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## UNEXPECTED HERITAGE FINDS AND HUMAN REMAINS PROCEDURE

# A2I | Albury to Illabo

CONTRACT NUMBER: 0052

PROJECT DOCUMENT NUMBER: 6-0052-210-PES-00-PR-0004

### Document Control

|                        |                                                                                   |               |                                        |
|------------------------|-----------------------------------------------------------------------------------|---------------|----------------------------------------|
| <b>DOCUMENT TITLE:</b> | Unexpected Heritage Finds and Human Remains Procedure                             |               |                                        |
| <b>DOCUMENT OWNER:</b> | Martinus Rail Environmental Approvals Team                                        |               |                                        |
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### Approved by

| NAME           | TITLE                                  | SIGNATURE                                                                          | DATE       |
|----------------|----------------------------------------|------------------------------------------------------------------------------------|------------|
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### Revision History

| REVISION | REVISION DATE | AMENDMENT | DATE TO CLIENT |
|----------|---------------|-----------|----------------|
| 0        | 11/11/2024    | For Use   | 14/11/2024     |

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## GLOSSARY

| TERM                  | DEFINITION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AHIMS                 | Aboriginal Heritage Information Management System                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| ARTC                  | Australian Rail Track Corporation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| ACHAR                 | Aboriginal Cultural Heritage Assessment Report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| CCS                   | Community Communication Strategy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| CEMF                  | Construction Environmental Management Framework                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| CEMP                  | Construction Environmental Management Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| CHMP                  | Construction Cultural Heritage Management Plan (this Plan)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| CNVMP                 | Construction Noise and Vibration Management Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| CoA                   | Conditions of Approval                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Construction          | Includes work required to construct the CSSI as defined in the Project Description described in the documents listed in Condition A1 including commissioning trials of equipment and temporary use of any part of the CSSI but excluding Low Impact Work which is carried out or completed prior to approval of the CEMP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Construction boundary | The area physically affected by work as defined in the Project Description as described in the documents listed in Condition A1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| CSSI                  | Critical State Significant Infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| DCCEEW                | Department of Climate Change, Energy, the Environment and Water                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Division 5.2 Approval | Approval issued by the NSW Minister for Planning for the Albury to Illabo project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| DPE                   | NSW Department of Planning and Environment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DPHI                  | Department of Planning, Housing and Infrastructure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| EAD                   | Environmental Assessment Documentation that includes: <ul style="list-style-type: none"> <li>Inland Rail – Albury to Illabo Environmental Impact Statement (ARTC, August 2022);</li> <li>Albury to Illabo Response to Submissions (ARTC, November 2023);</li> <li>Albury to Illabo Preferred Infrastructure Report (ARTC, November 2023);</li> <li>Albury to Illabo Preferred Infrastructure Report Response to Submissions (ARTC, February 2024);</li> <li>Inland Rail – Albury to Illabo (SSI-10055) Response to request for additional information – Air Quality Assessment (letter dated 1 May 2024);</li> <li>Part 1 - Revised Technical Paper 8: Biodiversity Development Assessment Report (WSP, February 2024);</li> <li>Part 2 - Revised Technical Paper 8: Biodiversity Development Assessment Report (WSP, February 2024).</li> </ul> |
| EHG                   | Environment and Heritage Group (a part of NSW DPE)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| EIS                   | Environmental Impact Statement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

