

Construction Aboriginal Heritage Management Plan

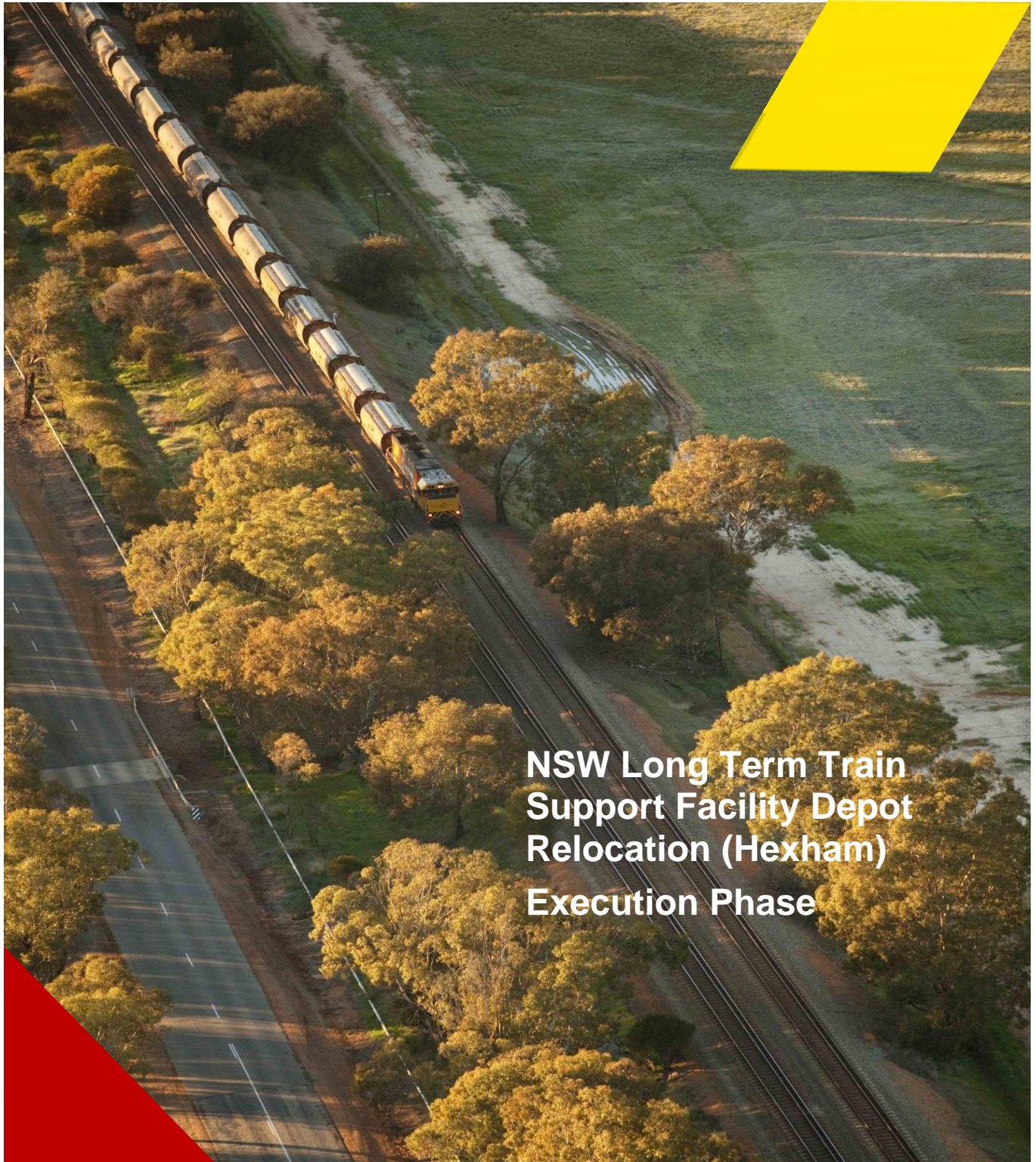


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Document Approval/ Sign Off

Position	Name	Signature	Date
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Project Manager

Version Control

Rev	Date	Author	Comments
1	10/08/2022	Harry Egan	Final

1.0 Purpose

This Construction Aboriginal Heritage Management Plan (CAHMP) supplements the Project Construction Environmental Management Plan (CEMP) for the construction phase of the NSW Long Term Train Support Facility (TSF) Depot Relocation (the Project).

This CAHMP has been developed in compliance with State Significant Infrastructure Approval MP07_0171 MOD 2, Condition 63(e).

This CAHMP is based on the following:

- QR National Hexham train Support Facility: Aboriginal Heritage Impact Assessment (McCardle Cultural Heritage (MCH) , August 2012);
- Aboriginal Heritage Impact Assessment for the proposed NSW LTTSF along the Pacific Highway, Hexham: Addendum (MCH, 2013); and
- Hexham Train Support Facility: Aboriginal Due Diligence (Jacobs, 27 February 2019).
- Aboriginal Due Diligence Report: Hexham Depot Modification (Jacobs, 22 March 2022)

The CAHMP draws on the conclusions and recommendations of the Australian Museum Business Services report of 2012 and the peer review conducted by Kelleher Nightingale Consulting Pty Ltd in 2012 of the MCH report of 2012 and the AMBS report of 2012. This CAHMP has also been developed through consultation with the Registered Aboriginal Stakeholders and provides:

- Background to the Project including a description of heritage items on site; and
- The means by which the project complies with the relevant Ministerial Conditions of Approval.

As per Condition E63 of State Significant Infrastructure MP07_0171 MOD 2 the plans required by Condition E63(e) only apply to the Depot relocation works only insofar as they provide for unexpected finds procedure and staff training and induction.

Relevant Ministers Conditions of Approval (MCoA) are shown in Table 1.1 Relevant Ministerial Conditions of Approval, below.

Table 1.1 Relevant Ministerial Conditions of Approval

MCoA	Task Detail	Where addressed
E13	During detailed design and construction of the SSI, impacts to Aboriginal objects shall, where feasible and reasonable, be avoided and minimised, under the guidance of an appropriately qualified archaeologist. Where impacts are unavoidable, works shall be undertaken in accordance with the strategy outlined in the Construction Heritage Management Plan (condition E63(e)).	3.0 Site Cultural Heritage Resources on p5
E63 (e)	a Construction Heritage Management Plan to detail how construction impacts on Aboriginal and Historic heritage will be minimised and managed. The Plan shall be developed in consultation with the OEH and registered Aboriginal stakeholders (for Aboriginal heritage), and include, but not necessarily be limited to:	1.0 Purpose on page 1
	(i) In relation to Aboriginal Heritage -	1.0 Purpose on page 1

