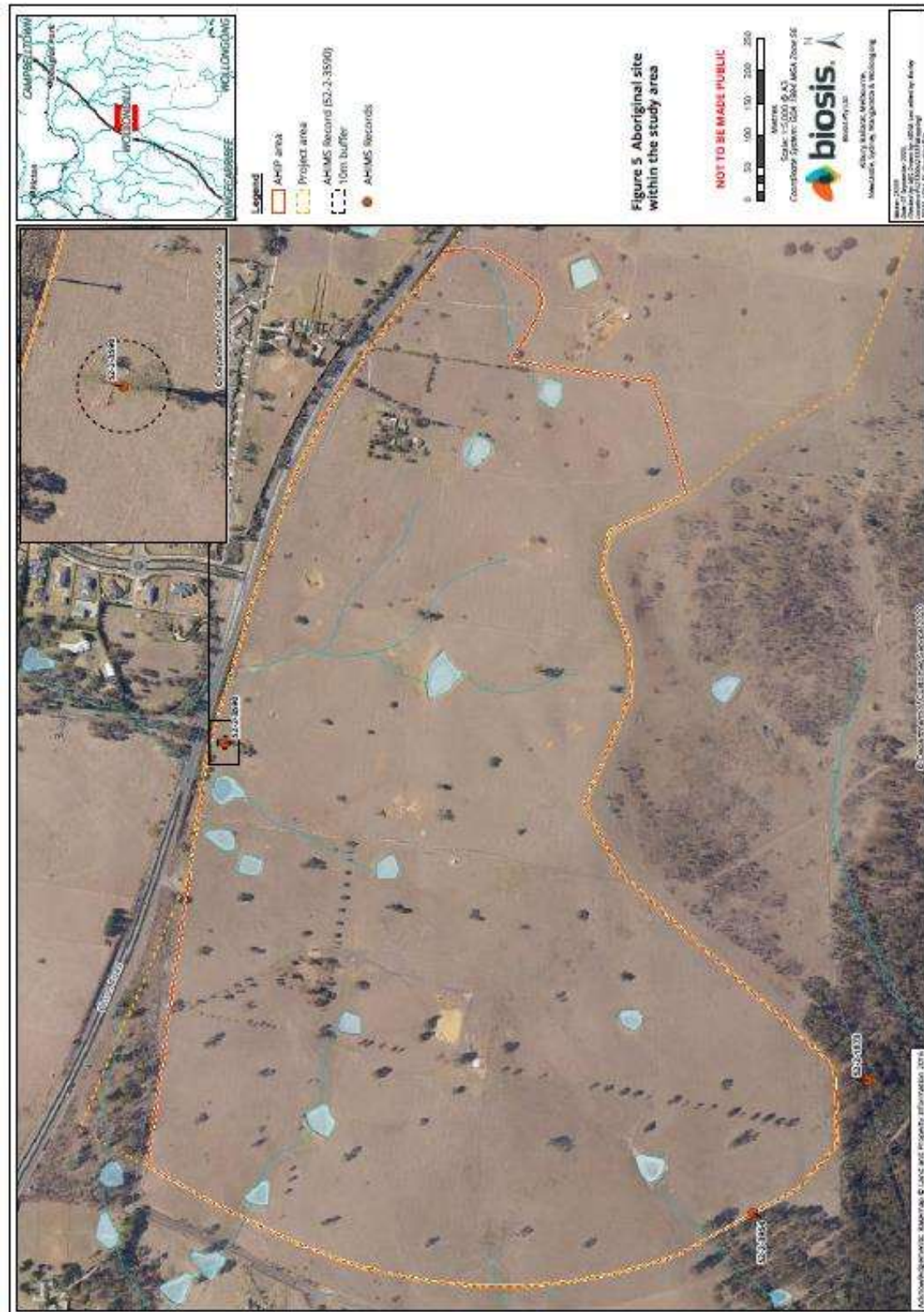
By providing a report, the AHIP holder acknowledges that Heritage NSW can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

Heritage NSW is able to make copies of any reports provided to Heritage NSW under this AHIP.



## APPENDIX A: Land to which this AHIP applies

Those Aboriginal objects in, on or under the land outlined in red as part of works associated with the development of Lot 101 DP1232553 and Lot 102 DP1232553 at 990 Picton Road and 15 Janderra Lane, Picton NSW 2571 as part of Wilton South East Stage 1 and Stage 2 subdivision.