| TERM                              | DEFINITION                                                                                                                                                                                                                                                       |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environmental aspect              | Defined by AS/NZS ISO 14001:2015 as an element of an organisation's activities, products or services that can interact with the environment.                                                                                                                     |
| Environmental impact              | Defined by AS/NZS ISO 14001:2015 as any change to the environment, whether adverse or beneficial, wholly or partially resulting from an organisation's environmental aspects.                                                                                    |
| Environmental incident            | An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance.                                                                                                                     |
| Environmental objective           | Defined by AS/NZS ISO 14001:2015 as an overall environmental goal, consistent with the environmental policy, that an organisation sets itself to achieve.                                                                                                        |
| EPA                               | Environmental Protection Authority (NSW)                                                                                                                                                                                                                         |
| EPBC Act                          | <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> (Federal)                                                                                                                                                                      |
| EPL                               | Environment Protection Licence                                                                                                                                                                                                                                   |
| Environmental Representative (ER) | The Environmental Representative(s) for the CSSI approved by the Planning Secretary                                                                                                                                                                              |
| km                                | Kilometre                                                                                                                                                                                                                                                        |
| LEP                               | Local Environment Plan                                                                                                                                                                                                                                           |
| LALC                              | Local Aboriginal Land Council                                                                                                                                                                                                                                    |
| m                                 | metre                                                                                                                                                                                                                                                            |
| MR                                | Martinus Rail                                                                                                                                                                                                                                                    |
| MR ESM                            | Martinus Rail Environment, Approvals and Sustainability Manager                                                                                                                                                                                                  |
| NSW                               | New South Wales                                                                                                                                                                                                                                                  |
| PAD                               | Potential Archaeological Deposit                                                                                                                                                                                                                                 |
| Planning Secretary                | Secretary of the NSW Department of Infrastructure, Housing and Infrastructure, or delegate                                                                                                                                                                       |
| PIR                               | Preferred Infrastructure Report                                                                                                                                                                                                                                  |
| Primary CoA/UMM                   | CoA and/or UMMs that are specific to the development of this Plan                                                                                                                                                                                                |
| RAP                               | Registered Aboriginal Party                                                                                                                                                                                                                                      |
| SAP                               | Sensitive Area Plan                                                                                                                                                                                                                                              |
| TfNSW                             | Transport for New South Wales (formerly Roads and Maritime Services)                                                                                                                                                                                             |
| UMM                               | Updated Mitigation Measures                                                                                                                                                                                                                                      |
| Unexpected heritage finds         | An object or place that is discovered during the carrying out of the CSSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains |

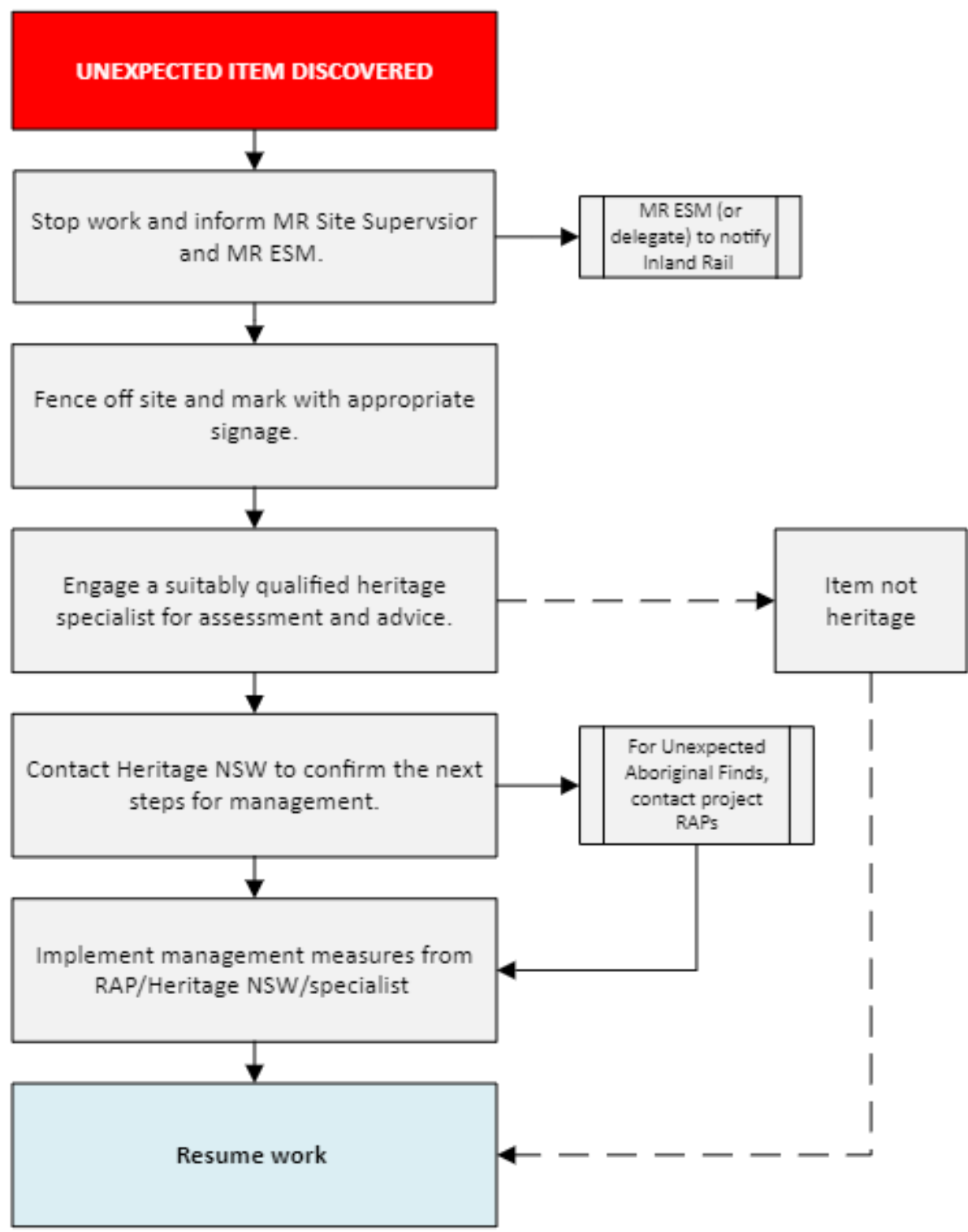
## 1.1 Aboriginal and Non-Aboriginal Heritage: Unexpected Finds Procedure