MCoA	Task Detail	Where addressed
	I. identification of Aboriginal objects directly and indirectly affected by the SSI,	3.2 <i>Background to Aboriginal heritage on site on page 7</i>
	II. details of management measures to be carried out in relation to Aboriginal heritage, including a detailed methodology and strategies for protection, monitoring, salvage, and conservation of objects associated with the SSI,	4.1 <i>Cultural Heritage Control Measures on page 10</i> <i>Table 4.1 Cultural Heritage Control Measures on page 10</i>
	III. procedures and timing for implementing the requirements of conditions E13 to E16 inclusive,	Refer to E13 to E16 above and also to 2.2 <i>Timing for Cultural Heritage activities on page 4</i>
	IV. procedures for dealing with previously unidentified Aboriginal objects (excluding human remains) including cessation of works in the vicinity, assessment of the significance of the item(s), determination of appropriate mitigation measures by a suitably qualified archaeologist in consultation with the Department, OEH and registered Aboriginal stakeholders, procedure for determining when works can re-commence, and assessment of the consistency of any new Aboriginal heritage impacts against the approved impacts of the SSI, and registering of any new site(s) in the AHIMS database,	5.2 <i>Procedure for 'New Finds' on page 12</i> <i>Appendix B – Aboriginal Cultural Heritage Site Induction on page 26</i> <i>Appendix C – Aurizon New Find Procedure on page 31</i>
	V. details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged during construction,	3.3 <i>Consultation for the CAHMP on page 11</i> 5.2.4 <i>Keeping place on page 13</i>
	VI. procedures for ongoing Aboriginal consultation and involvement for the duration of the SSI, and	<i>Table 4.1 Cultural Heritage Control Measures on page 10</i>
	VII. procedures for managing the discovery of confirmed or potential human remains, including the temporary cessation of works in the vicinity and notification to the NSW Police Force, OEH, the Department and registered Aboriginal stakeholders and not recommencing any works in the area unless authorised by the OEH and/ or the NSW Police Force.	5.2.3 <i>Possible human remains on page 13</i>
	(ii) heritage training and induction processes for construction personnel (including procedures for keeping records of inductions) and obligations under the conditions of this approval including site identification	4.0 <i>Cultural Heritage Controls on page 10</i> <i>Appendix B – Aboriginal Cultural Heritage Site Induction on page 26</i> <i>Appendix C – Aurizon New Find Procedure on page 31</i> <i>Appendix D – Aurizon Human Remains Procedure on page 33</i>

MCoA	Task Detail	Where addressed
	(iii) mechanisms for the monitoring, review and amendment of this Plan	<i>5.4.1 Review and Improvement of the CAHMP on page 15</i>

2.0 Project Background

2.1. Indicative Construction Activities Schedule

The Project is expected to be completed over a nominal duration of 7 months from approval. A range of activities, with varying impacts, are required in that time and these are summarised in Table 2.1 Indicative Construction Stages and Scheduling, below.

Table 2.1 Indicative Construction Stages and Scheduling

Construction Phase	Activity	Indicative Schedule
Mobilisation	<ul style="list-style-type: none"> Tarro interchange dilapidation survey Delineation of sensitive areas Site establishment 	November 2022
Civil Earthworks	<ul style="list-style-type: none"> Clear and grub Strip topsoil Bulk earthworks Civil stormwater and services reticulation 	November 2022 to December 2023
Construction	<ul style="list-style-type: none"> Construction: Stage 1 - Depot Stage 2 - Warehouse of depot Stage 3 – Carpark Stage 4 – Heavy vehicle loading area Stage 5a and 5b – Eastern carpark 	December 2022 – August 2023
Demobilisation	<ul style="list-style-type: none"> Site clean-up and demobilisation 	May 2023

2.2. Timing for Cultural Heritage activities

No identified indigenous heritage items are within the Project area. As such, all cultural heritage activities related to collection of artefacts will be restricted to the management of unidentified finds.

3.0 Site Cultural Heritage Resources

3.1. Project Site

No known Aboriginal heritage items have been identified within the Project area as shown in Figure 3.1 Aboriginal Cultural Sites below.



Figure 5-1. AHIMS search results
 AHIMS sites within the radius of the project

Figure 3.1 Aboriginal Cultural Sites

3.2. Background to Aboriginal heritage on site

The DP&I Major Project Assessment (MP07_0171) Director General's Assessment Report of September 2013 (refer to p62) confirms that the assessments and reviews which have been undertaken with regards to Aboriginal heritage on the Hexham site:

- Aurizon undertook an Aboriginal Heritage Impact Assessment in 2011 as part of the EA for the proposal;
- ARTC undertook an Aboriginal Heritage Impact Assessment, including archaeological test excavations, in 2012 as part of the EA for the Hexham Relief Roads project;
- Aurizon revised its assessment in August 2012 to take into account the findings of the ARTC Hexham Relief Roads project assessment, and incorporated this into the EA for exhibition from November to December 2012;
- a peer review of Aurizon's assessment and the ARTC Hexham Relief Roads project's assessment was undertaken in December 2012, on behalf of the Proponent; and
- Aurizon's Preferred Infrastructure Report prepared in April 2013, included an addendum to the assessment provided in the EA and the peer review.

The Major Project Assessment Report confirmed that following changes in the design of the proposal, test excavations were undertaken in early 2013 in the vicinity of the proposed temporary construction access road linking the Tarro Interchange to Woodlands Close and the primary construction compound.

The assessment and excavations were undertaken in consultation with registered Aboriginal stakeholders, and the consultation process included site surveys / inspections and provision of reports for comment. Aurizon's revised report concluded that as a result of the proposal:

- The surface expression of site HS1 would not be impacted on;
- The majority of the HS1 / PAD (Potential Archaeological Deposit) would not be impacted on. The only portion to be impacted on would be the eastern section where the access road would be placed;
- The majority of the Cultural PAD would not be impacted on. The only portion that would be impacted on would be where the access road would be placed; and
- The cultural site identified by Aboriginal stakeholders is not a registered archaeological site, however the Aboriginal stakeholders would be given the opportunity to collect the objects prior to works.

In support of the State Significant Infrastructure – Modification: Detailed Environmental Assessment Report (Ethos Urban, 12 June 2019) and Section 5.25 Modification to SSI 6090: Hexham Long Term Train Support Facility-Ancillary Depot and Wagon Storage (Ethos Urban 8 April 2022) Aboriginal due diligence assessments were completed by Jacobs in accordance with relevant codes and guidelines, to identify if further archaeological assessment is required.

Searches of the Aboriginal Heritage Information Management System (AHIMS) identified 20 and five Aboriginal sites located within a 2.5km radius of the respective 2019 and 2022 project sites. No Aboriginal sites, objects or places had been recorded directly within the LTTSF site.

The findings of the AHIMS searches are consistent with previous assessments of the Site completed as part of the original SSI application which considered the turning angle and Project footprint as disturbed with no original landforms remaining.

3.3. Consultation for the CAHMP

A summary of consultation for the project dating back to 2010 is set out as Appendix A – Consultation Record.

In this section are notes regarding consultation undertaken as part of the LTTSF environmental assessment, development of the CAHMP and mitigation measures.

During the consultation undertaken for the TSF Environmental Assessment (McCardle Cultural Heritage, 2012), the following Aboriginal groups registered their interest in the project in accordance with the Office of Environment and Heritage (OEH) Aboriginal cultural heritage consultation requirements (Department of Environment, Climate Change and Water [DECCW], 2010).

