VIRTUS HERITAGE

Akaysha Chance Finds Protocol

Prepared for Akaysha Energy by Virtus Heritage Pty Ltd July 2024

Version History

Version	Date	Prepared by	Approved by
1	20 June 2024	Clare Anderson	
2	14 June 2024	Clare Anderson Anya Graubard	
3	12 July 2024	Clare Anderson Anya Graubard	Dr Mary Jean Sutton

PROJECT BACKGROUND

Consent requirements

Protection of Heritage Items

B23. The Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items located outside the approved development footprint.

Chance Finds Protocol

B24. Prior to the commencement of road upgrade works, the Applicant must prepare a Chance Finds Protocol for the development in consultation with Registered Aboriginal Parties (RAPs), and to the satisfaction of Heritage NSW.

C10 to C13. DPHI is to be notified of any incident or non-compliance via the Major Projects website in accordance with conditions C10 to C13.

Following approval, the Applicant must implement the Chance Finds Protocol

ACHA commitments

1. Works should not extend outside the Development Footprint approved in the Development Consent. Aboriginal heritage should be included within the Construction Environment Management Plan (CEMP) or equivalent for the Project. This should include Chance Finds Protocol and could include an onsite induction and be developed in consultation with the RAPs for the Project. Site personnel should be advised that there are registered Aboriginal heritage sites within the vicinity of the Development Site and ground disturbance is not allowed outside of the approved areas.
2. In the unlikely event that human remains are discovered during the development works, all work must cease in the immediate vicinity and follow the protocol provided in Appendix B. Heritage NSW and the police should be notified. Further assessment would be undertaken to determine if the remains were Aboriginal or non-Aboriginal.
3. Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation. This would include consultation with the RAPs and may include further field survey.
4. Consultation with the RAPs for the Project should be maintained through the approvals process and post-approval construction.
5. A copy of the final ACHA should be lodged with AHIMS and provided to each of the RAPs for their records.

Construction Environment Management Plan

ABORIGINAL CULTURAL HERITAGE MANAGEMENT

The EIS and Aboriginal Cultural Heritage Assessment for the Orana Bess Project identified that:

- The project area is located on Wiradjuri Country and there are known Aboriginal objects located outside the Development Site and Development Footprint (Figure 1). Work is not allowed outside of the Development Footprint approved in the Development Consent.
- Works must not impact the highly culturally significant culturally modified tree sites to the south of the Development Site.
- Further surface and subsurface Aboriginal objects are possible within the Development Footprint; however, this potential is considered low.
    - In the unlikely event that human remains are discovered during the development works, all work must cease in the immediate vicinity and follow the protocol provided in Appendix B. Heritage NSW and the NSW Police should be notified. Further assessment would be undertaken to determine if the remains were Aboriginal or non-Aboriginal.
    - Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation. This would include consultation with the RAPs and may include further field survey.

ROLES AND RESPONSIBILITIES

Site contractor/worker

- Ensure you have complete site induction.
- Ensure you are aware of the chance finds protocol, your obligations under the SSD approval and NPW Act, and any heritage controls required in your area.
- Report any chance finds or incidents to site supervisor/project manager.

Project manager

- Ensure the completion of pre-work assessment that identifies the area being worked in relation to known heritage.
- Identify any heritage controls required to meet.
- Ensure personnel have completed an on-site induction and are aware of heritage controls required in your area.
- Report any chance finds or incidents to SQE/Environmental Manager.

SQE/Environmental Manager

- Review works plans against heritage requirements and identify any heritage controls for work area:
    - During construction, project design alterations or other changes to the Approved Project may be required (such as an alteration of the current design, the location of ancillary facilities) within the project area result in a reduced or increased impact to Aboriginal cultural heritage. Any change in the overall impact on Aboriginal cultural heritage would need to be assessed to determine consistency with the EIS and conditions of consent in consultation with an archaeologist, with continued involvement of RAPs.
    - Works should not extend outside the Development Footprint approved in the Development Consent.
    - Works must not impact the CMT sites to the south of the Development Site.
- Ensure all notifications, reporting and processes for chance finds protocols are followed.
- Ensure consultation is ongoing with the RAPs as detailed throughout this document and in accordance with the provisions of this CEMP and the approval consent for the development.
- Ensure that DPHI is to be notified of any incident or non-compliance via the major Projects website in accordance with conditions C13 to C13.

The following Chance Finds Protocols have been adapted from NGH (2023).

