
SCHEDULE 3

ARCHAEOLOGICAL SALVAGE EXCAVATION PROGRAM WITHIN BARLINGS BEACH

AND

**BARLINGS BEACH BURIAL DISCOVERY PROTOCOLS: BURIAL PROTOCOL
AGREEMENT BETWEEN MOGO LOCAL ABORIGINAL LAND COUNCIL AND
BARLINGS BEACH COMMUNITY PTY LIMITED**

Archaeological Salvage Excavation Program within Barlings Beach Estate.

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1. INTRODUCTION

This document presents an archaeological salvage proposal with regard to the Aboriginal archaeological deposits within a proposed residential development at Barlings Beach near Tomakin for which a Development Application (DA77-3-2002) has been lodged (Figure 1).

A burial protocol to deal with any disturbance of human remains found during archaeological salvage or other works within the development area has been agreed between Mogo Local Aboriginal Land Council (MLALC), the Department of Environment and Conservation (DEC) and Barlings Beach Community Pty Ltd (BBC).

The Barlings Beach study area has been the subject of both archaeological surface survey and subsurface testing programs (Gollan 1981, Lance 1994, Winston Gregson 1991, Barber and Williams 1997 and Barber 2003). An anthropological study has also been completed (Wesson 1996), and a ground penetrating radar (GPR) investigation was also carried out within part of the proposed development area (Francke 2002).

The result of the 1997 archaeological and 1996 anthropological investigations was that a portion of the potential development area was declared an Aboriginal Place (AP) in June 2000 under the NSW *National Park and Wildlife Act*. The AP recognises the cultural and archaeological values of the Barlings Beach area and comprises 8.867 hectares of land. This land is not now available for development but is to be preserved as a sample of the Barlings Beach cultural heritage and landscape. It contains significant archaeological deposits including high, medium and low densities of shell and stone artefact material. The AP also encompasses and preserves some of the more significant cultural associations with Barlings Beach.

The Barber (2003) investigation was undertaken to assess the nature and significance of the archaeological deposits within a proposed development area of 33.55 hectares. The study involved the excavation of over 740 test holes by mechanical auger and hand dug shovel pits. All of the material was sieved and the shell, bone and artefactual material recovered was analysed.

The analysis and report concluded that there was variation in density and incidence of midden and artefacts across the study area. There were also variations in the content of midden material and the utilisations of stone artefacts across the site. It was also found that the condition and integrity of the midden material was variable and mostly poor in large portions of the study area. The material was highly fragmented and sparsely scattered, an indication of the disturbance across most of the study area. This has implications for the ability of the salvage program to retrieve meaningful midden material (see below).

On the basis of these conclusions, the study area was divided into archaeological zones.

Zone 3 comprised areas of high archaeological value that were deemed worthy of conservation. Four such areas were identified totalling 0.705 ha. It was recommended that these areas be conserved and protected from development.

Zone 2 comprised areas containing substantial archaeological deposits but were not worthy of conservation. Rather it was recommended that samples of these areas be salvaged prior to development. The area of *Zone 2* is approximately 5.61 ha.

Zone 1 is the balance of the development area containing low density scatters of archaeological deposits not considered worthy of conservation. The area of *Zone 1* is approximately 19.55 ha.