Table 3.1 Registered Aboriginal Stakeholders

Stakeholder Group	Address
Awabakal Descendants Traditional Owners Aboriginal Corporation (ADTOAC)	PO Box 384 Wallabadah NSW 2342
Awabakal Local Aboriginal Land Council (ALALC)	PO Box 437 Hamilton NSW 2303
Awabakal Traditional Owners Aboriginal Corporation (ATOAC)	PO Box 253 Jesmond NSW 2299

On 23 August 2013 Aurizon’s representative, McCardle Heritage Consultants contacted the Registered Aboriginal Stakeholders and invited them all to a meeting to discuss the project, recommendations and a way forward. A draft copy of the CAHMP was provided to the Registered Aboriginal Stakeholders with that correspondence. The letters of 23 August 2013 to the Registered Aboriginal Stakeholders made plain the importance of the upcoming meeting:

“Please note that decisions will be required be to made during the meeting on the 6th September 2013. The meeting minutes will be used as confirmation of consultation and the decisions reached provided to the Department of Planning and Infrastructure (DoPI). Following the meeting, MCH will provide an updated AHMP to all registered stakeholders for their review and in line with the OEH requirements, we ask that you provide your comments within 14 days of the AHMP being sent out.

On 6 September 2013 McCardle Heritage Consultants met with representatives of the ADTOAC and the ATOAC. Unfortunately an ALALC representative was not available on that day. The following points were covered during the meeting and documented by Ms Penny McCardle as Aurizon’s representative and meeting convenor:

- Archaeological and cultural to form part of the induction.
- Surface collection prior to works.
- Surface collection by both projects to be coordinated so artefacts can be collected at once rather than going out twice and each project collecting half.
- All artefacts will be temporarily held by MCH until the completion of all construction works (as artefacts may be found throughout the construction works) and re-buried on site at the completion of the project.
- Keeping Place: the area identified is a comparable archaeological and geological context in close proximity to the construction area and within the Biodiversity Offset area and will ensure protection for perpetuity.
- The artefacts will be wrapped in paperbark and re-buried in a select area within the Biodiversity Area that will be in an area of approximately 2m x 2m and up to a depth of 1 metre. A hole will be dug by hand, the artefacts placed in the hole and the hole filled in.

On 4 November 2013 McCardle Heritage Consultants again wrote to the Registered Aboriginal Stakeholders. That letter stated in part:

Following the meeting on 6 September 2013, a number of changes have been made to the DRAFT AHMP Please find attached an updated AHMP for your review and in line with the OEH requirements, we ask that you provide your comments within 14 days of the AHMP being sent out.

On 4 November 2013 Kerrie Brauer (ATAOC) e-mailed Ms Penny McCardle (MCH) regarding the CAHMP and provided a table of comments for suggested amendments to the CAHMP.

On 12 November 2013 McCardle Heritage Consultants again contacted the Registered Aboriginal stakeholders regarding the Construction Aboriginal Heritage Management Plan and sent copies of the project approval and the final CAHMP.

The process employed by Aurizon has provided the Registered Aboriginal Stakeholders with numerous opportunities by correspondence and meeting to have input into the development of the CAHMP and to endorse or suggest amendments to the mechanisms contained herein.

As per Condition E63 of State Significant Infrastructure MP07_0171 the plans required by Condition E63(e) only apply to the Turning Angle Works insofar as they provide for unexpected finds procedure and staff training and induction with further consultation not required.

3.4. Mitigation activities

As no Aboriginal heritage items have been identified within the Project footprint mitigation measures proposed to be employed consists of delivered tool box talks and unexpected finds procedures.

4.0 Cultural Heritage Controls

4.1. Cultural Heritage Control Measures

The control measures for the project are based on the following documents:

- The conclusions and recommendations of the TSF and Project Environmental Assessments,
- The Statement of Commitments as set out in the Preferred Project Report and Response to Submissions Project Application (MP07_0171) of June 2013 prepared by JBA Urban Planning Consultants (refer to Section 5.0 at p59).

Measures to manage potential impacts on Aboriginal heritage items are detailed below in Table 4.1.

Table 4.1 Cultural Heritage Control Measures

Environmental Control Measure	Person Responsible	Timing/ Frequency
Training and Induction		
<p>All staff, contractors and others involved in construction activities will be made aware of the statutory provisions protecting Aboriginal objects and Aboriginal places of significance. An archaeological and cultural heritage awareness program will be included as part of the site induction program as previously developed in consultation with the registered Aboriginal Stakeholders. Staff will be made aware of potential archaeological and cultural heritage items that may occur on the site, and the subsequent actions to follow.</p> <p>The form for the cultural heritage induction is provided at <i>Appendix B – Aboriginal Cultural Heritage Site Induction</i></p>	Project Manager or delegate	Daily / as required
During Construction		
<p>If any suspected Aboriginal heritage items are uncovered during construction, all works will cease in the vicinity of the find and Aurizon will undertake the New Find Procedure set out as <i>Appendix C – Aurizon New Find Procedure</i>.</p>	Contractor	Immediate
Reporting and Non-conformance		
<p>Reports will be prepared for Aurizon (and OEH when requested) outlining cultural heritage performance and compliance with the MCoA.</p>	Project Manager	As required
<p>Non-conformance report will be completed in accordance with Section 5.4 <i>Reporting</i>.</p>	Project Manager or delegate	As required
Community Communication and Complaint Handling		

Environmental Control Measure	Person Responsible	Timing/ Frequency
Registered Aboriginal Stakeholders will be advised of any major change to this sub-plan. Refer to section 5.4.1 <i>Review and Improvement of the CAHMP</i>	Project Manager or delegate	As required

4.2. Inductions

The items which collectively make up the Aurizon induction package are provided as:

- Appendix B – Aboriginal Cultural Heritage Site Induction,
- Appendix C – Aurizon New Find Procedure, and
- Appendix D – Aurizon Human Remains Procedure.

All site workers are required to complete a site induction and to sign to confirm completion. As such the package forms a binding set of procedures for managers and workers on site. The procedures are intentionally set out in a factsheet format to assist in readability for all on site personnel.

The Cultural Heritage Controls Package (Appendices B, C and D) is administered by the Project Manager or delegate.

4.3. Community Enquiries and Complaints

All community enquiries and complaints will be managed in accordance with the Community Communication Strategy.

5.0 Cultural Heritage Monitoring and Reporting

5.1. Monitoring

By agreement with the Registered Aboriginal Stakeholders, Aurizon does not anticipate having cultural heritage monitors on site for ground disturbing works.

5.2. Procedure for 'New Finds'

New finds are cultural materials or suspected cultural materials found on site and that have not been previously identified.

The items which collectively make up the Aurizon induction package are provided as:

- Appendix B – Aboriginal Cultural Heritage Site Induction,
- Appendix C – Aurizon New Find Procedure, and
- Appendix D – Aurizon Human Remains Procedure.

The Aurizon 'New Find Procedure' is included as a part of the cultural heritage induction. All site workers are required to complete the induction and to sign to confirm completion. As such the package forms a process for managers and workers on site and as such the package is far more than factsheets.

The New Find Procedure includes provision for attendance by the Registered Aboriginal Stakeholders.

