



Aboriginal cultural heritage management plan

APA East Coast Grid Expansion, Moomba to Wilton (MW880)

Prepared for APA Group
January 2022





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Aboriginal cultural heritage management plan

APA East Coast Grid Expansion, Moomba to Wilton (MW880)

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Client

APA Group

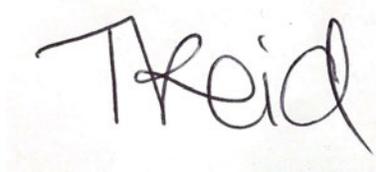
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Prepared by



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11 January 2022

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11 January 2022

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This document at a glance

ES1.1 Purpose of document

East Australian Pipeline Pty Limited, part of the APA Group (APA), is undertaking the construction of a compressor station at MW880, ~35 km south-west of Condobolin, NSW. As part of the approval for this project, an Aboriginal cultural heritage management plan (ACHMP) is required to provide a framework for managing Aboriginal heritage during the pre-construction and construction phases of the project.

This document has been developed to address these conditions. To conform with the condition 20 of the approval, the proponent commits to implementing the requirements of the ACHMP prior to and during the proposed development activities.

ES1.2 Summary of Aboriginal heritage

No site-specific cultural material (eg stone artefacts, etc) has been identified within the project area based on the previous investigation.

No cultural or intangible values have been identified within the project area based on previous investigations.

ES1.3 Project specific Aboriginal heritage requirements

One project specific mitigation measure is required **prior to and during the construction phase**. This is:

- additional archaeological field survey and artefact collection of the project area in accordance with methods outlined in Section 4.2.1.

ES1.4 General Aboriginal heritage requirements

The ACHMP outlines a number of general requirements to be implemented **during construction** (Section 4):

- requirements for establishing and maintaining suitable cultural inductions and awareness for all contractors and visitors during the project (Section 4.3.1);
- protocols and procedures for unexpected finds, such as skeletal/human remains (Section 4.3.2); and
- protocols for undertaking activities in areas that have not been previously assessed (Section 4.4).

ES1.5 Other useful information

The ACHMP also provides guidance on:

- processes to maintain ongoing consultation with the project's registered Aboriginal parties (RAPs) and Heritage NSW (Section 2); and
- other administrative requirements, including ongoing compliance, regular review and update of the ACHMP to ensure its functionality is maintained through the project (Section 5).

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- KEY**
- Where the ACHMP applies, including cultural inductions, unexpected finds and additional assessment where necessary
 - Archaeological field survey and artefact collection required prior to construction
 - Moomba to Wilton pipeline
 - Existing environment
 - Major road

Summary of Aboriginal heritage management requirements

APA - East Coast Grid Expansion
Aboriginal Cultural Heritage Management Plan
Figure ES1

Source: EMM (2021); DFSI (2017); GA (2011); LPI(2021)



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1 Introduction

1.1 Purpose of document

East Australian Pipeline Pty Limited, part of the APA Group (APA), is undertaking the construction of a compressor station at MW880, ~35 km south-west of Condobolin (hereafter ‘project area’) (Figure 1.1) as part of an expansion of the Moomba to Wilton Pipeline (MWP). As part of the assessment process needed to obtain the approval for these works to proceed, investigation of Aboriginal cultural heritage for the project area was undertaken by EMM Consulting Pty Ltd (EMM).

These previous investigations consisted of an Aboriginal Cultural Heritage Assessment (ACHA) developed in consultation with the local Aboriginal community and included a range of on-site investigations to identify tangible and intangible cultural heritage (EMM 2021). Further details of the report and its findings are presented in Section 3.1. The report recommended that an Aboriginal cultural heritage management plan (ACHMP) be developed following the approval to provide a framework for managing Aboriginal heritage during the pre-construction and construction phases of the project. This recommendation has now been included as a condition in the State Significant Infrastructure Approval (SSIA) (Section 1.1.1), and the proponent must implement the ACHMP approved by the Planning Secretary.

This document has been developed to address approval conditions, and provides guidance on:

- processes to maintain ongoing consultation with the project’s registered Aboriginal parties (RAPs) and Heritage NSW (Section 2);
- management procedures for Aboriginal cultural heritage values within, and adjacent to, the project area during pre-construction and construction phases (Section 4);
- protocols and procedures for unexpected finds, such as human remains (Section 4.3);
- protocols for undertaking activities in area areas that have not been previously assessed (Section 4.4); and
- other administrative requirements, including post-project management of Aboriginal finds and recovered material, ongoing compliance, regular review and update of the ACHMP to ensure its functionality is maintained through the project (Section 5).

To conform with the condition 20 of the approval, the proponent commits to implementing the requirements of the ACHMP prior to and during the proposed development activities.

1.1.1 Legislative context

The project has been assessed and approved under State Significant Infrastructure (SSI) as defined in the *Environmental Planning and Assessment Act 1979*. The Department of Planning, Infrastructure and Environment (DPIE) has provided the following identifier for the approval: **SSI#15548591-Mod-1**.

Aboriginal heritage is managed under the *National Parks and Wildlife Act 1974*. The SSI process ‘switches off’ a number of requirements under this Act, including the need to obtain Aboriginal heritage impact permits (AHIP) to harm Aboriginal objects. Rather, Aboriginal heritage is managed by the Conditions of Approval (CoA) provided in the SSIA (Table 1.1).

A range of other Commonwealth and State legislation also applies to Aboriginal heritage, although none have been identified as pertinent to this project. These are further outlined in the ACHA (EMM 2021).

Table 1.1 The project conditions of the SSIA that this document applies to

Requirement	Section addressed
A4 (b). The Proponent must ensure that all known Aboriginal objects or Aboriginal places on the sites are properly recorded, and those records are kept up to date, in the Aboriginal Heritage Information Management System (AHIMS) Register.	Section 3 and Appendix D.1.5
B18 (b). The Proponent must ensure the development does not cause any direct or indirect impacts on heritage items located outside the approved disturbance area.	Section 4.5
B19. The Proponent must prepare an Aboriginal Cultural Heritage Management Plan to the satisfaction of the Planning Secretary. This plan must:	This document
a) be prepared by a suitably qualified and experienced person/s;	This document was prepared by Taylor Reid and Dr Alan Williams, archaeologists with EMM Consulting Pty Ltd.
b) be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;	Section 2 and Appendix A
c) be submitted to the Planning Secretary for approval prior to carrying out construction under this approval;	-
d) describe the measures to be implemented to:	
i) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including proposed archaeological investigations and salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c);	Sections 3 and 4
ii) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, over the life of the development;	Section 4.3
iii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the sites; and	Sections 2, 4, and 5.2.3
B20. The Proponent must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary	Sections 1.1 and 4.2

1.2 Key stakeholders

This section outlines the project team that will be involved in the project and Aboriginal stakeholder individuals and/or organisations relevant to the project (Table 1.2).

Table 1.2 Key stakeholder contact details

Personnel	Organisation	Role	Telephone contact	E-mail contact
Project team				
Brian Connellan*	APA Group	Project Director	07 3223 3386	Brian.Connellan@apa.com.au
Alan Williams	EMM	Heritage consultant	0438 104 740	awilliams@emmconsulting.com.au
Phil Purcell	Heritage NSW	Heritage regulator	02 6883 5341	Phil.Purcell@environment.nsw.gov.au
Genevieve Lucas	DPIE	Planning regulator	02 9274 6489	Genevieve.lucas@planning.nsw.gov.au
Hassan Cheema*	APA Group	Development contractor	0459 445 633	Hassan.cheema@apa.com.au
Registered Aboriginal parties				
Ally Coe	Wiradjuri Condobolin Corporation	Aboriginal representative	0431 220 199	ally@wiradjuricc.com
Rebecca Sheppard	Callara Culture and Heritage Aboriginal Corporation	Aboriginal representative	0497 821 921	condowag@gmail.com
Louise Davies	-	Aboriginal representative	0458 663 428	louise.davis28@hotmail.com
Mark Saddler	Bundy Aboriginal Cultural Knowledge	Aboriginal representative	0412 693 030	marksad@live.com.au
Marilyn Carroll-Johnson	Corroboree Aboriginal Corporation	Aboriginal representative	0415 911 159	corroboreecorp@bigpond.com
Jonathon Captain-Webb	NSW Aboriginal Land Council	Aboriginal representative	0437 628 166	jonathon.captain-webb@alc.org.au
Judy Bartholomew	Murrin Bridge Local Aboriginal Land Council	Aboriginal representative	0429 981 243	murrinbridgelalc@gmail.com
Tim Gumbleton	Condobolin LALC	Aboriginal representative	0418 919 882	tim.gumbleton@rsm.com.au
Shayne Dickson	Gunjeewong Aboriginal Corporation	Aboriginal representative	0421 636 474	gunjeewong@yahoo.com.au

Note: * It is the responsibility of these individuals to ensure the ACHMP is implemented, adopted and maintained through the project.