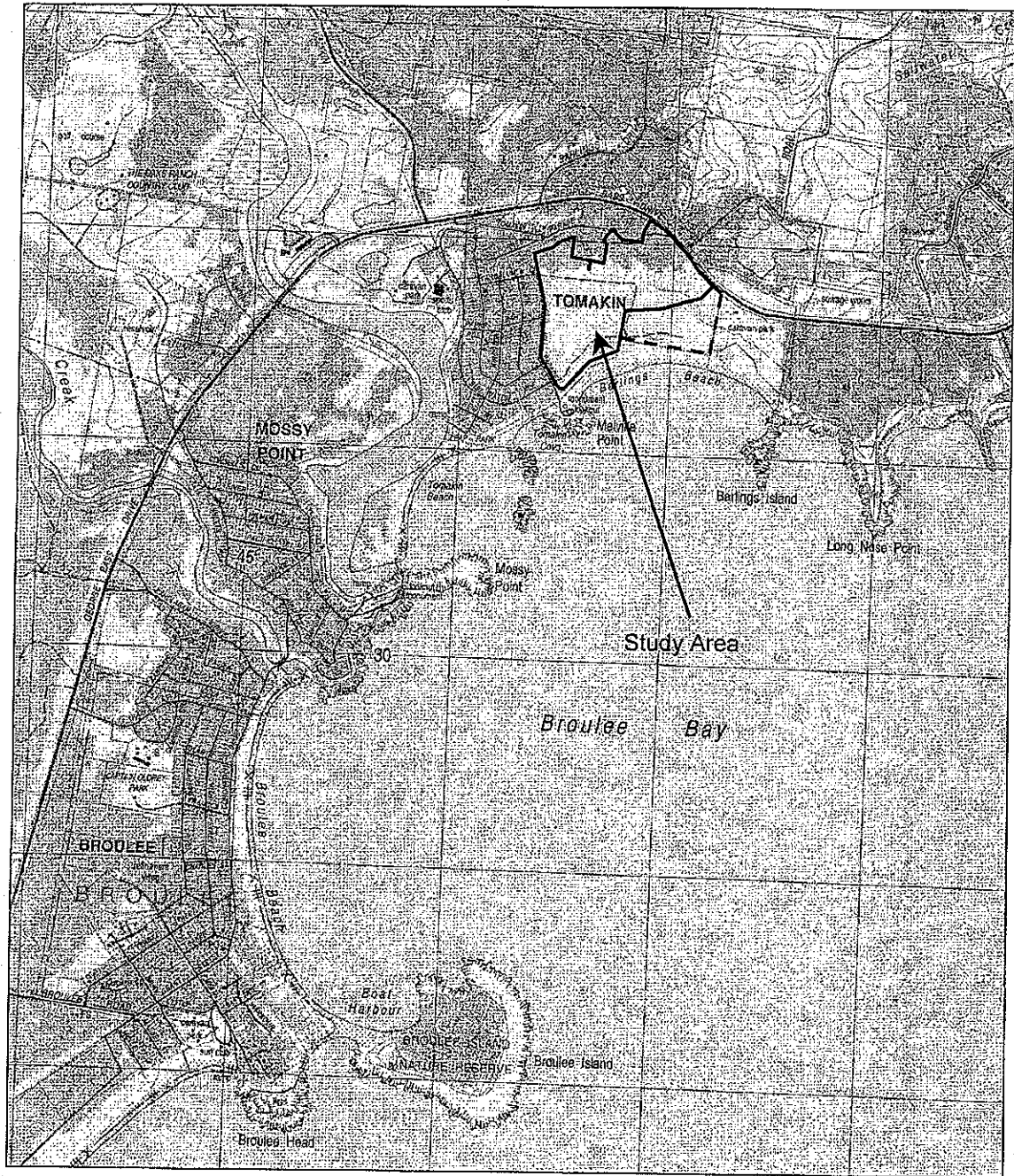


Figure 1. Location of the Study Area. Dashed line marks boundary of AP (Mogo 1:25,000 topographic map)

2. SALVAGE PROPOSAL

2.1 Introduction

This salvage proposal has been drafted by the consultant archaeologist following discussions with the Southern Aboriginal Heritage Unit and the Planning and Aboriginal Heritage Section, South Branch, Environment Protection and Regulation Division of the DEC, the Mogo Aboriginal community represented by MLALC and the client, BBC.

The salvage proposal is based upon the following assumptions:

- Barlings Beach Pty Ltd will make application for section 90 permits to the DEC. These applications will include detailed locations on a map for which the permit is sought and detailed methodology for salvage and monitoring. Depending on the staging of the construction work it is likely that multiple section 90's may be required.
- There is to be a salvage sample comprising an area of at least 10% (5,600m²) of Zone 2 that includes areas of high, moderate and low density materials. A sample of Zone 1 (0.2-0.8%) will be salvaged but any such sample will be in addition to the minimum area of Zone 2.
- Zone 3 areas will be preserved;
- Most of the other conservation zones will not be impacted by the development. The exception is a small area within the creek buffer zone that will be disturbed for bridge construction. This would be at the same location that the existing sewer main crosses the creek.
- Both hand excavation and large scale grader scrapes (or similar) will be utilised;
- A burial protocol will be established to deal with any identification of human bone;
- The salvage is aimed at recovering a sample of archaeological material for scientific analysis;
- A cultural facility for the local Aboriginal community will be established, providing an opportunity for the safe-keeping and display of recovered archaeological material;
- Part of the development area will be covered with imported fill and this will eliminate further disturbance to underlying archaeological deposits (maps showing the location of fill areas will be provided in the s. 90 application. If they cannot be provided with the first application, then additional s.90 applications for such areas will be made after the information is available);
- The involvement of representatives of the MLALC in the salvage program;
- DEC grant a Section 90 permit to implement the salvage and construction elements of the project concurrently (any areas of impact not identified in the original application will be subject to additional s.90 applications);
- BBC will work with the MLALC to provide interpretive displays which may include examples of artefacts and inform the public about the need to conserve and manage the archaeological reserves.
- The ownership and management of the conservation areas will be finalised between BBC, MLALC, the Eurobodalla Shire Council (ESC) and DEC. Once finalised, a Conservation Management Plan/Voluntary Conservation Agreement will be prepared and implemented.

2.2 Archaeological Salvage

2.2.1 Salvage Areas

The archaeological salvage will be undertaken within the area identified by Barber (2003) as Zone 2 (minimum 5,600 m² or 10%) and also a sample extending into Zone 1 (between 400 m² or 0.2% and 1600 m² or 0.8%). Zone 2 was regarded as having substantial archaeological deposits worthy of further

investigation and analysis but not preservation. Zone 2 contains a cross section of the archaeological elements identified from within the development area. These include:

- Areas of high, moderate and low artefact density
- Areas of high, moderate and low shell density
- Areas of combined and variable (high moderate and low) shell and artefact density
- Areas of apparent lack of cultural material
- Areas of differences in shell and stone content (the Zone 2 'islands')
- A sample of terrain variations across the development area

The salvage is designed to sample the range and variety of cultural material present within the study area as noted above which is also representative of the entire development area. Salvage of a sample of this portion of the study area would therefore be able to achieve an effective archaeological record.

It is also argued that salvage within the Zone 2 area would allow for an effective use of time, personnel and machinery. It is likely that extensive salvage within Zone 1 would not retrieve an effective range of cultural material that would be useable in the analysis. Conversely, salvage within Zone 2 would likely retrieve a large sample of material, inclusive of the range encountered in Zone 1 that could be used effectively in the analysis. Some areas of Zone 1 will be included in the salvage program, areas chosen based on the results of the testing program and to sample variation in the development area.

Based on the policy of DEC, a salvage of at least 10% of the Zone 2 area will be undertaken. The expected area of salvage is calculated at between 5,600 square metres and 6,220 sq m. The bulk of this will be made up from broad-scale grader scrapes with smaller areas of detailed hand excavation. Figure 2 shows the proposed location of salvage areas, although the exact locations will be provided in the s.90 application. Some flexibility would be required to account for variables identified in the field program and this will be achieved through providing minimum and maximum areas in the application.

Some salvage will be undertaken within Zone 1 but is likely to involve grader scrapes. Hand excavation will be used only if notable features are identified, or if the study questions require some investigation within Zone 1 to clarify the results elsewhere. The size of the salvage will be between 400 and 1600 square metres (0.2-0.8% of Zone 1).

No construction related activity would be allowed within the salvage areas prior to the completion of the salvage program. DEC have requested that a brief report, detailing the basic results be forwarded prior to construction activities.

It is proposed to submit a report that would include the following:

- Maps showing the location of salvaged areas
- General figures of the amount of sand excavated and sieved
- A brief description of any notable cultural features identified
- Comments as to the nature of the salvaged material (based on an intuitive conclusion from the salvage work).

Outside of the conservation and salvage areas, it is proposed to allow construction activities following receipt of a Section 90 permit from the NPWS. These activities include road works and introduction of fill and would be monitored for burials by MLALC. Maps showing the location of all disturbance areas including cut and fill operations, landscaping, surveying, fencing, roads and other service infrastructure will be included in the Section 90 application. If impact areas cannot be shown on initial s.90 application maps, then several s.90 applications may be required when the information becomes available.