Any confirmed Aboriginal artefacts will be reported to OEH to confirm the best management approach in accordance with DECCW Code of Practice for the Protection of Aboriginal Objects in NSW (2010).

Details of the location, nature and date of the find will be recorded. The significance assessment and management will be reported in the monthly Cultural Heritage Report.

5.2.1. Protection

Protection of the site of any new finds is the preferred option. Sites that will not be impacted on by the development will be fenced with high visibility fencing for the duration of construction works to ensure no person(s) or equipment impact on the site. The fence will be maintained by the construction company.

If sites cannot be protected and will be impacted on, mitigation measures set out below will occur.

5.2.2. Salvage excavations

The process for responding to new cultural heritage finds is set out in Appendix C – Aurizon New Find Procedure. The Procedure requires the Project Manager to inform the Aurizon Facilities Coordinator, who will consult with an archaeologist and the Registered Aboriginal Stakeholders. The requirement for salvage excavations will be discussed at this time.

Construction works may continue no closer than 20 metres to the site during salvage excavations and construction works may continue within the 20 metres at the completion of the salvage excavation. The 20 metre buffer is a distance agreed to by the Registered Aboriginal Stakeholders to provide sufficient clearance so as not to impact on a site.

As set out at Appendix C – Aurizon New Find Procedure, a report detailing the site, consultation, methods, analysis, significance and results will be produced at the completion of any archaeological salvage or mitigation works.

5.2.3. Possible human remains

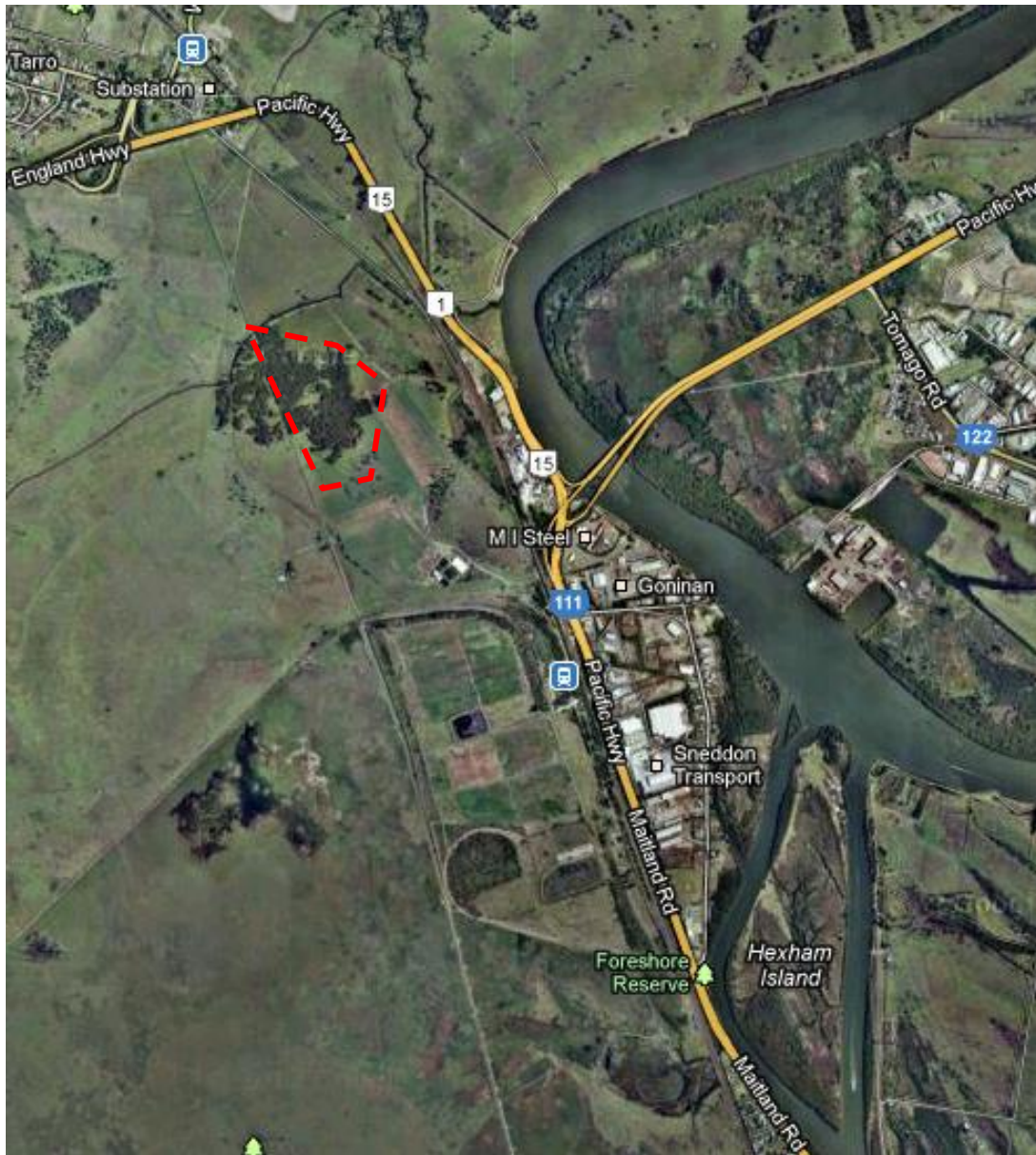
The process to follow on discovery of human remains (including skeletal remains) is set out as Appendix D – Aurizon Human Remains Procedure. The process is in accordance with the *National Parks and Wildlife Act 1974 (NSW)*.

Note that the New Find Procedure includes provision for attendance by the Registered Aboriginal Stakeholders.

5.2.4. Keeping place

All artefacts will be temporarily held by the qualified archaeologist until the completion of all construction works and then re-buried on site at the completion of the project. The area identified is a comparable archaeological and geological context in close proximity to the construction area is within the former Biodiversity Offset area and will ensure protection for perpetuity (refer , below). If artefacts are identified and require storage within the keeping place the former biodiversity offset area will be fenced off for the exclusion of cattle and protection of the buried artefacts.

By agreement set out through the consultation process, the artefacts will be wrapped in paperbark and re-buried in a selected area within the former biodiversity offset area.




 Keeping Place (within the former Biodiversity Offset area)

Figure 5.1 Keeping Place

5.3. Non-conformance Response

In the event it is identified that a potential cultural heritage new find has not been managed in accordance with Section 5.2, the Aurizon Facilities Coordinator must be notified. The source, handling and destination of the item will be recorded. The procedures of this CAHMP will be reviewed to identify and rectify the cause of the non-compliance and to remove or reduce the chance of a repeat incident.

5.4. Reporting

Reporting will be undertaken as required by the control measures at Table 4.1 Cultural Heritage Control Measures.

Any complaints or non-compliances will be reported in accordance with Section 4.2 Inductions

5.4.1. Review and Improvement of the CAHMP

The Aurizon Advisor Environment will review this plan and its implementation at least every six months from commencement of construction. The purpose of the review is to ensure that the CEMP, this CAHMP sub-plan and its operation is meeting the project's statutory and approval requirements.