## APPENDIX B: Mitigation Measures

### 6 Mitigation measures

#### 6.1 Construction related measures

Specific mitigation measures to address impacts on Aboriginal heritage are outlined in Table 2. Where required, further details of the proposed mitigation measures are provided in Section 6.2

**Table 3 Construction related measures**

Strategy	Requirement	Responsibility
1	Heritage inductions to be completed as part of the overall site induction	Project Manager/ Archaeologist/Construction Contractor
2	Minimising and managing the impacts of the development on heritage items within the development footprint and the procedure to follow in the event of unexpected Aboriginal finds.	Construction Contractor
3	Protection of Aboriginal heritage sites outside of the development disturbance area	Project Manager/ Archaeologist/Construction Contractor
4	Contingency plan if Aboriginal heritage items outside the approved disturbance area are damaged	Project Manager/ Archaeologist/Construction Contractor
5	Procedure to follow in the event of the discovery of human remains	Construction Contractor
6	Procedure to follow in the event of unexpected non-Aboriginal finds	Project Manager/ Archaeologist/Construction Contractor
7	Ongoing consultation with registered Aboriginal parties	Archaeologist
8	Monitoring and reporting	Project Manager/ Archaeologist

#### 6.2 Heritage protection management strategies

##### 6.2.1 Strategy 1: Heritage inductions and tool box talks

All contractors and staff involved in ground breaking activities on site will undergo site induction training (or be supervised by a staff member that has had the relevant training) relating to Aboriginal heritage management issues. The induction training will address elements related to heritage management including:

- Requirements of this ACHMP and relevant legislation.
- Mapping to show location of Aboriginal sites within study area.
- Roles and responsibilities for heritage management.
- Proposed heritage management and protection measures.

- Basic identification skills for Aboriginal artefacts and human remains.
- Procedure to follow in the event of an unexpected heritage item find during construction works.
- Procedure to follow in the event of discovery of human remains during construction works.
- Penalties and non-compliance with this ACHMP.

Training records for all contractors and staff involved in ground breaking activities will be kept and maintained in a register detailing names, dates, content and type of training undertaken. This ACHMP should be kept on site at all times and be readily accessible. The requirements of the ACHMP and the unexpected finds protocols should be incorporated into tool box talks, and the mapping presented in this report should be reviewed and management measures assessed to ensure no impacts beyond the project approval are likely to take place.

## 6.2.2 Strategy 2: Minimising and managing the impacts of the development on heritage items within the development footprint and the procedure to follow in the event of unexpected Aboriginal finds

The ACHA conducted by Biosis (2019a) identified two sites containing Aboriginal objects within the stage 1 and 2 development area following completion of test excavations. One of these sites, AHIMS 52-2-3954/M2D PAD 1, consisted of an isolated sub surface artefact identified with low significance. The second site, AHIMS 52-2-3590/Wilton 1 consisted of a scarred tree and was identified with moderate significance.

It was recommended that an Aboriginal Heritage Impact Permit application be made to impact on AHIMS 52-2-3954/M2D PAD 1, the artefact recovered from the test excavations be reburied within the a portion of the study area to remain undisturbed, and site impact forms updated on completion of works.

It was recommended that AHIMS 52-2-3590/Wilton 1 be preserved and impacts avoided to this site. This should be done by implementing a 10 metre no-go zone around the tree (Figure 5 )and fencing off using 'no dig' fencing to clearly delineate site boundary.

### Unexpected finds procedure

Should any further Aboriginal objects be identified during the course of the development works, the following process should be followed:

- Works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist.
- The archaeologist will investigate and assess the find to determine the nature, extent and significance of the find. This will enable recommendations to be provided on how work can proceed and whether any further archaeological assessment is required. The archaeologist must supply written advice to the Project Manager providing:
  - A determination of whether the find is an Aboriginal object.
  - Advice on how the project is to proceed and whether the establishment of any no-go areas is necessary.
  - Recommendations regarding further works that may be required and timeframe for completion of these works.
- Any Aboriginal finds will be registered on AHIMS. Where sites are impacted, a site impact form will be completed and lodged with AHIMS prior to impact.



- Create a no-go area around the find based upon the advice of the archaeologist and fence off using 'no dig' fencing.
- The archaeologist's written advice will be supplied to DPIE, the secretary and RAPs for their review. This will include a statement concerning the find, management measures implemented and notification of any further works arising. RAPs are to be involved in any further assessments or works as required. Any comments made by DPIE, the secretary and registered Aboriginal parties will be incorporated into the written advice prior to finalisation and works proceeding.