An Aboriginal artefact is anything that is the result of past Aboriginal activity. This includes stone (artefacts, rock engravings etc.), plant (culturally scarred trees) and animal bone (if showing signs of modification; i.e. smoothing, use). Human bone (skeletal remains) may also be uncovered while onsite.

A historic artefact is anything that is the result of past activity not related to Aboriginal occupation. This includes pottery, wood, glass and metal objects as well as the built remains of structures, sometimes heavily ruined.

In the event of an unexpected heritage find, the following protocol will apply:

1. All ground-disturbance work in the vicinity of the find must cease immediately. The Site Supervisor is to be made aware of the object(s) and is to notify the MR Construction Manager and MR ESM. The MR ESM (or delegate) will notify the relevant Inland Rail (IR) representative.
2. The find will be temporarily fenced off as quickly as possible to ensure no damage/further damage to the object(s). Signage on the fencing is to state that the area is subject to environmental protection, that no ground disturbance is allowed, and should include relevant contact details for the MR ESM.
3. The MR ESM (or delegate) will contact a suitably qualified heritage specialist to assess the find. The heritage specialist will then determine the need for further investigation or management. The heritage specialists assessment may be able to be undertaken using good quality images, with a scale and several angles, however, if photographic evidence does not allow for certainty, then a site visit from the suitably qualified heritage specialist will be required.
4. If the find is an Aboriginal object, the MR ESM (or delegate) and/or heritage specialist will contact the RAPs to attend the site to inspect the find and to determine, in consultation, the next steps for management. These measures will include registration of the object in the Aboriginal Heritage Information Management System within a reasonable time.
5. The MR ESM (or delegate) and/or heritage specialist will also contact Heritage NSW to confirm the next steps for management.
6. Ground disturbance work in the vicinity of the find can only continue under supervision of a suitably qualified heritage specialist, having regard to any advice from Heritage NSW and RAPs.