The review will consider:

- Clients, site personnel and agency comments;
- Audit findings;
- Environmental monitoring records;
- Complaints;
- Incident reports;
- Corrective actions taken;
- Environmental non-conformance;
- Changes in organisational structure;
- Changes in construction methodology; and
- Changes in legislation and standards.

The Advisor Environment, or if required to be engaged, Environment Representative will review the compliance reports and any proposed updates to the CEMP and this CAHMP sub-plan. The Advisor Environment or ER has authority to approve/reject minor amendments to the CEMP and this CAHMP sub-plan. Minor amendments are changes that do not have a material effect on the management of the site's cultural heritage values or increase the risk profile.

Major changes to the CEMP and this CAHMP sub-plan will require Director-General approval.

The registered Aboriginal Stakeholders will be engaged for any proposed material changes to this CAHMP.

6.0 References

- ADW Johnson (2013) Environmental Assessment, NSW Train Support Facility, 16 November 2012, Project No.37417.
- Department of Environment, Climate Change and Water (2010) Aboriginal Cultural Heritage Consultation Requirements for Proponents.
- Department of Environment, Climate Change and Water (2010) Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales
- JBA (2013) Preferred Project Report and Response to Submissions Project Application MP07_0171, Maitland Road, Hexham, PPR NSW Train Support Facility, June 2013, Ref: 12599.
- McCardle Cultural Heritage (2012) QR National Hexham Train Support Facility Aboriginal Heritage Impact Assessment, August 2012, Ref:J12034.
- McCardle Cultural Heritage (2013) Addendum - Aboriginal Heritage Impact Assessment (AHIA) for the proposed NSW Long Term Train Support Facility (LTTSF) along the Pacific Highway, Hexham.
- Modification: Detailed Environmental Assessment Report (Ethos Urban, 12 June 2019)
- Section 5.25 Modification to SSI 6090: Hexham Long Term Train Support Facility-Ancillary Depot and Wagon Storage (Ethos Urban 8 April 2022)

Appendix A – Consultation Record

Date	Who contacted Whom	Purpose	Phone conversation/ notes
13-Dec-10	MCH contacted the required Government departments requesting a list of Aboriginal groups to contact for registration and consultation	Requirement under the DECCW ACHCR's (2010)	<p>Letter contained;</p> <ul style="list-style-type: none"> - Details of the project area (location) and proponent details - Request for assistance in identifying Aboriginal stakeholder groups or persons interested and to provide a list of these groups/people MCH stated this was an urgent project and requested a response by 20 December 2010.
15-Dec-10	NNT contacted MCH	List of groups	<p>Provided a response to the request for groups to consult. No groups were listed.</p>
20-Dec-10	DECCW contacted MCH	List of groups	<p>Provided a response to the request for groups to consult. 40 groups were listed.</p>
[REDACTED]			
20-Dec-10	MCH contacted all groups listed in responses from Government departments listed above	Requirement under the DECCW ACHCR's (2010)	<p>Letter contained;</p> <ul style="list-style-type: none"> - Proponent details - Details of the project area (location) - Details of the proposed development - statement of the purpose of community consultation with Aboriginal people - statement that this is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation - advised that, unless otherwise specified, details will be provided to DECCW & LALC - that individuals must be nominated if a group or organization registers

Date	Who contacted Whom	Purpose	Phone conversation/ notes
16-Dec-10	Advertisement in Newcastle Star Mercury Newspaper placed by client.	Requirement under the DECCW ACHCR's (2010)	<p>-Request for Aboriginal stakeholder groups or persons interested to register in writing to MCH no later than 5 January 2011 (additional week added due to Christmas and New Year holidays)</p> <p>- nominate your preferred option to receive the initial information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail.</p> <p>Advertisement contained;</p> <ul style="list-style-type: none"> - Proponent details - Details of the project area (location: map) - Details of the proposed development - statement of the purpose of community consultation with Aboriginal people - statement that this is an invitation for Aboriginal people who hold cultural knowledge relevant to the proposed project area and who can determine the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation - advised that, unless otherwise specified, your details will be provided to DECCW and the LALC - that individuals must be nominated if a group or organization registers <p>-Request for Aboriginal stakeholder groups or persons interested to register in writing to MCH no later than 5 January 2011 (additional week added due to Christmas and New Year holidays)</p> <p>- nominate your preferred option to receive the initial information. You may wish to have a non paid meeting and receive an information pack, or receive information packet through the mail, fax or e-mail.</p>
16-Dec-10	ALALC contacted MCH	Registration	David rang Penny to register for the project.

Date	Who contacted Whom	Purpose	Phone conversation/ notes
21-Dec-10	CMA Hunter Central Rivers contacted MCH	List of groups	Stated they did not have or provide a list of groups to contact DECCW.
30-Dec-10	Awabakal Descendants Traditional Owners (ADTO) contacted MCH	Registration	Shane rang Penny to register for the project and said he would send through a registration letter also. Shane also mentioned another group who may register.
4-Jan-11	Awabakal Descendants Traditional Owners (ADTO) contacted MCH	Registration	Shane provided MCH with their written registration. Shane also provided MCH with their rates of pay and insurance details and requested they remain confidential.
4-Jan-11	MCH contacted ADTO	registration	Penny thanked Shane for his registration and stated that the rates of pay and insurance details would remain confidential and that the rates of pay would only go to the proponent.
5-Jan-11	Awabakal Traditional Owners Aboriginal Corporation (ATOAC) contacted MCH	registration	Kerrie provided MCH with their written registration.
5-Jan-11	MCH contacted ATOAC	registration	Penny thanked Kerrie for her registration and stated that an information pack would be sent in a few days
5 January 2011	Registration closed		
6-Jan-11	MCH contacted all registered groups: sent an information pack for the project	Requirement under the DECCW ACHCR's (2010) Posted Information package	Information package contained; - Cover letter - Project overview - Details of the project area and maps - Roles and responsibilities of all parties - Methods of gathering information on cultural knowledge and the archaeological assessment - Defined consultation and employment - Critical time lines - Pro forma for response Response due date was also included (27 January 2011)