Should any previously unidentified Aboriginal finds be identified, this will trigger a review of this ACHMP in accordance with Section 9. Please note that Appendix A contains guidelines around the identification of Aboriginal objects and site types.

### 6.2.3 Strategy 3: Protection of Aboriginal heritage sites outside the development disturbance area

The boundaries of the development disturbance will be clearly marked with fencing to ensure that no impacts can occur to Aboriginal sites that may be located outside of the stage 1 and stage 2 areas assessed as part of the ACHA.

### 6.2.4 Strategy 4: Contingency plan if Aboriginal heritage items outside the approved disturbance area are damaged

In the event that Aboriginal heritage items outside of the approved disturbance area are damaged, Risland must advise DPIE immediately. DPIE can be contacted through the Environment Line on 131 555 as soon as practicable. An appropriate no go zone area must be established until the area can be inspected and advice sought from DPIE on how to proceed.

### 6.2.5 Strategy 5: Procedure to follow in the event of the discovery of human remains

If any suspected human remains are discovered during the proposed works, all activity in the area must cease. The following process must be undertaken:

- Immediately cease all work at that location and not further move or disturb the remains.
- Notify the NSW Police, and the DPIE Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
- Establish an appropriate no-go area. This will need to be established in consultation with NSW Police, DPIE and if necessary a qualified archaeologist.
- Works will not be able to recommence within the location of the find until confirmation from NSW Police and DPIE is obtained. If the remains are confirmed as not being human then works may recommence. In the event that remains are human then consultation with NSW Police, DPIE and the registered Aboriginal parties to establish a plan of management will be required.
- Works in the vicinity of the remains will only be able to recommence once the plan of management has been established and approval has been obtained from all relevant parties.
- Should any human remains be identified, this will trigger a review of this ACHMP in accordance with Section 9.

## 6.2.6 Strategy 6: Procedure to follow in the event of unexpected non-Aboriginal finds

Where non-Aboriginal items are identified, an assessment will need to be made as to the significance of the item. Non-Aboriginal heritage items may include archaeological 'relics' or other non-Aboriginal items (i.e. works, structures, buildings or movable objects). The *Heritage Act 1977* defines a relic 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...*'.

The following process should be followed with respect to unexpected items:

- Should any suspected non-Aboriginal items be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist.
- The archaeologist will investigate and assess the non-Aboriginal item to determine the nature, extent and significance of the find. This will enable recommendations to be provided on how work can proceed and whether any further work is required. The archaeologist must supply written advice to the Project Manager within 24 hours stating:
  - Determination of whether the find is a relic.
  - Advice on whether how the project is to proceed and whether the establishment of any no-go areas is necessary.
  - A recommendation on further works that may be required and timeframe for completion of these works.
- NSW Heritage Division may need to be notified. This will include a statement concerning the find, management measures implemented and notification of any further works arising.

## 6.2.7 Strategy 7: Ongoing consultation with registered Aboriginal parties

Consultation with RAPs will be continued throughout the life of this project as outlined in Section 3 above.

## 6.2.8 Strategy 8: Monitoring and reporting

A program to monitor and report on the effectiveness of the measures and any heritage impacts will consist of reassessing the above listed strategies following the completion of works.

Upon completion of the works, a short report will be prepared, documenting:

- The effectiveness of the ACHMP measures.

A copy of the report will be provided to RAPs for the project and the DPIE Greater Sydney Branch by email to [gs.ach@environment.nsw.gov.au](mailto:gs.ach@environment.nsw.gov.au).

## 8 Training and Awareness

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The construction contractor must comply with all Risland WHS manuals and procedures.

Prior to the commencement of construction, the construction contractor must undertake a cultural heritage induction which will include the following:

- A description of Aboriginal cultural heritage in Australia.
- A description of Aboriginal cultural heritage in the Wilton area.
- A description of the tangible and intangible aspects of Aboriginal heritage and why it is important.
- An overview of the *NPW Act 1974* and the *Heritage Act 1977* and the implications and fines applicable for breaching the Acts.
- A general overview of cultural heritage site types.
- The process for reporting unknown cultural heritage sites.
- The process for reporting damage to cultural sites.
- The process for reporting human remains.