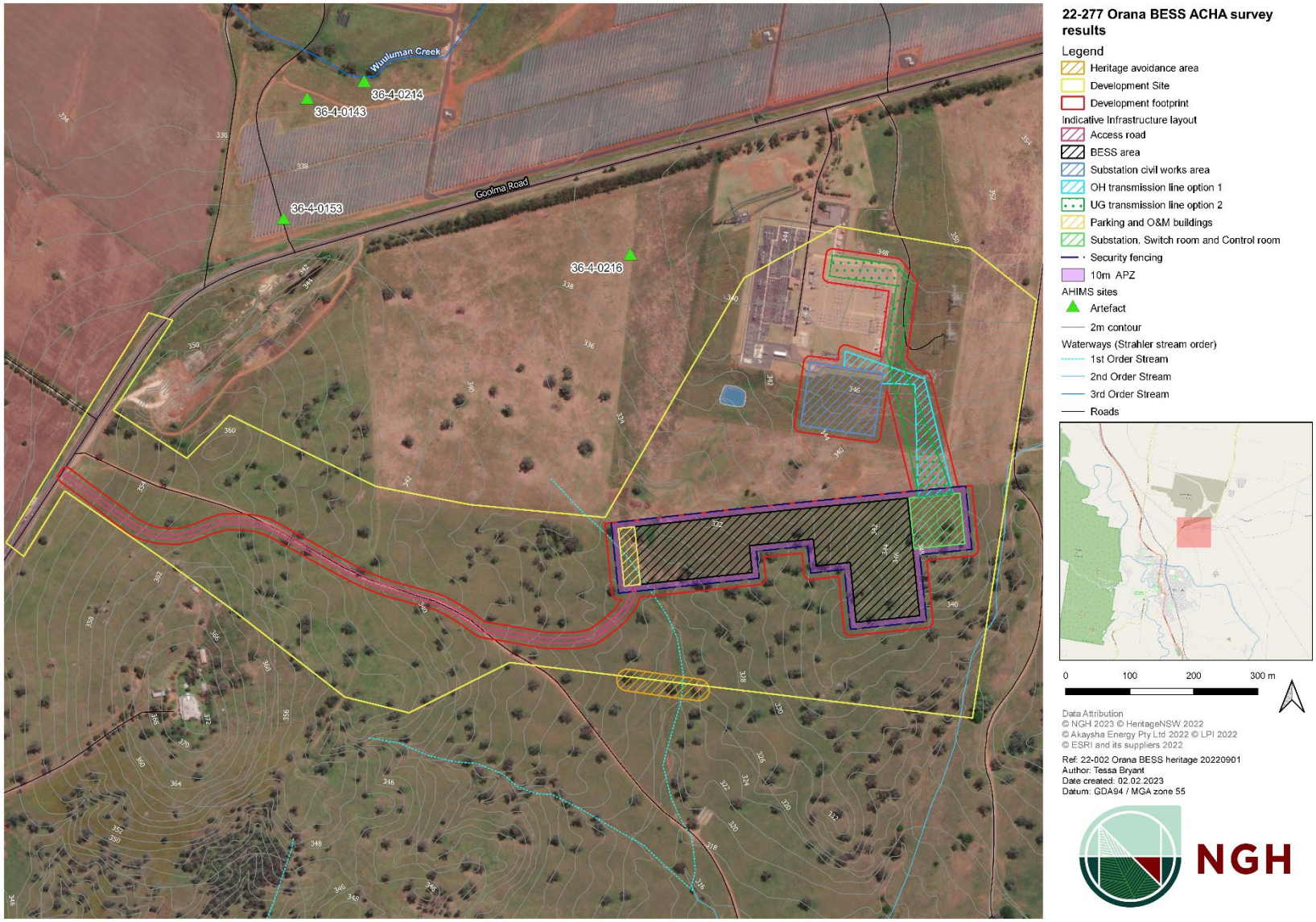


Figure 7-1 Heritage restraints – avoidance area in southern part of Development Site to ensure no impacts to adjoining scarred trees (CMTs).

B.1 Chance Human Skeletal Remains

The following plan describes the actions that must be taken in instances where human remains, or suspected human remains are discovered.