Date	Who contacted Whom	Purpose	Phone conversation/ notes
18-Jan-11	ATAOC contacted MCH	Response to info pack	Kerry provided MCH with a copy of their fees and charges and also requested the information pack to be e-mailed in a word document.
18-Jan-11	MCH contacted ATOAC	Response to e-mail	Penny sent Kerry the information pack in word documents via e-mail
21-Jan-11	ADTOAC contacted MCH	Response to info pack	Shane provided MCH with their response to the information pack
24-Jan-11	Newcastle City Council (NCC) contacted MCH	List of groups	Stated that MCH should contact Awabakal LALC.
27-Jan-11	ATAOC contacted MCH	Response to info pack	Kerry provided MCH with a response to the information pack
1-Feb-11	MCH contacted all registered groups	Survey invitation	MCH sent a letter of invitation to the survey on 9 March 2011
1-Feb-11	MCH contacted all registered groups	Survey invitation	MCH sent a letter of invitation to the survey on 9 February 2011
1-Feb-11	ADTOAC e-mailed MCH	survey	Shane confirmed he will be attending the survey
1-Feb-11	ATAOC contacted MCH	survey	Kerry confirmed she will be attending the survey
1-Feb-11	MCH contacted ATAOC	survey	Penny reminded Kerry to sign and return the required paperwork before the survey
2-Feb-11	ATAOC contacted MCH	survey	Kerry returned signed paperwork for the survey
3-Feb-11	MCH contacted ATAOC	Info pack questions	Penny responded to Kerry's questions and comments on the information pack
9-Feb-11	survey		
11-Mar-11	MCH contacted all groups	Draft report	Penny sent all groups a copy of the draft report for their review and asked if they had any comments or wished to provide MCH with a letter/report to do so no later than 31 March 2011.
22-Mar-11	MCH contacted all groups	Draft report	Penny sent all groups a reminder that their letter/report was due no later than 31 March 2011.
23-Mar-11	ADTOAC contacted MCH	Response to draft report	Shane provided MCH with their response to the draft report. Shane raised a number of points

Date	Who contacted Whom	Purpose	Phone conversation/ notes
29-Mar-11	MCH contacted ADTO	report	Penny thanked Shane for providing his report and that his comments will be include din the report. Penny also brought to his attention that test excavations were not warranted as the are of less disturbance will be designated environmental land and as such conserved. Penny also invited Shane to revise his report in light of this if he wished to.
29-Mar-11	MCH contacted ATAOC	report	Penny sent Kerry a reminder that their letter/report was due no later than 31 March 2011.
29-Mar-11	MCH contacted ALALC	report	Penny sent David a reminder that their letter/report was due no later than 31 March 2011.
31-Mar-11	ATAOC contacted MCH	report	Kerry provide MCH with their report
31-Mar-11	MCH contacted ATAOC	report	Penny thanked Kerrie for her report and stated that her comments and everyone else's would be reflected in the revised report
31-Mar-11	ALALC contacted MCH	report	Provide MCH with their report
15-Jul-11	MCH contacted all groups	Final report	Penny sent all groups a copy of the final report
26-Mar-12	MCH contacted all groups	Site visit	Penny sent all groups an invitation to a site meeting on 2 April 2012 to discuss the site identified by AMBS
2-Apr-12	MCH contacted all groups	Site visit	Penny sent all groups an e-mail outlining the site visit and the possibility of another site visit
2-Apr-12	ADTOAC contacted MCH	Site visit	Rang Penny and apologized for not attending the site visit as he only received the letter that day. Penny explained the site visit and that there may be another site visit organized and she will be in touch.
2-Apr-12	ATAOC contacted MCH	Site visit	Kerry e-mailed Penny to apologise for not attending the site visit due to other commitments
18-Jul-12	Roger Mehr (OEH), Penny McCardle (MCH), Darren Pritchard (Leicon), Stuart Piggott (KMH), Darren Green (KMH)	meeting to discuss project	Discussions focused around an overview of projects, an overview of status of Aboriginal investigations, the use of one Archaeologist for both projects and general business regarding the project.
4-Feb-13	MCH contacted the registered stakeholders	PCD	MCH provided all groups an update regarding the PCD and results from the AMBS excavation

Date	Who contacted Whom	Purpose	Phone conversation/ notes
14-Jun-13	MCH contacted the registered stakeholders	Addendum	MCH provided all groups an addendum to the MCH report. The addendum summarised all assessments to date and provided updated recommendations for the project following the AMBS test excavation investigations.
7-Jul-13	ADTOAC contacted MCH	Addendum	Provided a response stating that all sites, including those that may be disturbed are highly significant and the MCH report does not provide adequate cultural heritage discussions.
10-Jul-13	ATAOC contacted MCH	Addendum	Provided a response stating that all sites, including those that may be disturbed are highly significant and that non of the assessments take into account what the traditional owners would like (collection and re-burial of the artefacts). Cannot understand that the study area is identified as disturbed when a site has been identified
23-Aug-13	MCH contacted the registered stakeholders	meeting	MCH invited all parties to a meeting to discuss the project, recommendations and a way forward. A draft copy of the CAHMP was attached.
6-Sep-13	ADTOAC, ATAOC, MCH and Aurizon present at the meeting		The project was discussed as well as recommendations, keeping place, inductions and cultural significance. All agreed to an appropriate keeping place, induction content and a way forward.
4-Nov-13	MCH contacted the registered stakeholders	CHMP draft	MCH sent copies of the final draft CHMP and requested a response no later than 2 weeks form the dated letter (due on 18/11/13)
4/11/123	ATAOC contacted MCH	Final AHMP	Responded with comments for the final CHMP
5-Nov-13	MCH contacted ATAOC	Final AHMP	MCH thanked Kerrie for the timely response and stated the appropriate changes would be made and a copy of the final CHMOP will be forwarded to her
8-Nov-13	MCH contacted all Aboriginal stakeholders	collection	Letters of invitation and engagement sent to groups for the surface collection on 21/11/13
10-Nov-13	ATAOC contacted MCH	collection	Notified MCH they were not available
10-Nov-13	ADTOAC contacted MCH	collection	Requested the date of the collection
11-Nov-13	MCH contacted ADTOAC	collection	Stated the cover letter sent included the date of 21 November starting at 8am on site

Date	Who contacted Whom	Purpose	Phone conversation/ notes
11-Nov-13	MCH contacted ADTAOC and ATAOC	collection	MCH explained the construction start date was the 10 December and due to tight scheduling and providing the at least the required 2 weeks notice for fieldwork, that this date was the only available before works start
11-Nov-13	ATAOC contacted MCH	collection	Requested the letter of engagement be re sent with the word 'collection' instead of 'survey'
11-Nov-13	MCH contacted ATAOC	collection	MCH sent Kerrie the revised letter of engagement
11-Nov-13	ATAOC contacted MCH	collection	Realised they made a mistake with the date as a second project is also undertaking a collection in that area, that they would have liked to have been informed about it and they are available for this collection and requested a map
11-Nov-13	MCH contacted ATAOC	collection	MCH stated we did not know about the other collection and are waiting for a map and will forward it on ASAP
11-Nov-13	ADTOAC contacted MCH	collection	Shane stated he did not receive the cover letter and asked that the letter of engagement change the word 'survey' to 'collection and that he was unable to attend & MCH did not give enough notice
11-Nov-13	Penny McCardle (MCH) e-mailed Shane Frost (ADTOAC)	collection	MCH apologised and re sent the letters with the word change, stated the survey date could not change and that Kerrie was attending and as they work closely on many projects, including this one, that she would provide details of the collection as would MCH with the results report
11-Nov-13	ATAOC contacted MCH	collection	Realised they got the date wrong and can not attend the collection
11-Nov-13	ADTOAC contacted MCH	collection	Shane stated he spoke to Kerrie who is not able to attend and his disappointment that neither groups could attend on this date
12-Nov-13	MCH contacted registered Aboriginal stakeholders	collection	MCH stated works could begin at 6am or after 5pm if that would help with the groups scheduling and work
12-Nov-13	MCH contacted registered Aboriginal stakeholders	Approval and final CAHMP	MCH sent copies of the project approval and the final CAHMP to all stakeholders
14-Nov-13	MCH contacted registered Aboriginal stakeholders	collection	MCH stated Aurizon will fence the site off during construction so we can reschedule the collection and requested their available dated over the next three weeks