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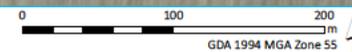


- KEY**
- Where ACHMP applies
 - Moomba to Wilton pipeline
 - Existing environment
 - Major road
- INSET KEY**
- Major road
 - State forest

Areas to which this ACHMP applies

APA - East Coast Grid Expansion
Aboriginal Cultural Heritage Management Plan
Figure 1.1

Source: EMM (2021); DFSI (2017); GA (2011); ASGC (2006); LPI(2021)



2 Aboriginal consultation

2.1 At a glance

- This project has an established list of registered Aboriginal parties (RAPs) that require ongoing consultation during the pre-construction and construction phases of the project. A list of the stakeholders and their contacts are presented in Table 1.2.
- The RAPs require consultation during the finalisation of, and any updates to, the ACHMP; as part of any cultural inductions; as part of project specific heritage mitigation activities, and in the event of any unexpected finds being encountered. Timing for notification of each of these activities is provided in Table 2.1.
- Table 2.2 provides a list of dates that are important to the Aboriginal community, and during which works requiring their participation should be delayed/cancelled to avoid any potential conflict.

2.2 Consultation up to the SSI approval

As a requirement of the assessment process, the ACHA undertook Aboriginal consultation in accordance with Heritage NSW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents*. This process required the identification and notification of the local Aboriginal community to identify individuals and/or organisations that had an interest in the project, and which identified nine individuals and/or organisations (Table 1.2).

Identified as registered Aboriginal parties (RAPs), these nine individuals and/or organisation were provided opportunities to review Aboriginal heritage documentation, including the ACHA, and participating in the on-site activities. As part of the ACHA process, a range of feedback around post-approval requirements was provided by the RAPs, and this has been integrated into this document.

2.3 Consultation for this ACHMP

A draft copy of this ACHMP was sent to identified RAPs listed in Table 1.2 on 8 November 2021 for a 21-day review period (Appendix A.2). In addition, a range of face-to-face and/or online meetings were offered between 23 and 24 November 2021, with a number of RAPs participating. A summary of these meetings is presented in Appendix A, with all responses positive of the ACHMP and requiring only minor amendments that have been incorporated into this final version.

Heritage NSW was contacted by EMM to discuss the ACHMP on 16 and 21 November 2021. A copy of the draft ACHMP was also provided. This resulted in a phone meeting between Phil Purcell (regional archaeologist) and Alan Williams on 23 November 2021. After a briefing on the general contents and approach of the ACHMP, Mr Purcell was happy with the proposed approach outlined in this document and required no changes.

2.4 Consultation required following the SSIA

Table 2.1 provides the required Aboriginal consultation to be implemented prior to, and during construction activities. Any Aboriginal consultation undertaken as part of these activities must be documented in Appendix A during the lifetime of the project. Any updated information is to be included in future revisions of the ACHMP.

Table 2.2 provides a list of dates that are culturally sensitive, and when works requiring Aboriginal heritage input and/or participation should be avoided where possible.

Table 2.1 Aboriginal consultation to be undertaken as part of the project

Project stage	Activity	Type and preferred method of communication	Comment period to be provided
Pre-construction	Development of ACHMP	Face-to-face meeting with RAPs to discuss the ACHMP and its contents. A provision of a draft copy of the document to be provided at the meeting (or via e-mail/post for those unable to attend) for more detailed review.	3 weeks
	Finalisation of ACHMP	Provision of final report via e-mail and/or post prior to its implementation.	1 week
Pre-construction/ construction	Updates to the ACHMP (as required)	Initial notification via phone/e-mail to advise of proposed update. Provision of updated ACHMP for review and inputs via e-mail and/or post. Where significant changes are proposed, a face-to-face meeting will be offered.	3 weeks
	Additional assessment outside of approved areas (as required)	Initial notification via phone/e-mail to advise of proposed areas outside of approved project area. Provision of a detailed description, including appropriate maps, of the new areas and proposed assessment methods and reporting. Where significant changes are proposed, a face-to-face meeting and/or on-site investigations will be offered.	3 weeks
	Archaeological surface collection	An opportunity for two RAPs to inspect the project area prior to any construction and collect any cultural material that is observed (Section 4). Initial notification via phone/e-mail to advice of the schedule of the proposed program, followed by further details, timing, personnel required, and relevant engagement and subcontract documentation, etc, via e-mail/post.	2 weeks
Construction	Cultural awareness inductions	Request for a representative to conduct inductions will be made at least 7 days prior to the required date via phone and/or e-mail.	Ongoing, with a minimum of one week's notice when required
	Unexpected finds	Contact all RAPs via phone and e-mail to advise of any unexpected finds and proposed management. This may include invitation to undertake on-site observations and/or face-to-face meetings where significant cultural materials, such as human remains are discovered.	Within 2 days of find
	Non-conformance (see Section 5.2.3)	Initial notification/discussion via phone and e-mail followed by provision of documentation for review as required. This would be followed by on-site observations and/or face-to-face meetings where determined to be significant	≤1 week
	Other activities as required	Initial notification/discussion via phone and e-mail followed by provision of documentation for review as required. Where significant or major changes, suitable face-to-face meetings and/or on-site observation will be provided.	≥2 weeks

Notes: *Additional time may be required during particularly busy periods. The Aboriginal representatives have asked for as much time as possible, and ideally at least four weeks were feasible to relay this information.

Table 2.2 Culturally sensitive dates during which activities requiring Aboriginal heritage inputs/participation should be avoided

Dates	Activity	Description
26 January	Invasion Day	Also known as Australia Day, the public holiday and surrounding days, are increasingly seen as a time of trauma for Aboriginal people, and any work activities should be re-scheduled to avoid this date.
27 May – 3 June	National Reconciliation Week, includes Sorry Day	A week during which Australians are encouraged to learn about shared histories, cultures, and achievements, and to explore how one can contribute to achieving reconciliation in Australia. Aboriginal people are often committed to activities during this week and will often be unavailable.
First Sunday – Second Sunday July	NAIDOC week	A week during which Australians are encouraged to celebrate Aboriginal history, cultural and achievements. Aboriginal people are often committed to activities during this week and will often be unavailable.
-	Sorry business	Sorry business is when a member of the Aboriginal community has passed away, and includes the funeral, mourning period and other related associated activities. The timing for these are unknown and can be variable, but when advised that there is Sorry business, the project activity should be postponed.

3 Aboriginal cultural heritage within the project area

3.1 At a glance

- The ACHA undertaken as part of the SSI assessment identified no cultural materials within the project area. However, on-site investigations proved ineffective due to ground cover. If present, cultural materials would probably consist of low densities of surface and/or shallowly buried stone artefacts.
- The ACHA did not identify any potential heritage impacts from the proposed development. However, additional heritage mitigation measures were recommended in discussions with the RAPs.

3.2 Summary of Aboriginal heritage

As part of the SSI assessment, an ACHA was undertaken in broad accordance with Heritage NSW guidelines. This included consultation with the Aboriginal community, desktop review of the regional archaeological record, and on-site investigations (field survey) to identify and assess the cultural heritage within the project area.

The desktop information from the broader region indicates that the cultural material where present, would be primarily in the form stone artefacts. These may be present on the surface or in the upper soil profile (<50 cm below current surface). These would generally be found associated with water resources.

A site inspection of the project area had limited visibility due to dense ground cover. However, it identified that the project area was some distance from any major water sources (~9km to the nearest named creek) and had been subject to previous disturbance. No cultural materials were identified. No test excavations were implemented as part of the ACHA.

Ultimately, it was concluded that the potential for significant cultural material within the project area was considered unlikely. However, feedback from the RAPs requested that additional opportunity to explore the surface and upper soil profile be afforded in the post-approval phase.

3.3 Aboriginal sites and/or deposits

No Aboriginal sites or deposits were identified within the project area.

3.4 Potential impacts

No cultural material was identified as part of the ACHA. It was therefore considered that there is a low risk of further Aboriginal objects being present within the impact footprint of the proposed works.

As such, the ACHA considered that the proposed development was unlikely to have an impact upon tangible cultural material.

No site-specific intangible or cultural values were provided during the ACHA process, and the proposed works was therefore considered unlikely to impact these places based on current evidence.