Who	Steps
Discovery - STOP WORK	
Site contractor/all	• If any human remains or suspected human remains are found during any activity, works in the vicinity must stop and the Site Supervisor and Senior Project Manager must be contacted immediately. • The remains must be left in place and protected from harm or damage. To protect the remains, high visibility markers or temporary fencing which will not cause ground disturbance must be immediately placed a minimum of 10 m around the location of the human remains or suspected human remains by site personnel. A minimum no work buffer zone radius of 50 m must be implemented around the remains by taping off the area. • All personnel should then leave the fenced off area immediately.
Notify	

Senior Project Manager	• The NSW Police must be notified immediately. Details of the location and nature of the human remains must be provided to the relevant authorities.
	• If there is reasonable ground to believe or uncertainty as to whether the remains are Aboriginal, the following must also occur:
	  • Heritage NSW must be contacted as soon as practicable. Heritage NSW Environment Line can be contacted on **131 555.**
	  • The RAPs must be notified immediately, invited to participate in consultation with NSW Police and Heritage NSW investigation and kept informed of the process. RAPs will advise on any necessary cultural protocols. This may, for example, include a request to monitor the investigation, to accompany Aboriginal human remains to where they are resting or to conduct smoking ceremonies. The RAPs may identify other relevant Aboriginal community groups to notify.
	  • The relevant Project Archaeologist may be contacted to facilitate communication between the police, Heritage NSW, and the RAPs.

Assess	

Senior Project Manager	• If the remains are considered to be Aboriginal by the Police and Heritage NSW:
	  • No work can recommence at the particular location unless authorised in writing by the appropriate consenting authority (Heritage NSW/DPHI).
	  • An appropriate management and mitigation, or salvage strategy must be implemented, including any necessary cultural protocols, following further consultation with the Aboriginal community, Heritage NSW and DPHI.
	  • Any recording and reporting of Aboriginal ancestral remains must be undertaken with sensitivity and dignity by, or be conducted under the direct supervision of, a specialist physical anthropologist or other suitably qualified person in accordance with the strategy developed with the Aboriginal community and Heritage NSW. The long-term care and repatriation of ancestral remains must be undertaken in consultation with the Registered Aboriginal Parties.

B.2 Chance Finds – Aboriginal objects

In the event that any chance Aboriginal heritage sites or objects are discovered during the Project, the following management protocols will be implemented. Note: this process does not apply to human or suspected human remains which has been detailed above.

Who	Steps
Discovery - STOP WORK	
Site contract or/ all	• All works must stop in the immediate area of the heritage item to prevent any further impacts to the object(s). Personnel should notify their site supervisor of the find, who will notify the Senior Project Manager. Do not continue work in this area until the Senior Project Manager advises that work can continue.
Notify and Assess	
Senior Project Manager	• A suitably skilled individual (such as an archaeologist) and RAPs must be contacted to determine if the chance find is Aboriginal in origin or not. Akaysha Energy maintains a list of local RAP knowledge holders with Aboriginal heritage site/object identification skills who can provide rapid local or video assessment support. • An inspection of the chance find should be undertaken with the archaeologist and a minimum of one representative from the RAPs for this Project. If no representative from the RAPs is available for the inspection, the visual inspection of the chance object may be undertaken solely by a suitably qualified archaeologist. If the chance find is determined to be Aboriginal in origin: • RAPs must be notified. • The site must be registered in the Aboriginal Heritage Information Management System (AHIMS).
Manage	
Senior Project Manager	If the site is within the approved footprint of the Project, an appropriate management and mitigation method must be undertaken: • Where unexpected Aboriginal objects are uncovered during the development, the required management measures must be developed based on an understanding of the cultural and archaeological significance of the find and in consultation with registered Aboriginal parties, Heritage NSW and DPHI. • If any chance modified trees or culturally or archaeologically significant sites are identified additional consultation with the RAPs, Heritage NSW and DPHI will be required which would be determined on a case-by-case matter in consideration of archaeological best practice and consultation with the appropriate consent authority.

REPORTING FOR COLLECTED AND SALVAGED ABORIGINAL OBJECTS

Following the completion of a management and mitigation measure (such as surface collection or salvage excavation) the following reporting will be completed:

- An Aboriginal Site Impact Recording Form for each site impacted must be submitted to AHIMS.
- A short report will be produced that:

- Describes any ongoing consultation or involvement of the RAPs in relation to the activity including any statements of significance provided by the RAPs.
- Includes a description of the relevant development context, consents and the method and results of the management and mitigation activity, including the results and an analysis of any Aboriginal objects that were managed in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010).
- Includes a catalogue of any Aboriginal objects recovered, including their unique identifier, attributes, original geographic co-ordinates, date of salvage and their current care status and long-term care arrangements.
- Comments on the effectiveness of the management and mitigation measures undertaken.