2.2.2 The Salvage Methodology

Objectives of salvage program

1. To obtain a record of the cultural material within areas identified as having scientific research potential, based on the previous investigations of the archaeological deposits.
2. Using the site patterning already identified, target archaeological deposits for excavation that are likely to provide a variety of shell and artefacts in sufficient numbers for scientific analysis that will potentially answer research questions.
3. To investigate the possible broad scale pattern of cultural material across the areas identified for salvage. This includes areas of low, moderate and high density.
4. To investigate a sample of the artefactual material which is representative of the contextual variation across the site.
5. Some of the possible research questions to be investigated are:
 - *Analysis of horizontal and vertical patterning across the site of stone artefacts.*
 - In particular any changes in stone material and technology over time.
 - Identification of maintenance activities and relating these to Aboriginal land use.
 - *Establishment of chronological framework for the occupation of the site.*
 - Potential for geomorphological and radiometric dating of deposits, shell and charcoal.
 - *Analysis of horizontal and vertical patterning across the site for shell and animal bone.*
 - Changes in shell use over time
 - Evidence of any preferential dietary behaviour.
 - Examination of terrestrial animal bone to ascertain what this element of the archaeological record indicates about Aboriginal occupation of the site.
 - *Investigation (if possible) of why there appears to be a number of human remains in this area. Is this related in any way to the archaeology of artefacts/middens?*
 - Potential for comparisons with other sites with multiple human remains (eg Merimbula, Batemans Bay)
 - *Comparisons with other site complexes in the south coast region.*

These questions may be refined during the investigation/analysis and other questions may emerge that could be answered by the material recovered. It may be that the analysis of the archaeological material cannot answer the questions except in broad terms.

During the salvage program, the burial protocols agreed to by MLALC, DEC and BBC will be invoked if human skeletal material is located.

The salvage program will involve the following:

▪ *Hand Excavation*

- Multiple excavation pits within the identified salvage areas (areas shown in Figure 2). It is proposed that excavation will be conducted in these areas by hand.

Based on the results of the subsurface testing program, ten locations for hand excavation have been identified. These locations have been selected to examine in detail and salvage a range of archaeological evidence including:

- The variations in density and content of shell midden found across the study area,
- A variety of stone artefact occurrences with varying densities,
- Examination of a combination of stone and shell material at the same location.

It is calculated that the amount of hand excavation will be approximately 150 square metres, depending on field conditions. Additional hand excavation (up to 20 sqm) is also allowed for in the event of other features being found during the excavation and grader scrapes that require more controlled excavation. The location and extent of hand excavation is shown broadly in Figure 2. A map showing these locations will be included in the s.90 application.

▪ **Mechanical scrapes**

- A major component of the salvage program will involve broad area removal of deposits by a grader/scrapper or bulldozer (D6 or similar size).

Approximately five mechanical scrapes would be made of varying size. The scrapes would be made at regular depths to a minimum of 5cm levels where feasible. After every scrape the ground surface would be inspected and cultural material collected within an appropriate grid determined in the field but possibly in the order of 10 x 10 m or 5 x 5 m.

The scrapes would be positioned to examine variations in the cultural material and to sample differences in the local environment. Figure 2 shows the general location of the proposed scrapes and full details of their location and size will be provided in the s.90 application.

- Some sieving of the spoil would also be undertaken.
- Where potentially important cultural features are identified, hand excavation would be used to retrieve the cultural material.

Possible alternative. An alternative to the sieving may be through bulk processing of material by such machines as a Surf Rake or large sand screen if they can be found and made available for the project. If this is available, then details of the salvage method will be provided in the s.90 application.

▪ **Specialist studies**

- Stone artefact analysis including macroscopic inspection, multi variable description and statistical analysis.
- Microscopic description and analysis of artefact use-wear and residues (if present).
- Description and analysis of midden shell
- Description and analysis of bone and other faunal remains.
- Geomorphological description and analysis of archaeological deposits including direct dating of sediments, possibly using optical spectrum luminescence (OSL) or Thermoluminescence (TL) techniques, if radiocarbon dating is unavailable or inappropriate.
- Radiocarbon dating where and if suitable cultural material is recovered.
- Some additional specialists dealing with the environmental record (from pollen, charcoal, seeds and other items) may be employed if the deposits are conducive to such analysis.