4 Mitigation and management

4.1 At a glance

- Project specific mitigation measures are required **prior to and during the construction phase**. These include:
 - additional archaeological field survey and artefact collection of the project area in accordance with methods outlined in Section 4.2.1.
- A number of ongoing general post-approval heritage requirements are required **during construction and initial operational phases**. These are outlined in detail in this section and include the need to implement suitable cultural heritage inductions for all on-site personnel, protocols in the event that unexpected cultural materials are found; and processes in the event that areas outside the approved project area require development activities.

4.2 Project specific requirements

While no Aboriginal objects or deposits were identified as part of the ACHA, the field inspection had limited ground visibility, and the RAPs sought further on-site activities. As such, additional mitigation requirements are proposed to address these perceived deficiencies (Figure 4.1). This section outlines the specific activities and timing of these requirements.

4.2.1 Additional field survey and artefact collection

To provide further opportunity to identify and recover any surface cultural materials that may have been missed during the ACHA process, an additional site inspection must be undertaken. The site inspection will be undertaken prior to any ground disturbance by four RAPs. It is considered that only one day would be required to undertake the inspection.

This activity is for cultural purposes rather than archaeological reasons, and as such an archaeologist is not required to participate. However, the proponent will ensure the participating RAPs have suitable on-site support to undertake the works safely, and that any recovered cultural material is appropriately managed.

Where cultural materials are identified, they will be collected by the participants, subject to relevant analysis and reporting as per Appendix D.1.5 and managed in accordance with Section 0.

4.2.2 Archaeological excavations

N/A

4.2.3 Timing

Typically, archaeological mitigations are best undertaken during pre-construction prior to any construction activities that may affect surface and/or shallowly buried cultural materials. However, for this project, many of the activities will have to be undertaken during construction, since exposure of the soil profile will not occur until certain parts of the site are excavated and/or removed.

Specifically, the following timing must be adopted:

- Pre-construction
 - Additional field survey and artefact collection as outlined in Section 4.2.1 will be undertaken shortly before the main construction program begins and/or prior to any ground disturbance activities during the construction phase.
- Construction
 - N/A

4.3 General requirements

The following sections outline a range of general cultural heritage process and procedures that must be implemented during the construction phase of the project (Figure 4.1).

4.3.1 Cultural heritage inductions

All employees, contractors, sub-contractors involved in ground-disturbing activities will undergo an Aboriginal cultural heritage induction. For key project team members, this will be conducted by a representative of the RAPs prior to any ground-disturbance. Depending on the required frequency, subsequent inductions may be undertaken by the lead contractor using documentary details sought from, and provided by, the RAPs. In this situation, periodic involvement of the RAPs to ensure the quality and relevance of cultural inductions is being maintained must be undertaken through the project construction phase.

The cultural heritage induction/relevant sub-component of the site induction will be planned in consultation with RAPs, and will seek input from RAPs regarding appropriate materials for input and key issues that RAPs would like raised to all inductees. The following points will be conveyed through site induction material:

- Aboriginal sites and places have been identified across the region;
- Aboriginal sites and places are of significance to the Aboriginal community, are important to the wider community and must be treated with respect;
- Aboriginal sites are protected by law and that project approval includes conditions allowing impacts to certain specified Aboriginal sites in accordance with this ACHMP (see Appendix B);
- Aboriginal sites have included isolated stone artefacts and stone artefact scatters;
- Aboriginal sites can be hard to recognise, but a range of photographs giving examples will be provided to inductees to show the types of material that may be expected; and
- that there are unexpected finds procedures which involve stopping work if suspected cultural materials or skeletal material/human remains is identified on-site.

In addition, visitors to the project and general contractors not involved in ground-disturbing activities will be made aware of their obligation to avoid harm to cultural heritage through a cultural heritage component of the general site induction. Records of these inductions will be kept by the lead contractor.

4.3.2 Unexpected finds protocols

i Discovery of Aboriginal artefactual materials

Table 4.1 sets out the measures that will require implementation in the event that any previously unidentified cultural material is identified during the pre-construction, construction and/or operational phases of the project. Appendix C provides a description of the types of Aboriginal site that may be encountered during the project.

The recording of, and any proposed mitigation measures, will be completed by a heritage professional(s) with participation from the RAP representatives (see Table 1.2 and Section 2.3). Avoidance of newly identified Aboriginal objects is always the preferred heritage outcome where feasible. Mitigation measures will only be employed when it can be reasonably demonstrated that avoidance is not possible. Heritage NSW must be notified about any plans to move, collect or salvage newly identified sites (Appendix B).

Where avoidance can be achieved, the following management of the cultural materials will be adopted:

- within 20 m of the development footprint, the find will be managed through active protection using suitable fencing (eg star pickets, stakes and wire, bollards, concrete blocks, etc.) and appropriate signage (eg 'no access' and/or 'heritage site'). These measures will be established by a heritage professional with the participation of the RAPs; and/or
- over 20 m from the development footprint, no fencing, signage or active land management measures are required for these sites. Suitable recording of the site must be undertaken by a heritage professional and representatives of the RAPs (Appendix B). The site/s must be integrated into the cultural inductions (Section 4.3.1) to ensure all personnel are aware of the location and to avoid inadvertent impacts during the construction.

ii Discovery of skeletal/human remains

In the event that known or suspected human skeletal remains are encountered during the project, the following procedure presented in Table 4.2 must be applied.

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- KEY**
- Where the ACHMP applies, including cultural inductions, unexpected finds and additional assessment where necessary
 - Archaeological field survey and artefact collection required prior to construction
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Summary of Aboriginal heritage management requirements

APA - East Coast Grid Expansion
Aboriginal Cultural Heritage Management Plan
Figure 4.1

Source: EMM (2021); DFSI (2017); GA (2011); LPI(2021)



Table 4.1 Management of unexpected cultural materials (except skeletal/human remains)

Protocols to follow

- All works within the location of the Aboriginal object/s must stop.
 - The person who identified the Aboriginal objects must immediately notify the person in charge of the activity eg Project Manager, Foreman, Environmental Representative.
 - All construction that could potentially harm the Aboriginal objects or values must cease. Only construction that is required to make the area safe is permissible.
 - The Aboriginal object/s is to be protected with the establishment of a no-go zone.
 - Contact the project heritage consultant (Section 1.2) and RAPs (see Section 2.3) to lead the subsequent management of the find.
 - Consideration of avoidance of the cultural materials will be undertaken. Where avoidance **can** be achieved, implement the following:
 - where the find is within 20 m of the development footprint, the find will be managed through active protection using suitable fencing (eg star pickets, stakes and wire, bollards, concrete blocks, etc) and appropriate signage (eg ‘no access’ and/or ‘heritage site’). These measures will be established by a heritage professional with the participation of the RAPs; and/or
 - where the find is over 20 m from the development footprint, no fencing, signage or active land management measures are required for these sites. Suitable recording of the site must be undertaken by a heritage professional and representatives of the RAPs (Appendix B). The site/s must be integrated into the cultural inductions (Section 4.3.1) to ensure all personnel are aware of the location and to avoid inadvertent impacts during the construction.
 - Where avoidance **cannot** be achieved:
 - For isolated Aboriginal object (eg stone artefacts, shell fragments, etc) found in disturbed contexts, the site will be recorded as found (see Appendix B), and subsequently collected by a heritage professional with participation of the RAPs.
 - Where intact cultural deposits are identified with any Aboriginal objects by the heritage professional, additional archaeological excavations will be undertaken prior to any further work in the area. Excavations will include an initial investigative phase to characterise the site, followed by a more extensive salvage excavation where significant cultural material is identified. Excavation methods that can be used as a guide are presented in Appendix D.
 - Once the archaeological on-site activities are complete to the satisfaction of the heritage professional in consultation with the RAPs, construction activities may continue in the area of the find.
 - All archaeological activities will ensure suitable analysis of any cultural materials, chronological, palaeoenvironmental and sedimentological samples collected are suitably analysed and documented in a report that is provided to Heritage NSW (see Appendix B).
-

