

ATTACHMENT 7 – Aboriginal Cultural Heritage Management Protocol

Aboriginal Cultural Heritage Management Protocol

Purpose – This Aboriginal Cultural Heritage management element has been prepared to form part of the protocols for the Hickey Street and Iluka Road, Iluka Community Subdivision. It is to be used in both the construction and operational phases of the Community Subdivision.

Potential Impact	<ul style="list-style-type: none"> Disturbance or damage to Aboriginal Cultural Heritage values, objects, sites or places
Performance Objective	<ul style="list-style-type: none"> To prevent damage, disturbance or loss of Aboriginal Cultural Heritage objects, sites or places that may occur on or within the work zone area adjacent to the site (Lot 99 DP823635).
Performance Criteria	<ul style="list-style-type: none"> Aboriginal Cultural Heritage values of the place are recognised and managed; Compliance with the Australian Environment Protection and Biodiversity Conservation Act 1999, the Australian Government Aboriginal Torres Strait Islander Heritage Protection Act, the NSW National Parks and Wildlife Act 1974, the NSW Aboriginal Land Rights Act 1983, the Clarence Valley Local Environmental Plan LEP 2011; No disturbance or damage to Aboriginal Cultural Heritage objects, sites or places.
Monitoring & Reporting	<ul style="list-style-type: none"> In accordance with the Aboriginal Cultural Heritage Assessment Report for Lot 99 Hickey Street, Iluka, dated August 2017, prepared by Extent Heritage; In field monitoring be undertaken by representatives of the Birrigan Gargle Local Aboriginal Land Council (BGLALC); The Contractor is to report to the Principal; The Principal will report to relevant statutory authorities / agencies where necessary.

Action / Implementation	Responsibility	Timing	Corrective Action
Construction Phase			
CP1 – All personnel working on the site shall attend a site induction briefing which will include information relating to Aboriginal Cultural Heritage	Contractor	Prior to construction	Monitor and adjust where necessary
CP2 – The scar trees identified by the BGLALC and as shown on the development drawings shall be protected by the installation of perimeter fencing to restrict construction activity access	Contractor	Prior to and during construction	Monitor regularly and repair or reinstate protective fencing where required
CP3 – Park A – In the event vegetation clearance is proposed within the planned park area (Park A) that has been highlighted in pink in Figure 23 in the Aboriginal Cultural Heritage Assessment Report, any trees should first be inspected by an archaeologist to ensure that any Aboriginal scarred / carved trees are not inadvertently impacted.	Contractor	Prior to construction	If an Aboriginal scarred tree is identified, further assessment and approvals may be required.
CP4 – A representative of the BGLALC shall attend the site during all excavation phases of construction and / or the clearing of vegetation and as otherwise identified by the Principal	Contractor / BGLALC	During construction	Monitor and adjust where necessary

Action / Implementation	Responsibility	Timing	Corrective Action
CP5 – All reporting protocols shall be in accordance with the Aboriginal Cultural Heritage Assessment Report dated August 2017	Contractor and Principal	During construction	Monitor and report where necessary
CP6 – In accordance with the OEH Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales the proposed development may proceed with caution	Contractor	During construction	Monitor and report where necessary
<p>CP7 –</p> <ul style="list-style-type: none"> ▪ In the event that unexpected Aboriginal objects (or potential Aboriginal objects) are discovered during development works, these remain protected by the National Parks and Wildlife Act 1974. All ground disturbance works in the vicinity of the find should cease and Birrigan Gargle LALC should determine the subsequent course of action in consultation with a suitably qualified heritage professional and the Office of Environment and Heritage, Regional Operations Group, North East Region. ▪ Contractor to report immediately to the Principal. ▪ Principal to report to the statutory authorities with relevant jurisdiction. 	Contractor and Principal	During construction	Work that may impact on the Aboriginal object must not recommence until and unless an Aboriginal Heritage Impact Permit (AHIP) approval has been issued by the relevant NSW Government Department with jurisdiction over these matters.
<p>CP8 – Skeletal Material –</p> <ul style="list-style-type: none"> ▪ If human skeletal material is identified at any time during development works, all works in the vicinity of the discovery is to cease immediately and the NSW Police and NSW Coroner’s Office should be contacted for advice about how to proceed. ▪ Contractor to report immediately to the Principal. ▪ Principal to report to NSW Police. 	Contractor and Principal	During construction	<p>Human skeletal remains are protected under the provisions of the Coroners Act 2009 (remains that are less than 100 years old) and the National Parks and Wildlife Act 1974 (traditional Aboriginal burials). Interpreting the age and nature of skeletal remains is a specialist field and an appropriately skilled archaeologist or physical anthropologist should therefore be contacted to inspect any suspected human remains.</p> <p>Should the skeletal material prove to be traditional Aboriginal remains, notification of the relevant NSW Government Department with jurisdiction over these matters, and the BGLALC will be required.</p>