▪ **Mogo LALC Representation**

- Representatives of the MLALC (sites officers) will be involved in the salvage program. Sites officers will assist in the salvage activities including excavation, sieving, monitoring of controlled grader stripping and artefact collection.
- The number of required sites officers will vary depending on the stage of the salvage program being undertaken. It is envisaged that there will be at least three and possibly more on site at all times.
- MLALC sites officers will monitor earthworks during the construction stage of the development, with two officers present per active machine.

Excavation Methodologies

The methodologies are designed to allow some flexibility within the salvage program to deal with variations identified on site. They have been prepared with minimum and maximum areas for excavation. The location of the salvage areas is shown in Figure 2, while the exact determination of the areas will be provided in the s.90 application.

Excavation by hand

- Mark out and record pit locations. Excavation areas would be determined by the location of the higher densities obtained during the testing program (Barber 2003). Hand excavation would sample both artefact and shell concentrations and areas of combined material, where it was considered the deposits would be mostly intact.
- Excavate pit areas using standard by-hand archaeological methodologies including vertical and horizontal recording of spit levels and sedimentary, cultural and stratigraphic features.
- Indicative spit intervals will be 10 cm, but may be larger or smaller depending on pit specific conditions. If important cultural features are encountered then they may be excavated stratigraphically, as conditions warrant.
- Excavation will cease once two sterile spits have been uncovered below the deepest cultural deposit for that excavation pit. This may be verified through excavation of a portion of the excavation trench, rather than the full open area excavation.
- All excavated archaeological deposit will be sieved, either with the aid of pressurised water from a water truck or by dry sieving. All material will be sieved through standard 3 mm mesh, with use of a top 5 mm mesh where appropriate. If dry sieving is used, then some material will be retained for sample wet sieving in the lab. There may also be bulk samples retained for other analysis or kept for future research potential.
- All identified or suspected cultural material recovered from sieving will be retained, bagged and labelled. In addition, samples of sediments and/or unsieved deposit may be taken for geomorphological analysis or further recovery of floral and faunal material if appropriate.
- All pits will be backfilled with the remaining excavated and sieved spoil (if required).

Excavation by machine

Machines such as grader, scraper or bulldozer will be used. Graders are not totally suited to areas where some depth is required so alternative machines will likely be required for at least part of the operation.

- A series of trenches will be excavated by machine across the Zone 2 salvage areas. The location of these trenches is shown in Figure 2 and will be shown in the s.90 application. They utilise easements required for roads but also examine variations in local environment by sampling areas along and away from the creekline and variations in known cultural material. Any trenches that

may be placed adjacent to or, within areas earmarked for by-hand salvage excavation would be conducted once hand excavation was completed.

- Area of the scrape will be marked out on the ground. Areas may vary from 50 to 250 m long and 5-20 m wide.
- The levels for the stripping may be between 5 and 10 cm but the actual depths may vary according to field circumstances such as skill of the operator. After each strip, the new surface would be inspected. Collection of artefacts and other cultural material when warranted would occur using a grid system. The grid would be determined in the field but be in the order of 5 x 5 m to 10 x 10 m.
- Sieving would also be conducted. The level of scrapes achieved would determine the amount of sieving required. If for example 5 cm grader intervals were obtained, sieving would be limited to adjacent areas where substantial amounts of cultural material was evident in the graded surface. Where larger grader intervals were required, the sieving would be increased to 5-20% of the estimated spoil. It is also proposed that a section of the spoil from a grader scrape will be sieved completely. It is suggested that this would be a 5-10 m long section of scrape. This would aim at obtaining a more complete sample of the cultural material and to use the material in comparisons to the recovery rates of other scrapes.

An alternative to the sieving may be through bulk processing of material by such machines as a Surf Rake or large sand screen if they can be found and made available for the project. Details of the methods will be provided in the s.90 application if these machines are to be used.

Machine excavation would be conducted in order to compliment rather than replace areas excavated by hand. The exact nature of the methodology employed will be provided in the s.90 application. Some flexibility will be required according to an appreciation of the deposit characteristics, the design of the machine and the skill of the operators.