Table 4.2 Management of unexpected skeletal/human remains

Protocols to follow

- All work must **STOP** in the vicinity of the remains. The remains must be left in place and protected from further harm or damage. All construction that could potentially harm the human remains must cease. Only construction that is required to make the area safe is permissible.
 - The person who identified the human remains must immediately notify the person in charge of the activity (eg Project Manager, Foreman, Environmental Representative).
 - The human remains are to be protected with the establishment of a no-go zone.
 - The person in charge will notify NSW Police of the discovery as soon as possible. All subsequent steps will be dictated by the NSW Police.
 - Police contact: Condobolin police station – T: 02 6895 6600.
 - Police contact: Central West Police District (Orange) – T: 02 6363 6399.
 - Contact the project heritage consultant (Section 1.2) and RAPs (see Section 2.3) to brief them on the evolving situation.
 - If the NSW Police advise that the human remains are of ancestral Aboriginal origin, and indicate that they will not investigate, the person in charge will contact the project heritage consultant (Section 1.2) and RAPs (see Section 2.3) to lead the subsequent management of the find. Heritage NSW (T: 131 555) will also be notified.
 - All future management of the human remains is to be determined by the RAPs. As such, discussion between the RAPs, project heritage consultant, the proponent and contractor will be organised as soon as possible. Once an agreement on the subsequent management of the find is undertaken, Heritage NSW will be advised of the proposed course of action to be implemented.
 - Discussions will include consideration and resolution of the following:
 - If needed; further investigation to understand the extent, distribution and characteristics of the human remains. Where required, the heritage professional in close consultation with the RAPs, and participation of a physical anthropologist, will establish the investigation area and define protocols and excavation methods to be adhered to during such investigation.
 - Avoidance and/or project redesign to ensure the human remains can be left unaffected by the works.
 - Where avoidance cannot be achieved, the suitable recovery and relocation of the human remains. Where required, the heritage professional in close consultation with the RAPs, and participation of a physical anthropologist, will establish the investigation area and define protocols and excavation methods to recover and move the remains.
 - Whether scientific research is desired by the RAPs to provide further context of the remains (eg age of individual, how they died, gender, time of burial, etc).
 - If relocation is determined, identify a suitable re-burial location, and ensure the necessary discussions and agreements are in place for the re-burial to occur. Where the RAPs permit, a temporary storage location may be considered while the final location is resolved.
 - Once the on-site activities associated with the human remain are complete to the satisfaction of the heritage professional in consultation with the RAPs, construction activities may continue.
 - Once the agreed management activities are implemented and completed, ensure suitable analysis (as required) of the remains, and formal reporting is developed to be provided to Heritage NSW (Appendix B).
-

4.3.3 Changing heritage professional

Where the heritage consultant changes through the project, suitable hand over will be undertaken to minimise loss or mistranslation of the intent of the information, findings and future steps in relation to Aboriginal heritage.

Any handover would include the proponent's facilitation of:

- a face-to-face/online meeting between the heritage consultants to discuss the project requirements, key issues, community commitments, and expectations; and
- ensure data and mapping in useable formats are provided by the incumbent heritage consultant.

Once undertaken, the change of heritage consultant should be advised to the Aboriginal parties outlined in Table 1.2.

4.3.4 Management of recovered cultural materials

All recovered cultural material will be curated:

- At the heritage consultant's office for archaeological analysis. The assemblage will be stored in a locked cabinet.
- Once analysis has been completed, the assemblage will be re-buried/re-located within the project area in a location determined by the RAPs. A default location in an area where limited works are proposed is recommended in the south-eastern corner of the project area (Figure 4.2) unless an alternate location is identified in by the RAPs during the project.

The methods of re-burial/re-location will be agreed with RAPs prior to implementation. As a default, it will align with Heritage NSW guidelines that dictate all cultural material will be buried in a sealed container (eg plastic box) and in their collected sample bags with relevant information (eg location recovered, date collected, etc).

4.4 Any proposed activity outside approved project area

Any activity that may cause ground disturbance outside of the approved project area (Figure 1.1), or outside other existing approved areas under the development consent, will not occur without prior Aboriginal heritage assessment and other relevant legislative and internal approvals sought as required.

Depending on the scope, nature and approval pathway of the proposed ground disturbance, the following may apply:

- If the proposed activity requires additional environmental assessment, such as a modification to the existing development consent, an Aboriginal heritage assessment will be completed in accordance with relevant assessment requirements as specified by Heritage NSW/DPIE.
- If the proposed activity is permissible under the existing SSIA (ie an Aboriginal heritage impact permit (AHIP) not required), an Aboriginal heritage assessment must initially be completed to a level consistent with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010b) guidelines. Any potential impacts to known or newly identified Aboriginal objects will be managed in accordance with the unexpected finds procedures set out in Section 4.4.
- If the proposed activity requires a separate approval pathway not permissible as part of the existing SSIA, then an Aboriginal heritage assessment must initially be completed to a level consistent with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010b)

guidelines. Depending on the outcomes of the due diligence assessment, further investigation may be required in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (DECCW 2010c) and/or other relevant guidelines. If Aboriginal objects are likely to be impacted, further approvals under the National Parks and Wildlife Act 1974 and/or Environmental Planning and Assessment Act 1979 as required may be required prior to work being permissible.

\\lemmsvr1\EMM3\2020\200919 - APA East Coast Expansion MWP\GIS\02 Maps\Heritage\Mod 1\ACHMP MW880ACHMP008 MW880ReburialLocation_20211130_03.mxd 30/11/2021



- KEY
- Where the ACHMP applies
 - Cultural assemblage re-burial location
 - Moomba to Wilton pipeline
 - Existing environment
 - Major road

Proposed cultural assemblage re-burial location

APA - East Coast Grid Expansion
Aboriginal Cultural Heritage Management Plan
Figure 4.2

Source: EMM (2021); DFSI (2017); GA (2011); LPI(2021)



5 Compliance, review and improvement

5.1 At a glance

- This section provides information to ensure the ACHMP is complied with during the project, and processes and procedures to manage complaints and non-conformances. A complaints register for use is provided in Appendix E.
- Criteria and timing for revisiting and updating the ACHMP is provided in this section. A document control and revision table are provided in Appendix F.

5.2 Compliance and auditing

5.2.1 Measuring performance

Compliance with the ACHMP will be measured by standard environmental auditing procedures undertaken at regular intervals for the project. The audit will include an assessment of compliance with SSIA conditions and will include auditing the following measures:

- protection of all nominated sites;
- inductions are taking place and include appropriate material; and
- reporting and managing any unexpected finds in accordance with this ACHMP.

The contractor may engage a heritage consultant to assist with reporting compliance as part of an Independent Environmental Audit.

Any incidents and non-compliance notifications will follow requirements set out in SSIA and as per the broader Environmental Management System (EMS).

5.2.2 Complaints

Any complaints can be made to the key stakeholders identified in Table 1.2, and will be documented in a 'complaints register' included in Appendix E.

Any complaints will be used in improvements of the ACHMP as outlined in Section 5.3.

5.2.3 Non-conformance

Any non-conformance will be subject to a detailed investigation by the proponent and heritage consultant in consultation with the RAPs. The investigation will include:

- a clear description of the non-conformance, and its actual/potential harm to cultural materials;
- all personnel involved in the non-conformity, their organisation and contact details;
- any corrective actions undertaken to address the non-conformity; and
- next steps, including the need for additional heritage activities and/or requirements to contact DPIE/Heritage NSW to advise them of the non-conformity.

Any non-conformance will be used in improvement of the ACHMP as outlined in Section 5.2.

5.3 Review and improvement

5.3.1 Continual improvement

Continual improvement of this ACHMP will be achieved by the ongoing evaluation of environmental management performance against environmental policies, objectives and targets for the purpose of identifying opportunities for improvement. The continual improvement process will be designed to:

- identify areas of opportunity for improvement of environmental management which leads to improved environmental performance;
- determine the root cause or causes of non-conformances and deficiencies;
- develop and implement a plan of corrective and preventative action to address non-conformances and deficiencies;
- verify the effectiveness of the corrective and preventative actions; and
- document any changes in procedures resulting from process improvement.

5.3.2 ACHMP review and update

The ACHMP will be revisited and updated in the following circumstances:

- every six months from initial finalisation until the completion of ground disturbance activities;
- where proposed activities are required outside of approved areas as defined under the SSIA;
- where modification to the SSIA occurs that may affect impacts to Aboriginal heritage;
- where complaints and/or non-conformances have been identified that require changes to ensure suitable management of Aboriginal heritage in future stages of the project;
- where approved changes to the project change or remove previously planned impacts on Aboriginal heritage where mitigation was proposed in the ACHMP but is no longer required; and/or
- where other conditions or situations arise that require the updating of this plan.

Any changes to the ACHMP will be included in the document control table provided in Appendix F. Aboriginal consultation for any updates and/or changes will be undertaken in accordance with Section 2.3.

References

EMM, 2021, APA East Coast Grid Expansion, Moomba to Wilton Pipeline – Modification Report 1 – Aboriginal cultural heritage assessment. Unpublished report for APA Group.