Date	Who contacted Whom	Purpose	Phone conversation/ notes
14-Nov-13	MCH contacted registered Aboriginal stakeholders	collection	Sent the groups asking for their availability up until 24 December 2013
18-Nov-13	MCH contacted registered Aboriginal stakeholders	collection	Requested the groups availability again
18-Nov-13	LHAI contacted MCH	collection	Stated he was available to attend the collection
18-Nov-13	MCH contacted LHAI	collection	Responded to David stating there were issues surrounding the date and the 21 st was cancelled and MCH would contact him with a range of dates
19/11/123	Penny McCardle (MCH) rang Shane Frost (ADTOAC)	collection	Penny left a message in the morning to call her back regarding the collection
19-Nov-13	MCH contacted ATAOC	collection	Penny requested their availability until December 24 th and Kerrie asked MCH to discuss this with Shane Frost as she would work around with his availability
20-Nov-13	Penny McCardle (MCH) rang Shane Frost (ADTOAC)	collection	Shane provided some dates and a tentative date for the collection was 6 December. Penny to e-mail everyone to confirm.
20-Nov-13	MCH contacted registered stakeholders	collection	Penny e-mails all stakeholders asking if the 6 December was suitable for the collection.
20-Nov-13	LHAI contacted MCH	collection	Stated he was available to attend the collection
21-Nov-13	MCH contacted ADTOAC and ATAOC	collection	Penny e-mailed Shane and Kerry asking that they confirm that the 6 December is suitable for the collection
21-Nov-13	ATAOC contacted MCH	collection	Stated they were available to attend the collection
21-Nov-13	ATAOC contacted MCH	collection	Expresses concerns at the cancelling of the collection

Appendix B – Aboriginal Cultural Heritage Site Induction

AURIZON Aboriginal Cultural Heritage Induction Toolbox Talk

Aboriginal Cultural Heritage (NSW)

The purpose of this Induction is to provide people in a position to make a cultural heritage find with the knowledge of how to identify cultural heritage, what steps to take to protect it, and who to inform when such an item has been identified. By being vigilant, you will be able to play your part in the identification and protection of this country's cultural heritage.

What is Aboriginal Cultural Heritage?

Aboriginal cultural heritage is a legacy of cultural things (artwork, objects, artefacts, practices, skills, ideas, places and more) created by Australia's Indigenous population. Cultural heritage is not the same as native title. Cultural heritage exists on or under land regardless of whether it is owned by Aurizon, leased for pastoral purposes or held in freehold title.

Protection of Aboriginal Cultural Heritage

Aboriginal cultural heritage is protected by both state and federal legislation. The main items of state legislation that offer protection to cultural heritage are:

New South Wales – National Parks and Wildlife Act 1974

This Act protects Aboriginal cultural heritage by imposing a duty of care on all persons with regard to cultural heritage objects, items or places.

The legislation requires that any person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.

While working for Aurizon you are required and expected to protect and avoid harm to all known and any unidentified Aboriginal cultural heritage. Failure to comply with the provisions of the relevant legislation and/or damaging Aboriginal cultural heritage is enforced by financial and legal penalties:

For a corporation (Aurizon) – a maximum of \$1,100,000

For an individual (You) – NSW: a maximum of \$550,000

If you harm something you know or ought to know to be Aboriginal cultural heritage, you face up to two years imprisonment.

What do you have to do?

There are a number of things that you have to do to protect Aboriginal cultural heritage:

- Keep a look out for evidence of cultural heritage items;
- If in doubt, contact the Aurizon Cultural Heritage & Native Title Coordinator for advice;
- Know what to look for when you are working within the vicinity of Aboriginal cultural heritage places or where there is the potential for uncovering Aboriginal cultural heritage;
- Follow Aurizon's New Find Procedure if a cultural heritage find is identified.

[Version 1, January 2014]



What to do if a Cultural Heritage Find is identified

A Cultural Heritage Find means an Aboriginal object. Aboriginal objects include physical objects (such as stone tools, Aboriginal built fences and stockyards and scarred trees), material deposited on the land (such as middens) and the ancestral remains of Aboriginal people.

The Cultural Heritage New Find Procedure applies where any ground breaking activities are to occur. The Aurizon Cultural Heritage & Native Title Coordinator will make you aware of any specific obligations that have been imposed by the Office of Environment and Heritage (OEH) in respect of a Cultural Heritage Find.

Below is a summary of the New Find Procedure:

Find	The suspected cultural heritage find
Stop and Identify	Stop work in the immediate area, establish an appropriate buffer zone and record the item/s
Notify	Your supervisor and Aurizon's Cultural Heritage & Native Title Coordinator
Protect and Manage	The item/s until they are correctly dealt with by persons who possess the knowledge to do so

BE AWARE OF YOUR CULTURAL HERITAGE OBLIGATIONS & ACT RESPONSIBLY

If you require any further information please contact Aurizon's Cultural Heritage & Native Title Coordinator on (07) 3019 9142 or at culturalheritage@aurizon.com.au.

What you must look for

You may find Aboriginal cultural heritage when working on Aurizon projects. The following cultural heritage items may be encountered while you are working on an Aurizon site:

Rock Shelters

- ▶ Rocky overhangs used for shelter from the weather, interment of the deceased or as galleries for rock art.



Scarred or carved trees

- ▶ A scar is usually roughly oval in shape and above the surface of the ground by approximately 1m.
- ▶ Scars were created when Indigenous people removed bark to construct canoes, shields, bark shelters and containers.
- ▶ Scarred trees are generally old native species with thick bark that can be peeled

[Version 1, January 2014]



Stone artefacts

- ▶ Grindstones were used to grind and crush different materials and are usually made from abrasive rocks such as sandstone or coarse-grained basalt or quartzite. The surface of a grindstone has many scratches caused by abrasion but feels smooth.
- ▶ Axes are roughly hand sized with a cutting edge formed by grinding. Axes are usually rounded or oval in shape and are typically 'lens shaped' when viewed from the side.
- ▶ Cores are often fist sized or smaller and exhibit multiple inverse scars where flakes have been removed.
- ▶ Flakes are a fragment of stone removed from a core and are often triangular in shape and less than 50mm long. A 'bulb of percussion' is often present on the face of a flake. Flakes can often be different to the natural rock in the area.



Hand Axe

Grindstone



Rock Art Sites

- ▶ Often located in rock shelters and frequently accompanied by stone tools, animal and human remains and charcoal.

Native Wells

- ▶ Depressions in the landscape enlarged through the use of rock chipping or fire heating.