Action / Implementation	Responsibility	Timing	Corrective Action
			Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.
CP9 – If material of potential valuable minerals, fossils, anthropological, archaeological or the like is found when BGLALC monitoring is not occurring, the Contractor's personnel and / or machine operators will immediately stop work at the find site and take precautions to prevent the loss or removal or damage of the material and notify the Principal to attend the site of the find or discovery.	Contractor	During construction	The Contractor shall monitor and audit construction staff's familiarity with procedures relating to archaeological finds. This is to be undertaken on a daily basis.
Operational Phase – Community Association Jurisdiction			
OP1 – All community association members be aware of the Aboriginal Cultural Heritage, potential impacts, Performance Objectives and Performance Criteria.	The Community Association	Ongoing	Monitor and adjust where necessary
OP2 – All personnel working on the retained bushland (Lot 1) shall attend a site induction briefing which will include information relating to Aboriginal Cultural Heritage	Contractor	During any construction or maintenance activities ongoing	Monitor and adjust where necessary
OP3 – The Community Association shall be made aware of the scar trees identified by the BGLALC and as shown on the development drawings. Any information provided by and requested by the BGLALC to be provided to the Community Association.	Contractor	Prior to and during construction	Monitor regularly and repair or reinstate protective fencing where required
OP4 – All reporting protocols shall be in accordance with the Aboriginal Cultural Heritage Assessment Report dated August 2017	Chairperson (or equivalent) of Community Association	Ongoing	Monitor and report where necessary
OP5 – In the event that unexpected Aboriginal objects (or potential Aboriginal objects) are discovered during development works, these remain protected by the National Parks and Wildlife Act 1974. All ground disturbance works in the vicinity of the find should cease and Birrigan Gargle LALC should determine the subsequent course of action in consultation with a suitably qualified heritage professional and the Office of Environment and Heritage, Regional Operations Group, North East Region. Contractor to report immediately to the Principal. Principal to report to the statutory authorities with relevant jurisdiction.	Chairperson (or equivalent) of Community Association	During maintenance activities	Work that may impact on the Aboriginal object must not recommence until and unless an Aboriginal Heritage Impact Permit (AHIP) approval has been issued by the relevant NSW Government Department with jurisdiction over these matters.

Action / Implementation	Responsibility	Timing	Corrective Action
<p>OP6 – Skeletal Material –</p> <ul style="list-style-type: none"> ▪ If human skeletal material is identified at any time during development works, all works in the vicinity of the discovery is to cease immediately and the NSW Police and NSW Coroner’s Office should be contacted for advice about how to proceed. ▪ Contractor to report immediately to the Principal. ▪ Principal to report to NSW Police. 	<p>Community Association</p>	<p>During maintenance activities</p>	<p>Human skeletal remains are protected under the provisions of the Coroners Act 2009 (remains that are less than 100 years old) and the National Parks and Wildlife Act 1974 (traditional Aboriginal burials). Interpreting the age and nature of skeletal remains is a specialist field and an appropriately skilled archaeologist or physical anthropologist should therefore be contacted to inspect any suspected human remains.</p> <p>Should the skeletal material prove to be traditional Aboriginal remains, notification of the relevant NSW Government Department with jurisdiction over these matters and the BGLALC will be required.</p> <p>Notification should also be made to the Commonwealth Minister for the Environment, under the provisions of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.</p>
<p>OP7 – If material of potential valuable minerals, fossils, anthropological, archaeological or the like is found when BGLALC monitoring is not occurring, the Contractor’s personnel and / or machine operators will immediately stop work at the find site and take precautions to prevent the loss or removal or damage of the material and notify the Principal to attend the site of the find or discovery.</p>	<p>Community Association</p>	<p>During maintenance activities</p>	<p>The Community Association shall monitor and audit maintenance personnel familiarity with procedures relating to archaeological finds.</p>