Abbreviations

Abbreviation	Full term
ACHA	Aboriginal cultural heritage assessment
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ACHMP	Aboriginal cultural heritage management plan
CoA	Conditions of Approval
EA	Environmental Assessment
EMM	EMM Consulting Pty Limited
DEC/DECCW	A former NSW government body, now Heritage NSW
DPiE	NSW Department of Planning, Industry and Environment
IPC	Independent Planning Commission
LALC	Local Aboriginal Land Council
LGA	Local government area
RAP	Registered Aboriginal Party (for the project)
RTS	Response to submissions
SSD	State Significant Development
SSI	State Significant Infrastructure
SSDA	State Significant Development approval, also called Project Approval
SSIA	State Significant Infrastructure approval, also called Project Approval

Appendix A

Aboriginal consultation

A.1 Consultation log

A log of all consultation undertaken with the RAPs is provided in the next page.

Table A.1 Consultation log

Date	Incoming/Outgoing	External Organisation	Contact made by (internal organisation)	Contact received from (external organisation)	Method	Details of communication
8.11.21	Outgoing	All RAPs (Table 1.2)	Alan Williams	-	Email	Distributed a copy of the draft email and provided three weeks to receive comments and modifications to the ACHMP.
8-19.11.21	Various	All RAPs (Table 1.2)	Taylor Reid	-	Email/phone	Sought to organise an Aboriginal focus group meeting in Condobolin and/or online to discuss the ACHMP during the comment period.
11.11.21	Outgoing	Heritage NSW	Alan Williams	Sam Higgs, Phil Purcell	Email	Distributed draft ACHMP and sought to provide a briefing/discussion on the document prior to finalisation
17.11.21	Outgoing	Heritage NSW	Alan Williams	Sam Higgs, Phil Purcell	Email	Sent follow up to see if Heritage NSW wanted to meet/discuss the ACHMP.
23.11.21	Outgoing	Murrin Bridge LALC	Alan Williams	Judy Bartholomew, Betty Biggs	Meeting	Undertook a meeting at Condobolin. Discussed the ACHMP in detail, all discussion is presented in the meeting minutes in Appendix A.2.
24.11.21	Outgoing	Bundyi Aboriginal Cultural Knowledge	Alan Williams	Mark Saddler	Meeting	Undertook an online meeting. Discussed the ACHMP in detail, all discussion is presented in the meeting minutes in Appendix A.2. Also provided follow up comments on the ACHMP, which are also included in Appendix A.2.
24.11.21	Outgoing	NSW State Aboriginal Land Council	Alan Williams	Jonathon Captain-Webb	Meeting	Undertook an online meeting. Discussed the ACHMP in detail, all discussion is presented in the meeting minutes in Appendix A.2.

A.2 Aboriginal feedback

The following section includes any feedback received during the finalisation and/or update of this ACHMP.

Jamie Wharemate

From: Taylor Reid
Sent: Monday, 8 November 2021 4:08 PM
Cc: Alan Williams
Subject: J200919 APA Modification 1 MW880 ACHMP
Attachments: J200919_ACHMP_MW880_v3.pdf

Hi All,

Apologies it has been a while since my last update regarding the proposed MW880 compressor station along the Moomba to Wilton pipeline. We have drafted the Aboriginal Cultural Heritage Management Plan (ACHMP) for your review. As you will see in Section 2.3, the review period is three weeks for comment closing **Monday 29 November 2021**.

Please note Figure 4.2 is incorrect and needs to be updated. The project boundary does not include the access track, it is only the square boundary featured in the other figures. This will be updated for the final copy.

Alan will host a meeting next week in Condobolin to discuss the ACHMP and to address any questions/comments regarding the proposed management measures. Please let me know if you are able to attend and which day you would prefer, **Wednesday 17 November or Thursday 18 November**.

Any questions just give me a bell.

Kind regards,

Taylor Reid

Archaeologist

Bushfire, Ecology, Heritage and Spatial Solutions



M 0428 280 542

T 02 4907 4828

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NEWCASTLE | Level 3, 175 Scott Street, Newcastle NSW 2300



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Jamie Wharemate

From: Taylar Reid
Sent: Thursday, 11 November 2021 11:37 AM
Cc: Alan Williams
Subject: J200919 APA East Coast Expansion Grid ACHMP AFG

Hi All,

There has been a slight change, the meeting to discuss the Aboriginal Cultural Heritage Management Plan (ACHMP) for the MW880 compressor station proposed south of Condobolin (near Milne) will take place at **9AM on Tuesday 23 November 2021** at **Café Romo on 80 Bathurst Street, Condobolin.**

Please let me know if you can make this date and time, if not, we can make other arrangements such as a Zoom meeting to discuss the management plan and any address any of your questions, comments or concerns.

██████████ will be paid for your organisation's representative and the meeting should take approximately 1-2 hours.

Thank you.

Kind regards,

Taylar Reid

Archaeologist

Bushfire, Ecology, Heritage and Spatial Solutions



M 0428 280 542

T 02 4907 4828

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Jamie Wharemate

From: Alan Williams
Sent: Tuesday, 16 November 2021 9:36 PM
To: Phil.Purcell@environment.nsw.gov.au; Sam.Higgs@environment.nsw.gov.au
Cc: Connellan, Brian; Ellie Evans; Taylor Reid; OEH HD Heritage Mailbox
Subject: Moomba-Wilton Pipeline Modification 1 (SSI-15548591-Mod-1) - ACH post approval requirements
Attachments: J200919_ACHMP_MW880_v3.1.pdf

Dear Phil and the ACH Team,

Earlier this year, EMM Consulting Pty Ltd (EMM) undertook an Aboriginal cultural heritage assessment (ACHA) for a series of proposed compressor sites along the Moomba to Wilton gas pipeline. We discussed this report with Heritage NSW (Phil Purcell) at its inception since we proposed to undertake a slightly revised consultation process due to the logistical complexity of the project, and which Heritage NSW supported (DOC21/12970). The ACHA report formed part of a larger Environmental Impact Statement (EIS) undertaken by APA Group, and submitted to NSW DPIE in July 2021. Following a response to submission process, the modification has recently been approved (5 October 2021).

While the overall study included five compressor sites, this ACHA explored only two of the sites, MW433 (north of Wilcannia) and MW880 (southwest of Condobolin) due to staging of the broader project. The ACHA recommended that an Aboriginal cultural heritage management plan (ACHMP) be prepared for each of the compressor sites to provide a post-approval ACH framework and outline any subsequent mitigation measures (eg cultural monitoring) and unexpected finds protocols. This was recommended for both compressor sites, despite no cultural materials being found or considered probable in MW 880.

We have now developed the ACHMP for MW880. This document provides a range of general ACH management, including key personnel and Aboriginal stakeholders, consultation processes, cultural inductions, unexpected finds protocols and continuance review and improvement processes. In the case of site specific activities, we propose to undertake further surface survey and artefact collection (if found) to provide the registered parties with a further opportunity to get on Country and revisit the site. Given the lack of key environmental landforms, lack of previously identified cultural materials, and existing disturbance (heavy ploughing of a penepain), little further on-site activities are proposed.

We are shortly meeting with the registered Aboriginal parties to discuss and work through the ACHMP to ensure that they are satisfied with the contents and approach; and intend to finalise the document by the end of November. We note that the conditions of approval also indicate a need to consult with Heritage NSW. As such, please find our draft ACHMP attached for your review and consideration. Please let me know if Heritage NSW wishes to provide comment and/or whether the proposed timeframes are adequate. Alternatively – or in addition to - I would be happy to organise a meeting and chat through the ACHMP if that's easier, please just let me know and I'll set something up.

I would also highlight that MW433 is in development, and will probably be provided before Xmas for a similar review/input prior to finalisation. The document is very similar to this one, albeit with a few additional site-specific activities related to the more substantive cultural materials in that area.

Happy to discuss

Best wishes

AI

Dr Alan Williams FSA FRSA MAACAI

Associate Director

National Technical Leader, Aboriginal Heritage

Bushfire, Ecology, Heritage and Spatial Solutions



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D 02 9493 9584

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Our offices will be closed from Friday 24 December 2021 and will reopen on Tuesday 4 January 2022.

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Jamie Wharemate

From: Alan Williams
Sent: Sunday, 21 November 2021 9:05 PM
To: Phil.Purcell@environment.nsw.gov.au; Sam.Higgs@environment.nsw.gov.au
Cc: Connellan, Brian; Ellie Evans; Taylor Reid; OEH HD Heritage Mailbox
Subject: RE: Moomba-Wilton Pipeline Modification 1 (SSI-15548591-Mod-1) - ACH post approval requirements

Hi Phil and team

I just wanted to follow up on this. I am meeting many of the registered Aboriginal parties this week either in person or via zoom, etc. And I understand that APA is proposing to lodge the plan with DPIE around the 29th Nov. Please let me know if you want to catch up and discuss beforehand?