Machine aided excavation will be conducted with the following methodological priorities:

- minimisation of contamination from non targeted deposits
- use of excavation increments compatible with the by-hand pits
- exclusion of cultural features requiring detailed recovery or documentation
- maximising archaeological processing of excavated material
- examination for human skeletal remains.

Monitoring

- During the construction phase of the development, subsequent to the archaeological salvage, representatives of the Mogo LALC will monitor the earthworks undertaken within the development area. These areas will be indicated on maps provided with the s.90 application(s). Monitoring would involve sites officers observing earthworks associated with the following activities:
 - Topsoil stripping
 - Trench excavation for services
 - Stripping and excavation associated with road construction
 - Stockpiling of stripped material
 - Delivering and spreading of fill
 - Landscaping of development area

- Other activities by the civil contractors and associated development requirements that require disturbance of the ground surface.

At least two monitors will attend each digging/stripping machine operating in the study area. Other monitors may 'float' through the area inspecting dump sites or other activities as required.

Artefactual material recovered or identified by monitors may be incorporated (if warranted) into the salvage program analysis. Such items may include rare artefact types or artefacts with potential for use wear, or flaking events.

An archaeologist would be present during the topsoil stripping and construction works, until such time as the Mogo LALC sites officers felt comfortable to be left to monitor on their own. An archaeologist would visit the site at regular intervals (once a fortnight) to assist in site recording and to answer questions from the monitors. An archaeologist would also be on call at other times to ensure quick response to potentially significant finds.

It is likely that the topsoil stripping of the balance of the development area will not be consistent with the salvage methodology. However, the archaeologist will provide assistance to site monitors in identifying and recording any cultural material that is located during the monitoring process.

The tasks would likely involve the following aspects:

- Walking alongside machine in action
- Examining disturbed ground after machine passes
- Collection by monitors of artefacts or other cultural material if deemed suitable
- If suspected skeletal remains are identified, then the burial protocol will be used to determine the next step.

Analysis Methodology

All lithic artefacts will be examined in detail using macroscopic techniques and a sample with edge damage/usewear will be analysed using microscopic techniques where appropriate.

Specialists in midden analysis, pollen analysis, fauna and flora remains, and geomorphology will be employed, as required, to analyse and describe these various identified or potential avenues of research. The scope of these specialist studies will be dependent on the nature of the deposits encountered.

The recording and analysis of all recovered materials will be to a level concomitant with the stated aims and objectives of the investigation.

Curation of the recovered artefacts

All lithic items after examination and measurement will be stored individually in standard resealable plastic bags. These containers will be labelled in permanent black pen with the item's unique identification number and details of its provenance within the excavation.

All midden and other artefactual material will be sorted and stored in labelled plastic bags.

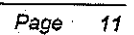
According to the local Aboriginal community's wishes, after the completion of the salvage excavation analysis, all excavated artefactual material will be returned to the Mogo LALC. This would be done under a Care & Control permit issued to the MLALC.

The form and location of the 'keeping place' is still the subject of negotiations between BBC, the MLALC, ESC and the DEC. The DEC has suggested a lined shipping container. This would need to be stored in a safe location, not at the development site. The form and location of the storage of cultural material will be outlined in the Care and Control permit application that will accompany the s.90 application.

Report

The results of the investigation will be documented in a report, consistent with DEC (NPWS) report standards.

A separate plain English report will also be prepared for the local Aboriginal community.



Barlings Beach Burial Discovery Protocols

**Burial Protocol Agreement between
Mogo Local Aboriginal Land Council
and
Barlings Beach Community Pty
Limited.**

Barlings Beach Burial Discovery Protocols

1.0 Introduction

The Aboriginal shell midden at Barlings Beach has been investigated under a DEC s.87 Preliminary Research Permit using test excavation and probes for an assessment of the impact of a proposed housing development. A management strategy has been identified which will:

- preserve *in situ* the main concentrations of deposits [Zone 3]
- allow the archaeological salvage of deposits in some smaller outlying concentrations [Zone 2]
- under a s.90 Heritage Impact Permit allow monitoring of initial ground works in areas of low density or largely disturbed shell midden [Zone 1]

During a prior excavation, within the proposed development site, a fragment of an Aboriginal cranium was uncovered. There is a possibility that human skeletal remains may be uncovered within the proposed development site.