Shell Middens

- ▶ The remains of a campsite where fresh and/or saltwater shellfish were cooked and eaten.
- ▶ Usually found along river banks, flood plains, near swamps and lakes and along the coast
- ▶ Typically seen as a mound with many layers of shells

[Version 1, January 2014]



Toolbox Talk Attendance Information

Project:	
Location:	
Date:	

Name	Service Number / Company	Signature

Responsibility Matrix

Action No.	Responsible Party	Action
1	CH & NT Coordinator	Ensure the Project Manager has the current version of the Aurizon Cultural Heritage Toolbox Talk.
2	Project Manager	Provide the Site Manager with this Toolbox Talk and ensure they are aware that the Induction must be completed by all Aurizon employees and contractors.
3	Site Manager	Discuss the Toolbox Talk at the pre-start meeting. Ensure all Aurizon employees and contractors have been inducted. Obtain signatures of attendees on page 4. Return signed Toolbox Talk to the Project Manager.
4	Project Manager	Retain a copy of the signed Toolbox Talks for the project records. Return a signed copy of the Toolbox Talk to the Aurizon CH & NT Coordinator.

[Version 1, January 2014]



Appendix C – Aurizon New Find Procedure

AURIZON Aboriginal Cultural Heritage New Find Procedure

Discovery of Aboriginal Cultural Heritage (NSW)

When to use this procedure

This procedure applies where any Aurizon ground breaking activities (including vegetation removal, geotechnical works and construction) are to occur.

This procedure is to be followed by all Aurizon employees and contractors and assists in ensuring Aurizon complies with its duty of care under the *National Parks and Wildlife Act 1974 (NSW)*.

Discovery of a Cultural Heritage Find

If a cultural heritage find is identified during the course of project activities, it is mandatory that project activities are conducted in accordance with Aurizon's Cultural Heritage New Find Procedure as outlined below.

What is a Cultural Heritage Find?

- An Aboriginal object; or
- Aboriginal human remains; or
- Evidence of archaeological or historic significance of Aboriginal occupation.



Aboriginal cultural heritage new find procedure

1. Do not move or relocate any possible cultural heritage finds.
2. Immediately inform the Site Manager of the find and cease project activities in the general vicinity of the cultural heritage find.
3. Erect a physical boundary around the location ensuring the cultural heritage find is protected from harm. All site workers will be advised of the exclusion zone and instructed to stay out of the marked area.
4. The Site Manager must immediately inform the Project Manager of the cultural heritage find so the incident can be entered in the project incident register.
5. The Project Manager informs the Aurizon CH & NT Coordinator who will arrange an inspection by an appropriately qualified archaeologist to determine the significance of the find and relevant mitigation measures in consultation with the registered Aboriginal stakeholders.
6. The Aurizon CH & NT Coordinator will report any confirmed Aboriginal artefacts to the Office of Environment and Heritage (OEH).

Responsibility matrix

Action No.	Responsible Party	Action
1	Site Manager	Inform Project Manager (PM). Set up exclusion zone and advise site workers.
2	Project Manager	Inform Aurizon CH & NT Coordinator. Record on project incident register.
3	Aurizon CH & NT Coordinator	Arrange inspection by archaeologist. Invite registered Aboriginal Stakeholders to attend. Report any confirmed Aboriginal artefacts to OEH. Inform PM of further cultural heritage actions or conditions, if any.
4	Project Manager	Inform Site Manager and/or Principal Contractor of further cultural heritage actions or conditions, if any.
5	Site Manager	Implement any further cultural heritage actions or conditions, if any.

[Version 1, January 2014]



Appendix D – Aurizon Human Remains Procedure

AURIZON Human Remains Procedure

Discovery of Human Remains (NSW)



When to use this procedure

ALWAYS CONTACT YOUR LOCAL POLICE STATION IN THE FIRST INSTANCE

This procedure applies where human remains are uncovered during the course of project activities. All burials in New South Wales are regulated under state specific legislation, including the *National Parks and Wildlife Act 1974 (NSW)* and local government by-laws.

Discovery of human remains

IT IS AN OFFENCE TO INTERFERE WITH HUMAN REMAINS, WHETHER BURIED OR NOT.

If human remains are discovered during the course of project activities, Aurizon employees and contractors must comply with the requirements of applicable state legislation, including the *National Parks and Wildlife Act 1974 (NSW)*.

The Cultural Heritage & Native Title Coordinator is to be informed of any discovery of human remains however no cultural heritage action will be taken unless the Police are satisfied the human remains are not part of a crime scene.

Aboriginal human remains procedure

1. Immediately contact the local Police
2. Do not move or relocate any items in or around the human remains.
3. Cease project activities within a 50m exclusion zone of the human remains.
4. Erect a physical boundary around the human remains to ensure they are protected from harm.
5. Inform the Aurizon Cultural Heritage & Native Title Coordinator of the outcome of the Police investigation.
6. If the remains are determined to be of Aboriginal origin, the Aurizon Cultural Heritage & Native Title Coordinator will liaise with the Office of Environment and Heritage (NSW) and the registered Aboriginal Stakeholders to ensure the human remains are managed appropriately and in accordance with the attached Human Remains Guidelines.
7. Project activities may not continue in the exclusion zone until the human remains have been removed from the Project Area.

Responsibility matrix

Action No.	Responsible Party	Action
1	Site Manager	Report the find to the NSW Police. Inform the Project Manager. Set up buffer zone to ensure remains are not disturbed.
2	Project Manager	Inform Aurizon CH & NT Coordinator if the Police have confirmed the remains are not the product of a crime scene.
3	Aurizon CH & NT Coordinator	Liaise with OEH and the registered Aboriginal Stakeholders over timeframes for handling and management of human remains.

[Version 1, January 2014]



Appendix E – Risk Assessment

9	Heritage	A) Construction activities resulting in impacts to unidentified Aboriginal and non-Aboriginal heritage items.	<p>Elimination</p> <p>A) Survey of the Site undertaken as part of the Depot Modification EA did not identify any artefacts within the vicinity of the project area.</p> <p>Substitution</p> <p>Not applied</p> <p>Isolation</p> <p>Not applied</p> <p>Engineering</p> <p>Not applied</p> <p>Administration</p> <p>A) Aurizon Cultural Heritage Tool Box Talk and unexpected finds protocol.</p> <p>A) CHMP and CNIHMP</p> <p>A) Induct personnel on heritage issues and safeguards.</p> <p>PPE</p> <p>Not applied.</p> <p>Control Effectiveness:</p> <p>SE</p>	<p>Guidance: The selected HOC is justified on the basis that the controls form part of the accepted safe system of work for the known operating environment and have valid potential to minimise the identified risk.</p> <p>All credible control options were considered within the hierarchy of control (HOC) as applicable to the accountable sphere of control.</p> <p>Controls considered but rejected: NIL</p>	1	1	L	<p>Elimination</p> <p>Not applied</p> <p>Substitution</p> <p>Not applied</p> <p>Isolation</p> <p>Not applied</p> <p>Engineering</p> <p>Not applied</p> <p>Administration</p> <p>Not applied</p> <p>PPE</p> <p>Not applied</p> <p>Control Effectiveness:</p> <p>SE</p>	<p>Guidance: Risk Controls are subject to ongoing due diligence in accordance with the authorised implementation and review timeframes.</p>	Project Manager and Principal Contractor/Senior Adviser Environment	02/12/2020
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