Thanks
Al

Dr Alan Williams FSA FRSA MAACA

Associate Director | National Technical Leader, Aboriginal Heritage

T 02 9493 9584

M 0438 104 740

www.emmconsulting.com.au

I work flexibly. I'm sending you this message now because it's a good time for me, but do not expect you to read, respond or action it outside your regular hours

From: Alan Williams <awilliams@emmconsulting.com.au>
Sent: Tuesday, 16 November 2021 9:36 PM
To: Phil.Purcell@environment.nsw.gov.au; Sam.Higgs@environment.nsw.gov.au
Cc: Connellan, Brian <Brian.Connellan@apa.com.au>; Ellie Evans <eevans@emmconsulting.com.au>; Taylor Reid <treid@emmconsulting.com.au>; OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Subject: Moomba-Wilton Pipeline Modification 1 (SSI-15548591-Mod-1) - ACH post approval requirements

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We have now developed the ACHMP for MW880. This document provides a range of general ACH management, including key personnel and Aboriginal stakeholders, consultation processes, cultural inductions, unexpected finds protocols and continuance review and improvement processes. In the case of site specific activities, we propose to undertake further surface survey and artefact collection (if found) to provide the registered parties with a further opportunity to get on Country and revisit the site. Given the lack of key environmental landforms, lack of previously identified cultural materials, and existing disturbance (heavy ploughing of a peneplain), little further on-site activities are proposed.

We are shortly meeting with the registered Aboriginal parties to discuss and work through the ACHMP to ensure that they are satisfied with the contents and approach; and intend to finalise the document by the end of November. We note that the conditions of approval also indicate a need to consult with Heritage NSW. As such, please find our draft ACHMP attached for your review and consideration. Please let me know if Heritage NSW wishes to provide comment and/or whether the proposed timeframes are adequate. Alternatively – or in addition to - I would be happy to organise a meeting and chat through the ACHMP if that’s easier, please just let me know and I’ll set something up.

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Happy to discuss

Best wishes

AI

Dr Alan Williams FSA FRSA MAACAI

Associate Director

National Technical Leader, Aboriginal Heritage

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Jamie Wharemate

From: Alan Williams
Sent: Wednesday, 24 November 2021 4:11 PM
To: Mark Saddler; murrinbridgelalc@gmail.com; Jonathon.Captain-Webb@alc.org.au
Cc: Connellan, Brian; Ellie Evans; Taylor Reid
Subject: Moomba to Wilton Compressor Site MW880- AFG meeting (23-24 November 2021) - minutes

Hi All,

Thanks for meeting me over the last few days. Please find below a summary of our discussions that I will be using as part of the finalisation of the ACHMP for MW880.

Face-to-face meeting, Café Romo, Condobolin (23 November 2021): Alan Williams (EMM), Judy Bartholomew and Betty Biggs (Murrin Bridge LALC)

Online meeting (24 November 2021): Mark Saddler (Bundyi Aboriginal Cultural Knowledge)

Online meeting (24 November 2021): Jonathon Captain-Webb (NSW Aboriginal Land Council)

Apologies: Rebecca Sheppard (Callara Culture and Heritage Corporation), Marilyn Johnson (Corroboree Aboriginal Corporation), and Ally Coe (Wiradjuri Condobolin Corporation) advised attendance, but ultimately could not make it.

Key points and actions:

- AW provided information on the following:
 - Outlined the history of the APA east coast expansion grid (Moomba to Wilton) project including the assessment process, the division of the works between the modifications, and the establishment of the Aboriginal cultural heritage management plans (ACHMP). This included some general indication of timing of other aspects and subsequent stages of the project.
 - Undertook a section-by-section review of the Aboriginal cultural heritage management plans (ACHMP) for MW880 developed as a post-approval condition of the project approval.
- Discussions and outcomes included:
 - The ACHMP was reviewed in detail by the participants, and usually section by section. All were supportive of the general contents and approach, with only minor amendments sought.
 - A range of conversation was undertaken of the cultural induction and broader employment opportunities, with both MS and JB indicating a strong interest. MS advised he had been involved in cultural inductions for a number of related developments in the region in recent months. Strong support was also given to the unexpected find protocols and especially human remains, which give Aboriginal participants more say in their eventual management. Various discussion around other project specific measures, with no modifications suggested or concerns raised.
 - MS advised that the site was in the general vicinity of Wilga – a hill of cultural significance to the Wiradjuri people, and a small creek that fed into the Lachlan River. These observations have been captured in the ACHA and do not influence the contents of the ACHMP, but will be added to Section 3. They also provide important context for inclusion into the cultural awareness and inductions proposed in the ACHMP.
 - Some clarification was sought in the event that significant finds were uncovered, and would they be suitably managed. AW advised that Appendix D provided thresholds and protocols for additional works to be implemented if significant finds were made during the artefact collection and/or construction. As such the ACHMP would be able to address this issue should it eventuate.

- JCW sought information on whether any test excavations had been undertaken. AW advised that not at MW880 since the site was heavily affected by existing agriculture and previous pipeline activities, and was some distance from environmental landforms of interest. However, such works could be implemented under Appendix D should significant finds be made at any stage during the project.
- AW advised that the ACHMP would be finalised on Friday 26 November 2021 and was happy to receive further review and provide input/comments following the meeting/s. Noting the ACHMP is proposed for regular and continual update through the project.

Please let me know if I have omitted or forgotten anything, happy to correct were inaccurate.

Happy to discuss.

Thanks

A

Dr Alan Williams FSA MAACA

Associate Director

National Technical Leader, Aboriginal Heritage

Bushfire, Ecology, Heritage and Spatial Solutions



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Jamie Wharemate

From: Mark Saddler <marksad@live.com.au>
Sent: Wednesday, 24 November 2021 8:55 PM
To: Alan Williams
Cc: murrinbridgelalc@gmail.com; Jonathon.Captain-Webb@alc.org.au; Connellan, Brian; Ellie Evans; Taylor Reid
Subject: Re: Moomba to Wilton Compressor Site MW880- AFG meeting (23-24 November 2021) - minutes

CAUTION: This email originated outside of the Organisation.

Mandaang guwu (thank you)

Guwayu
(Safe travel)
Mark Saddler
www.bundyculture.com.au
Ph 0412 693 030



On 24 Nov 2021, at 8:49 pm, Alan Williams <awilliams@emmconsulting.com.au> wrote:

Thanks Mark,

At this stage, there is no subsurface investigations proposed for MW880, which I think is a reasonably distance from Wilga Hill. However, as discussed there is field survey and artefact collection proposed, and if significant cultural material is found there is processes for additional works.

As per the ACHMP, Aboriginal parties will remain involved throughout the project in various aspects (primarily cultural inductions and awareness once the ground disturbance has been undertaken).

Thanks again for your time today.

A

Dr Alan Williams FSA FRSA MAACA

Associate Director | National Technical Leader, Aboriginal Heritage

T 02 9493 9584

M 0438 104 740

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I work flexibly. I'm sending you this message now because it's a good time for me, but do not expect you to read, respond or action it outside your regular hours

From: Mark Saddler <marksad@live.com.au>
Sent: Wednesday, 24 November 2021 4:26 PM

To: Alan Williams <awilliams@emmconsulting.com.au>; murrinbridgelalc@gmail.com;
Jonathon.Captain-Webb@alc.org.au
Cc: Connellan, Brian <Brian.Connellan@apa.com.au>; Ellie Evans
<eevans@emmconsulting.com.au>; Taylor Reid <treid@emmconsulting.com.au>
Subject: RE: Moomba to Wilton Compressor Site MW880- AFG meeting (23-24 November 2021) -
minutes

CAUTION: This email originated outside of the Organisation.

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GOLD 2019
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RIVERINA MURRAY
GOLD 2018
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NSW
TOURISM
AWARDS
2018
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DISCOVER
ABORIGINAL
EXPERIENCES



#

From: [Alan Williams](#)

Sent: Wednesday, 24 November 2021 4:11 PM

To: [Mark Saddler](#); murrinbridgelalc@gmail.com; Jonathon.Captain-Webb@alc.org.au

Cc: [Connellan, Brian](#); [Ellie Evans](#); [Taylar Reid](#)

Subject: Moomba to Wilton Compressor Site MW880- AFG meeting (23-24 November 2021) - minutes

#

Hi All,

Thanks for meeting me over the last few days. Please find below a summary of our discussions that I will be using as part of the finalisation of the ACHMP for MW880.