These burial discovery protocols have been prepared to ensure appropriate management of human skeletal material as may be discovered during the further archaeological investigations prior to development commencement and during the initial stages of the development.

Aboriginal skeletal remains are protected by the NSW National Parks & Wildlife Act 1974 as amended. It is an offence to disturb or damage or destroy Aboriginal skeletal remains.

The Coroner's Act 1980 [s13B and s13C] applies to deaths in NSW which have occurred over the last 100 years. This Act takes precedence over the NPWS Act. However, if Police believe that an Aboriginal site was a crime scene and that the skeletal remains are less than 100 years old, they will work with NPWS [now Department of Environment and Conservation (DEC)], to ensure Aboriginal sites are not needlessly disturbed.

2.0 First Considerations

If bone is uncovered it must be determined whether:

- the bone is human or animal, and, if human, whether

- the bone is Aboriginal or European.

Identification of bone as animal or human is best undertaken by an expert Physical Anthropologist or Archaeologist.

If it is determined that the bone is human there are a number of possible circumstances for its occurrence that must first be considered.

It cannot be assumed that human bones in an Aboriginal site will necessarily be of Aboriginal people buried in a traditional manner. Murder victims may be buried in Aboriginal sites. If the bones are European or younger Aboriginal bones showing signs of a suspicious or violent death, the Coroner's Office has jurisdiction over such remains. The Police will treat the area as a crime scene and undertake careful forensic analysis.

Human bone and the context in which it is found should never be disturbed or removed from an Aboriginal site until it is determined that it is **NOT** a crime scene, Aboriginal skeletal remains, which are determined to be in a traditional context, should never be interfered with or removed from the site without the express agreement of the local Aboriginal community and the DEC.

3.0 Protocols and Procedures on the discovery of Aboriginal Skeletal remains

The principal aim of the Protocols is to ensure that full respect is shown to the deceased, their descendents and the local Aboriginal community.

The handling and care of Aboriginal skeletal remains as may be uncovered at the Barlings Beach midden site should be subject to protocols and procedures acceptable to the Mogo LALC¹. The protocols will be based on the right of the Mogo LALC to oversee all agreed actions.

The protocols will cover:

- the circumstances which trigger a specialist being called in;
- the care and removal of isolated bone or bone fragments which are shown to be disturbed or not in their original position;
- actions to be taken if undisturbed, or mostly undisturbed, burial locations are discovered.

4.0 DEC Permits and Agreements

The DEC will require that a Care and Control Agreement with the Mogo LALC is in place for agreed actions such as removal, storage or reburial. The Protocols would form part of that agreement.

All actions concerning the care of Aboriginal skeletal remains will be done under a DEC s.90 Heritage Impact Permit.

¹ The following suggested protocols are based on similar procedures developed by other NSW LALC's for the care and control of ancestral remains and on advice contained within the NPWS [now DEC] Aboriginal Skeletal Remains Manual 2002 (ISBN 0 7313 6430 9)

The s.90 Permit will apply to Zone 2 areas which are to be archaeologically salvaged and Zone 1 areas which are to be monitored during the initial stages of development. A specialist investigation will be required to determine whether the Aboriginal human remains are in their original burial location or are largely undisturbed. The specialist will use unobtrusive methods to gain as much information as possible about the deceased and the burial without unnecessary disturbance to the remains or causing anguish to their descendants.

A Burial Discovery Protocol Agreement between the Mogo LALC and the Barlings Beach Community Pty Limited will clearly set out all actions and protocols to be followed if human remains are uncovered. This Agreement will direct all actions under the s.90 Heritage Impact Permit in Zone 1 and Zone 2 relating to Aboriginal skeletal remains, if discovered.

5.0 Protocols

The following is an outline of the proposed Protocol Agreement. The wording and elaboration of each issue and section will be developed in consultation with the Mogo LALC.