- A copy of the report will be provided to RAPs and 28 days provided for feedback.
- Comments received from RAPs will be incorporated into a final report. This report must be submitted to AHIMS within 12 months of the completion of the surface collection or salvage excavation.

CARE OF COLLECTED/SALVAGED ABORIGINAL OBJECTS

- A catalogue and record of the chain of custody for all collected Aboriginal objects must be kept for the project.
- Reburial of Aboriginal objects
  - Once the reporting and management and mitigation measures have been completed, stone artefacts will be relocated to:
    - An area agreed to by the RAPs and Akaysha Energy outside the Development footprint.
    - Artefacts will be reburied in accordance with a cultural protocol requested by the RAPs with consideration of the requirements in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010)
    - An AHIMS site card will be registered for the relocated site.
- It may be necessary to temporarily store Aboriginal objects on-site within the project area until reporting is completed, and their final care location determined. A locked, dry storage area for any collected Aboriginal objects must be provided on site until they can be returned to their final location. Temperature and moisture control may be required for some finds.
- Aboriginal objects may be removed off site for short periods of time for analysis, for example to the office of the project archaeologist, with custody of Aboriginal objects tracked.
- RAPs must be able to access to Aboriginal objects on request.

  RAPs may request the care of some or all of the Aboriginal objects. A Care Agreement must be sought for any Aboriginal objects being stored outside the Consent area or where custodianship of Aboriginal objects is being transferred. Further information regarding Care Agreements can be found here https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places/apply-care-agreement-transfer-objects.

Stone Tools - Artefacts

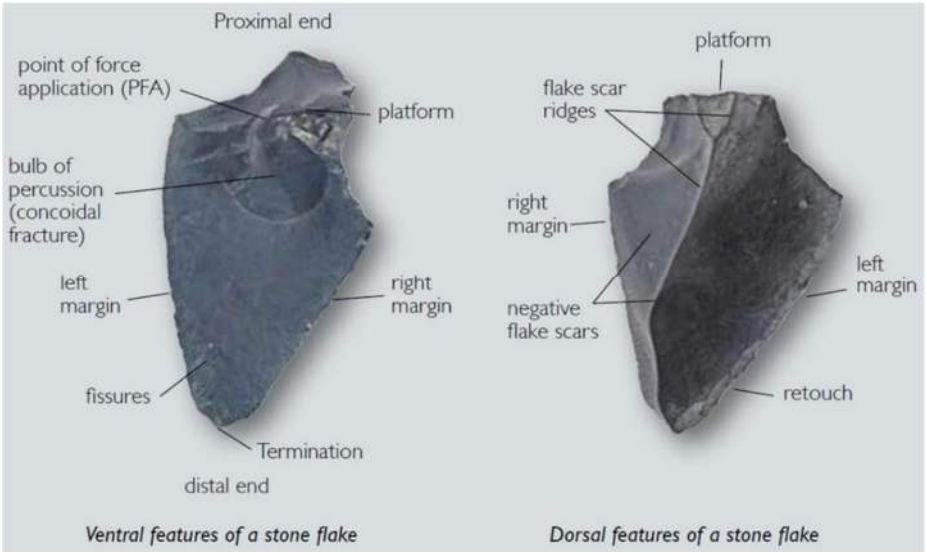
In Australia, modified stone is the most abundant artefactual material in the archaeological record and represents past human activities.

Stone artefacts are made of a select range of stone types – common types of stone include mudstone, basalt, chert, chalcedony, quartzite and quartz. The stone artefacts should stand out against other stone materials present because they are often made from rock types that have been brought in from other areas. Stone tools are the most common type of Aboriginal object.





Stone tools - Flakes



https://www.aboriginalheritage.tas.gov.au/cultural-heritage/aboriginal-stone-artefacts

A flaked stone artefact is usually produced by striking a piece of siliceous rock or mineral (core) with force at an angle using a hammerstone. The flake ventral surface was originally attached to the core, while the flake dorsal surface is the outer surface of the core



A retouched flake is a flake which has then undergone further flaking and modification. This can be determined by the negative flake scars from the retouch processes truncating some part of the ventral surface of the flake.

Stone tools - cores

Cores are artefacts that retain the negative scars of previous flake removals



Single Platform Core (Unidirectional Core) has only one platform from which flakes have been struck.

Stone tools - Hammerstone



Hammerstones are usually found in the form of a rock (commonly a river pebble) which is used to strike a core to produce flakes.

Hammerstone may have features which indicate percussion use such as pitting, abrading, and/or small negative flake scars.