Face-to-face meeting, Café Romo, Condobolin (23 November 2021): Alan Williams (EMM), Judy Bartholomew and Betty Biggs (Murrin Bridge LALC)

Online meeting (24 November 2021): Mark Saddler (Bundy Aboriginal Cultural Knowledge)

Online meeting (24 November 2021): Jonathon Captain-Webb (NSW Aboriginal Land Council)

Apologies: Rebecca Sheppard (Callara Culture and Heritage Corporation), Marilyn Johnson (Corroboree Aboriginal Corporation), and Ally Coe (Wiradjuri Condobolin Corporation) advised attendance, but ultimately could not make it.

Key points and actions:

- AW provided information on the following:
 - Outlined the history of the APA east coast expansion grid (Moomba to Wilton) project including the assessment process, the division of the works between the modifications, and the establishment of the Aboriginal cultural heritage management plans (ACHMP). This included some general indication of timing of other aspects and subsequent stages of the project.
 - Undertook a section-by-section review of the Aboriginal cultural heritage management plans (ACHMP) for MW880 developed as a post-approval condition of the project approval.

- Discussions and outcomes included:
 - The ACHMP was reviewed in detail by the participants, and usually section by section. All were supportive of the general contents and approach, with only minor amendments sought.
 - A range of conversation was undertaken of the cultural induction and broader employment opportunities, with both MS and JB indicating a strong interest. MS advised he had been involved in cultural inductions for a number of related developments in the region in recent months. Strong support was also given to the unexpected find protocols and especially human remains, which give Aboriginal participants more say in their eventual management. Various discussion around other project specific measures, with no modifications suggested or concerns raised.
 - MS advised that the site was in the general vicinity of Wilga – a hill of cultural significance to the Wiradjuri people, and a small creek that fed into the Lachlan River. These observations have been captured in the ACHA and do not influence the contents of the ACHMP, but will be added to Section 3. They also provide important context for inclusion into the cultural awareness and inductions proposed in the ACHMP.
 - Some clarification was sought in the event that significant finds were uncovered, and would they be suitably managed. AW advised that Appendix D provided thresholds and protocols for additional works to be implemented if significant finds were made during the artefact collection and/or construction. As such the ACHMP would be able to address this issue should it eventuate.
 - JCW sought information on whether any test excavations had been undertaken. AW advised that not at MW880 since the site was heavily affected by existing agriculture and previous pipeline activities, and was some distance from environmental landforms of interest. However, such works could be implemented under Appendix D should significant finds be made at any stage during the project.
 - AW advised that the ACHMP would be finalised on Friday 26 November 2021 and was happy to receive further review and provide input/comments following the

meeting/s. Noting the ACHMP is proposed for regular and continual update through the project.

Please let me know if I have omitted or forgotten anything, happy to correct were inaccurate.

Happy to discuss.

Thanks

A

Dr Alan Williams FSA MAACAI

Associate Director

National Technical Leader, Aboriginal Heritage

Bushfire, Ecology, Heritage and Spatial Solutions



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Appendix B

Legislation and obligations

B.1 Obligation to protect Aboriginal cultural heritage

B.1.1 National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NPW Act) provides protection for Aboriginal objects and places across NSW:

- An Aboriginal object is 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.*
- An Aboriginal place is: *any place declared to be an Aboriginal place under section 84.* This is a very specific piece of legislation that provides process and management of Aboriginal sites of cultural, but not necessarily scientific, values. They are commonly, but not always associated with intangible values.
- any place declared to be an Aboriginal place by the Minister for the Environment, under Section 84 of the Act.

B.1.2 Obligation to avoid harm

All employees, contractors, sub-contractors and visitors to the project have an obligation to avoid harming Aboriginal heritage unless engaged in an Aboriginal heritage management activity described in this plan.

The National Parks and Wildlife Act 1974 defines “harm” to an object or place as any act or omission that:

- a) destroys, defaces or damages the object or place; or
- b) in relation to an object-moves the object from the land on which it had been situated; or
- c) is specified by the regulations; or
- d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c), but does not include any act or omission that:
- e) desecrates the object or place; or
- f) is trivial or negligible; or
- g) is excluded from this definition by the regulations.

B.1.3 Obligation to protect and implement management measures

Site personnel, contractors and subcontractors responsible for land management or construction have an obligation to protect Aboriginal heritage within their area or work responsibility. This extends to both cultural materials identified as part of earlier phases of the project, and any additional cultural materials identified during the construction. Protection means active recognition of known Aboriginal heritage and active measure to avoid and/or suitably mitigate Aboriginal heritage.

This may include fencing, erosion control and modification of work plans to avoid impacts to Aboriginal heritage, as well as facilitating a process where work personnel are aware of the nearby heritage.

Site personnel, contractors and subcontractors also have the responsibility to ensure that appropriate management measures have been employed prior to, or in association with, their activities which impact Aboriginal sites.

B.1.4 Statutory reporting requirements

Notifications to Heritage NSW are required in relation to discovery, impact and care of Aboriginal objects under the NPW Act. This will be the responsibility of the project manager, environmental representative and/or equivalent.

B.1.5 Discovery of Aboriginal objects

Under Section 89A of the NPW Act, it is a requirement that Heritage NSW is notified of the existence of Aboriginal objects as soon as practicable after they are first identified. This is done through the completion of the Heritage NSW Aboriginal Site Card which is submitted to the Registrar of AHIMS for inclusion on the Aboriginal site database. Information regarding AHIMS and site recording forms can be downloaded from Heritage NSW's website:

<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>.

B.1.6 Care agreements

Under s85A of the NPW Act, Aboriginal objects remain the property, and under the protection of, the Crown until formal transfer to a person or persons of a class prescribed by the regulations occurs. A Care Agreement is not currently proposed under this plan; however, may be pursued in the future if Aboriginal objects are identified to a level of significance that the RAPs wish to retain such objects.

Care Agreement application forms can be downloaded at:

<https://www.environment.nsw.gov.au/topics/aboriginal-cultural-heritage/protect-and-manage/care-agreements>.

B.1.7 Reporting impact to Aboriginal sites

An Aboriginal Site Impact Recording Form must be completed following impacts to AHIMS sites that are:

- a result of test excavation carried out in accordance with the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW;
- authorised by an Aboriginal Heritage Impact Permit (AHIP) issued by Heritage NSW;
- undertaken for the purpose of complying with Secretary's environmental assessment requirements issued by DPIE for:
 - state significant development (SSD);
 - state significant infrastructure (SSI); or
 - a major project; or
 - authorised by an SSD/SSI approval under the EP&A Act.

Completed forms must be submitted to the AHIMS Registrar at ahims@environment.nsw.gov.au.

Aboriginal Site Impact Recording Forms can be downloaded at:

<https://www.environment.nsw.gov.au/resources/cultureheritage/aboriginal-site-impact-recording-form-120558.pdf>

Appendix C

Aboriginal site descriptions

C.1 Site definitions

A description of terms used to describe different site features known to occur in the vicinity of the project area is provided in Table C.1 and use definitions provided by Heritage NSW.

Table C.1 Site definitions and recording

Site feature	Definition and recording methods
Aboriginal ceremony and Dreaming	Previously referred to as mythological sites these are spiritual/story places where no physical evidence of previous use of the place may occur; eg natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc.
Artefact site (open stone artefact site)	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people.
Burials	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked; eg in caves, marked by stone cairns, in sand areas, along creek banks etc.
Fish trap	A modified area on watercourses where fish were trapped for short-term storage and gathering.
Grinding grooves	Grinding grooves are defined as an area of outcropping bedrock containing evidence of one or more grinding grooves where ground-stone hatchets or other grinding practices (ie seed grinding) were implemented.
Habitation structure	Structures constructed by Aboriginal people for short- or long-term shelter. More temporary structures are commonly preserved away from the NSW coastline, may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc.
Modified tree (carved or scarred)	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc., or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers.
Potential archaeological deposit (PAD)	An area where Aboriginal objects may occur below the ground surface. The term 'potential archaeological deposit' was first applied in Sydney regional archaeology in the 1980s and referred to rockshelters that were large enough and contained enough accumulated deposit to allow archaeologists to predict that subsurface cultural material was likely to be present. Since then, the term has come to include open sites where the same prediction can be made. Unless previously identified, it is considered unlikely that a PAD would be classified through an unexpected finds process.
Shell	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering or consumption. Usually found in deposits previously referred to as shell middens. Must be found in association with other objects like stone tools, fish bones, charcoal, fireplaces/hearths, and burials. Will vary greatly in size and composition.
Stone quarry	Usually, a source of good quality stone which is quarried and used for the production of stone tools. Stone quarries represent where Aboriginal people gathered raw stone materials for stone tools and/or manufactured stone tools from the adjacent source material. Quarry sites are found at rock outcrops where the material was of suitable quality to have been used to manufacture stone tools. Stone quarries were defined by the presence of outcropping stone material with nearby evidence of the same material type used in the stone tool manufacture process. This was most commonly indicated by large stone cores or stone flakes distributed amongst the same naturally outcropping material.