Overriding Principles

1. all work will afford full respect to the deceased and their descendants. This will
 apply to all Barlings Beach Community Pty Limited operatives and specialist consultants.
2. all work will be overseen by the Mogo LALC's designated representative[s]. This will apply to archaeological salvage works in Zone 2 and in the event a specialist is called in during monitoring of Zone 1 or Zone 2 lands.
3. all work is to be done under a DEC S.90 Heritage Impact Permit, a Care and Control Agreement and the Burial Discovery Protocol Agreement between the Mogo LALC and Barlings Beach Community Pty Limited.
4. The Mogo LALC will specify a secure Keeping Place under its care and control
 for the safe storage and care of any bone or buried individual removed from the midden site.
5. The Mogo LALC will advise the Barlings Beach Community Pty Limited specialist consultant or representative on the circumstances in which reburial
 on the spot or reburial elsewhere is to take place.

6. Barlings Beach Community Pty Limited will assist in reburial on the spot at a greater depth, if required.
7. Barlings Beach Community Pty Limited will provide up to date information on the location of development likely to cause deep subsurface disturbance such as service trenching building footings or landscaping.

On the Discovery of Bone or Bone Fragments

1. Barlings Beach Community Pty Limited will provide a specialist to determine whether the bone is human and Aboriginal or European. The specialist will determine whether the bone comes under the jurisdiction of the Coroner's Act 1980 and take immediate and appropriate steps to ensure all potential forensic evidence is secure and remains undisturbed. This Act also applies to Aboriginal bone which is less than 100 years and where traumatic death is suspected.
2. The context of all identified human bone will be recorded and its location mapped using a GPS or other survey devices. These records will be kept on Pro Forma Data Sheets accompanying the bone. Copies of these records will later be transferred to the DEC AHIMS Standard Site Recording Form for this midden site².
3. Aboriginal skeletal remains which are fragmentary and disturbed and can be shown not to be part of an in situ burial will be removed to the secure Keeping Place specified by Mogo LALC. The stored location of the remains will be entered onto the DEC log of stored remains attached to the AHIMS Register.
4. Remains will be stored in clearly labeled cardboard boxes, protected by polystyrene balls or pieces³ during any transportation, and kept in a secure dry place specified by Mogo LALC. Labels will have the DEC AHIMS registration number, GPS co-ordinates, date of recording and name of recorder.

² The midden site is registered on the DEC Aboriginal Heritage Information Management System [AHIMS], formerly known as the Aboriginal Sites Register of NSW

³ Plastic, tissue, paper or cotton wool will not be used as these cause sweating and increased likelihood of fungal activity.

On the Discovery of Undisturbed Burials or Partial Human Remains associated with Identifiable Graves

1. Barlings Beach Pty Limited specialist Anthropologist or Archaeologist will provide advice to Mogo LALC representatives, on site, as to whether the Aboriginal skeletal remains are in their original burial location and are undisturbed or largely undisturbed. For example: portions of the grave cut or original excavation may be visible; and, it may be possible to identify grave cuts where only parts of the deceased have survived⁴.
2. The specialist will assist the community by using unobtrusive methods to record the burial context and information on the deceased. The locations and contexts of burials or partial burials will be recorded on Pro Forma Data Sheets to be kept by the Mogo LALC. Copies of these records will later be transferred to the DEC AHIMS Standard Site Recording Form for this midden site⁵. Information will include GPS co-ordinates, form of burial, and where possible, the deceased's age, sex and height and date of burial.
3. If it is determined safe to do so, and that later disturbance to the burial will not take place, the Mogo LALC will supervise the re-burial of the deceased in the same place, possibly at deeper level. Ceremony and cultural practices as may be required in the re-burial by the Mogo LALC will be respected.
4. If it is determined that the long term sanctity and security of the burial cannot be assured, the Mogo LALC will supervise the removal of the burial to its secure Keeping Place for reburial elsewhere.
5. The stored location of the remains will be entered onto the DEC log of stored remains attached to the AHIMS Register. Mogo LALC will give notification to the DEC when it is decided reburial is appropriate.

⁴ Natural erosion, such as flood action, can cause parts of the deceased to wash away. Disturbances such as subsequent excavation or animal burrowing can cause the partial dispersal of the deceased's remains but not necessarily the outline of the grave itself.

⁵ The midden site is registered on the DEC Aboriginal Heritage Information Management System [AHIMS], formerly known as the Aboriginal Sites Register of NSW