Flow Chart: Unexpected heritage finds

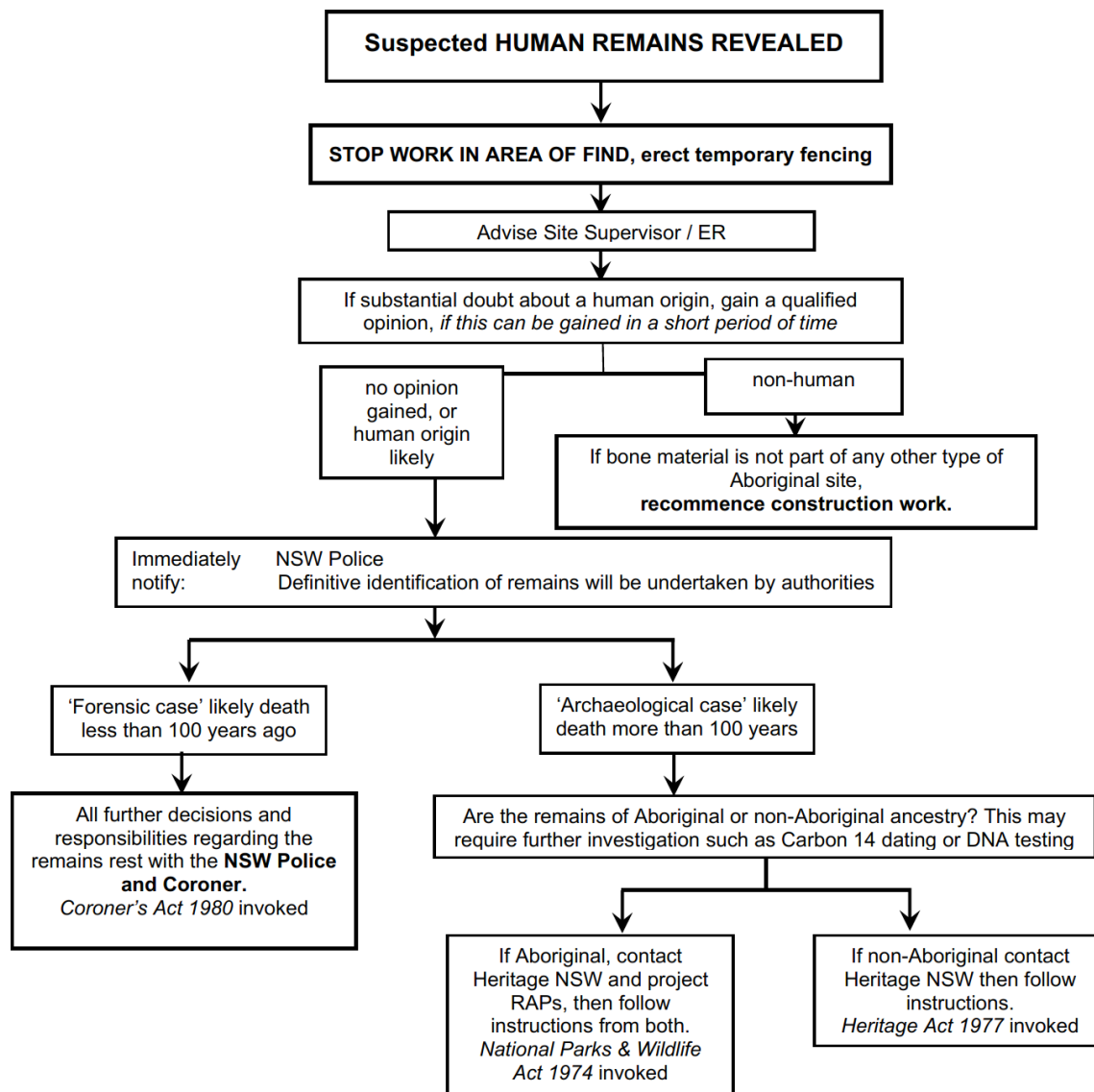
## 1.2 Unexpected Human Remains Procedure

The procedure related to the discovery of suspected human skeletal material is based on Requirement 25 of the *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW* (DECCW 2010b) and the *Skeletal Remains: Guidelines for the management of human skeletal remains under Heritage Act 1977* (NSW Heritage Office 1998). A flow chart is supplied below.

If known, or suspected skeletal remains are encountered during the construction and/or operation of the project, the following procedure will be followed:

1. The area will be temporarily fenced immediately to ensure no damage/further damage to skeletal material. No skeletal material that remains in place should be disturbed from its location;
2. Works in the vicinity are to be stopped immediately;
3. The Site Supervisor is to be made aware of the skeletal material and is to notify the MR Environmental Manager and MR Construction Manager. Inland Rail Representatives are to be contacted at this stage;
4. Attempt to determine if the bones are animal or human. May require photos of the bones to be sent to the MR Heritage Consultant to determine if the remains are likely to be human or not;
5. If a qualified opinion concludes the bones are not human in origin and are unlikely to be part of an archaeological site works may recommence;
6. If no qualified opinion can be gained or the bones are suspected of being human, undertake the following:
  - i) MR will contact Police, allowing Police to conduct an assessment to determine if the remains are part of a forensic case (less than 100 years old), or are archaeological (more than 100 years old);
  - ii) If the remains are assessed as 'archaeological', there then needs to be an attempt to determine if they are Aboriginal or non-Aboriginal;
  - iii) Inland Rail will contact the relevant stakeholders, including Heritage NSW and RAPs (if the remains are Aboriginal);
  - iv) All further activities will be determined by Heritage NSW and the RAPs (if the remains are Aboriginal);
  - v) No work may recommence in the area of the find until Heritage NSW provides the approval to do so.

## Flow Chart: Suspected Human remains





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