Appendix D

Archaeological excavation methodology

D.1 Excavation methods

The following section outlines a standard excavation methodology that can be adopted in the case of unexpected finds procedures (Section 4.4). This approach will be used a default, with alternate methods considered by the heritage professional in consultation with the RAPs on a case-by-case basis.

The specific methods below propose a two stage approach, reflecting initially an investigative phase followed by subsequent conservation ex situ or archaeological salvage where certain thresholds are met.

D.1.1 Generic research questions

- What is the spatial and stratigraphic patterns of cultural materials within the investigation area? Can inter and/or intra-site past Aboriginal activities be determined through excavation in these areas?
- What is the age, composition, technological attributes, and significance of cultural materials within the areas of the proposed activity?
- What are the environmental characteristics associated with the distribution of Aboriginal cultural heritage within the area? Can the formative processes of the stratigraphic profile provide information on the nature and/or survivability of the archaeological resources? Are there other key factors in the distribution and extent of the material culture within the area?
- What are the cultural, social and public values associated with the cultural materials in the area? Does the excavations support or require modification of the significance and values previously assigned to Aboriginal sites, places and/or locales within the project area?
- How will the cultural materials be conserved and managed in future?

D.1.2 Investigative phase

The following methods will be adopted to investigate the cultural materials.

- Excavation
 - A grid of 1 m² test pits would be established at suitable spacing (<20 m) to inform the identified cultural materials using a hand-held Leica RTK CS10/GS08 survey grade Differential GPS device (or equivalent).
 - All test pits would be dug manually using shovels, mattocks, trowels and other hand tools as required. Excavation would be undertaken as 1 m² units. Each square would be given an alpha-numeric label for identification purposes.
 - All excavation would be undertaken in 10 cm spits to culturally sterile depths or 1.5 m below current surface (the deepest depth that can be reached without shoring systems and/or benching).
 - All sediment would be placed in buckets, labelled according to its assigned test pit number and spit, and recorded and documented. All sediment would then be wet-sieved through a 5 mm wire aperture mesh, and any historic and/or Aboriginal cultural material recovered, labelled and bagged for subsequent analysis and curation.

- Field Documentation
 - All test pits would be documented using photographic records, written descriptions and scaled drawings.
 - Soil profiles would be recorded in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010), including scaled drawings, photographs, and written descriptions.
 - Soil samples may be collected for description, sedimentological and chronological analysis where such analysis is considered likely to contribute significant information. Optically Stimulated Luminescence (OSL) samples would be taken in areas where Aboriginal objects are found, and generally try to bracket the deposit (to provide a maximum and minimum age). Material for radiocarbon analysis may also be undertaken opportunistically if archaeological features containing charcoal or other dateable material are evident.
 - Reduced levels of the top and bottom of the test pit would be documented using a dumpy level against a known elevation. Other levels may be taken as required.
- Excavation procedures and protocols may be modified at the discretion of the Excavation Director, in consultation with the RAPs and proponent as the conditions in the field and nature of the excavations develop. This includes the movement/discontinuance of test pits to avoid existing obstacles, buried services and disturbances.

At the completion of the Phase 1 test pits, consideration of the Phase 2 thresholds (Section D1.3) will be considered as to whether further excavations are required.

D.1.3 Thresholds for further excavation

The initiation of Phase 2 – salvage excavation – would *only* be undertaken in areas where the thresholds outlined below are met. The location of salvage excavations would be determined at the completion of the Phase 1 and at those locations where the greatest potential for answering the research questions (Section D1.1) is identified.

The thresholds for expansion would include:

- Stone artefact densities greater than 20/m² and therefore indicative of past occupation based on our broader understanding of the region.
- Where evidence of multiple phases of past activity is identified through changing raw material types and/or distinct technological attributes at different depths within the soil profile.
- Where dense concentrations of cultural materials are discovered at significant depths that may indicate extreme age.
- Where rare or unique stone artefacts and/or other archaeological material is recovered.
- Where unique and/or rare archaeological features (eg hearths, cooking pits, etc) are identified.
- Other conditions that are considered by the Excavation Director to inform the research questions and/or broader aims of the project.

D.1.4 Salvage excavations

Where suitable thresholds (Section D1.3) are met, additional archaeological excavations would be undertaken in these identified locations. These excavations are proposed to consist of contiguous open area salvage excavation using higher resolution recovery techniques. The number and size of these open area excavations would be dictated by the size of the identified cultural material, with smaller values of 25 m² (5 x 5 m) and up to 100 m² (10 x 10 m) being common sizes for such work.

The following methods would be adopted for all salvage excavations:

- Excavation:
 - Establishment of open area excavation area/s using a using a hand-held Leica RTK CS10/GS08 survey grade Differential GPS device (or equivalent).
 - All test pits would be dug manually using shovels, mattocks, trowels and other hand tools as required. Excavation would be undertaken as 1 m². Each square would be given an alpha-numeric label for identification purposes.
 - All excavation would be undertaken in 5 cm spits to the depth of 70 cm below surface, which has been shown as culturally sterile (EMM 2021). Depths of excavation would be adjusted as necessary based on the findings of the investigative phase.
 - All sediment would be placed in buckets, labelled according to its assigned test pit number and spit, and recorded and documented. All sediment would then be wet-sieved through a 5 mm wire aperture mesh, and any historic and/or Aboriginal cultural material recovered, labelled and bagged for subsequent analysis and curation.
- Field Documentation:
 - All excavations would be documented using photographic records, written descriptions and scaled drawings.
 - Soil profiles would be recorded in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010), including scaled drawings, photographs, and written descriptions.
 - Soil samples would be collected for description, sedimentological and chronological analysis where such analysis is considered likely to contribute significant information. Optically Stimulated Luminescence (OSL) samples would be taken in areas where Aboriginal objects are found, and generally try to bracket the deposit (to provide a maximum and minimum age). Material for radiocarbon analysis may also be undertaken opportunistically if archaeological features containing charcoal or other dateable material are evident.
 - Reduced levels of the top and bottom of the test pit, and at the top of each fourth spit would be documented using a dumpy level against a known elevation. Other levels may be taken as required.
- Excavation procedures and protocols may be modified at the discretion of the Excavation Director, in consultation with the RAPs and proponent as the conditions in the field and nature of the excavations develop. This includes the movement/discontinuance of test pits to avoid existing obstacles, buried services and disturbances.

D.1.5 Post excavation analysis and reporting

The post-excavation analysis (incorporating data from the excavations) would be designed to address the research objectives and aims, along with other relevant questions that may arise based on the results of the excavation. These would include, but not be necessarily limited to:

- Stone artefact analysis, including descriptive and functional recording of the assemblage, as well as interpretation of past activities, post-depositional change and comparison with other nearby data. Conjoining may also be attempted where sufficient cultural materials have been recovered.
- Geochronology, including the processing and analysis of samples to inform the absolute age of the soil profile and/or cultural assemblage recovered. This would include Optically Stimulated Luminescence ages, as well as radiocarbon samples were recovered. While large number of these samples are likely to be collected, given the prohibitive cost of processing, it is probable that a small number of ages would be obtained in a small number of master-sequences to inform the broader archaeological program. The samples would be processed by either University of Gloucestershire and/or University of Wollongong.
- Geochemistry and soil analysis that would be used to further inform and interpret the formation history of the soil profile from which cultural materials are recovered. This would include the use of Itrax X-ray Fluorescence (XRF) core scanning methods at Australia's Nuclear Science and Technology Organisation (ANSTO), as well as particle size analysis to explore changes in the alluvial and colluvial history of the river corridor.
- Palaeo-environmental analysis, including palynology, phytolith analysis and/or charcoal analysis to explore the past vegetation and fire regimes that may have influenced and/or modified by past human activity. These would utilise the same samples collected for geochemistry and/or sampling and sent to a range of University specialists in these fields to process and interpret the results.
- Reporting that would provide information on the field investigations, compilation and synthesis of the post-excavation analyses, and interpretation of the results to inform the past activity and use of the region.

Appendix E

Complaints register

Appendix F

Document control



