



Unexpected Heritage Finds Procedure

SM-20-00099497

Metro Body of Knowledge (MBoK)

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Name of Approver:	Carolyn Riley
Role / Title:	Executive Director Environment, Sustainability and Planning
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Digital Signature:	

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1. Introduction

1.1. Purpose

This Procedure has been prepared to provide a consistent approach to the management of unexpected Aboriginal and historic heritage uncovered during Sydney Metro activities. It applies to all Sydney Metro activities, both the pre-construction (prior to the Construction Heritage Management Plan approval) and construction phase (post Construction Heritage Management Plan approval) and pre or post-approval activities that are subject to the NSW *Heritage Act (1977)* (Heritage Act) and the *National Parks and Wildlife Act 1974* (NPW Act).

In NSW, there are strict laws to protect and manage both Aboriginal and historic heritage. As a result, appropriate management measures need to be implemented to avoid or minimise impacts, ensure compliance with statutory requirements, and to minimise the risk of penalties to individuals, Sydney Metro, and its contractors. This Procedure outlines Sydney Metro's obligations under the Heritage Act, NPW Act and the *Coroner's Act 2009* and State Significant Infrastructure (SSI) or State Significant Development (SSD) approvals issued by NSW Department of Planning and Environment where applicable.

Note that a Contractor must not amend this Procedure or use a different procedure without the prior approval of Sydney Metro.

This Procedure must be read in conjunction with the relevant approval conditions, contract documents and other plans and procedures including [SM-20-00099495 Exhumation Management Procedure](#), in addition to any other relevant documents as developed by the contractor for the delivery of Sydney Metro activities.

1.2. Scope

This Procedure applies to the discovery of any unexpected heritage item, where the find is not anticipated in an approved Archaeological Research Design (ARD) or Archaeological Method Statement (AMS) or other project specific document related to heritage. It applies to all Sydney Metro activities.

This Procedure must be followed by all Sydney Metro staff, contractors, subcontractors or any person undertaking work for Sydney Metro. It includes references to some of the relevant legislative and regulatory requirements but is not intended to replace them.

This Procedure *does not apply* to the discovery and disturbance of a heritage item:

- As a result of investigations being undertaken in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW 4376 2010*; an Aboriginal Heritage Impact Permit (AHIP) issued under the NPW Act; or a permit approval issued under the Heritage Act; or
- As a result of construction related activities, where the disturbance is permissible in accordance with an AHIP, or an approval issued under the Heritage Act or State SSI or SSD planning approval; or
- Of local significance, where the find is identified and anticipated to occur in an AMS or ARD.

Construction Environment Management Plans (CEMPs), which are reviewed by the Sydney Metro Heritage team, should reference or include this Procedure. Where there is an approved CEMP, it must be followed in the first instance. Where there is a difference between approved

CEMPs and this Procedure, the approved CEMP must be followed. Where an approved CEMP does not provide sufficient detail on particular issues, this Procedure should be used as a reference.

1.3. Definitions and abbreviations

1.3.1. What is an unexpected heritage find?

An 'unexpected heritage find' can be defined as a:

- Unanticipated discovery of an Aboriginal object or archaeological work or relic, which Sydney Metro does not have approval to disturb and/or is not covered under an existing management process or plan
- Find that has not been identified or assessed in a project assessment or document related to heritage
- Find that is not referenced in an archaeological research design (ARD) or archaeological method statement (AMS)
- Find that is not covered by an existing approval under the NPW Act or Heritage Act.

1.3.2. Abbreviations

All terminology in this Procedure is taken to mean the generally accepted or dictionary definition. Acronyms and terms specific to this document are listed below.

Other terms and jargon are defined within the [SM-17-00000203 Sydney Metro Glossary](#).

Table 1: Terms/acronyms and definitions

	Definitions
Aboriginal object	An Aboriginal object is any deposit, object or material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of the area, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
AHIP	Aboriginal Heritage Impact Permit.
AMS	Archaeological Method Statement.
ARD	Archaeological Research Design.
CEMP	Construction Environmental Management Plan.
CoA	Conditions of Approval.
CSSI	Critical State Significant Infrastructure.
Disturbance	Disturbance is considered to be any physical interference to an item that results in it being destroyed, defaced, damaged, harmed, impacted or altered in any way (this includes archaeological investigation activities).
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i> .
Excavation Director	A person that has been determined by the Heritage Council of NSW or its delegate to meet the <i>Criteria for Assessment of Excavation Directors</i> (4 September 2019 and as updated) and can therefore competently archaeologically investigate a site of either local and/or state significance.
Heritage Act	NSW <i>Heritage Act 1977</i> .
Heritage NSW	Formerly Office of Environment and Heritage (OEH). Now Heritage NSW .

	Definitions
NPW Act	NSW <i>National Parks and Wildlife Act 1974</i> .
Relic	A relic means any deposit, artefact, object or material evidence that: <ol style="list-style-type: none"> relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and is of State or local significance.
SSD	State Significant Development.
SSI	State Significant Infrastructure.

1.4. Accountabilities

The Executive Director, Environment, Sustainability & Planning is accountable for this Procedure including approving the document, monitoring its effectiveness and performing a formal document review.

Direct Reports to the Chief Executive are accountable for ensuring the requirements of this Procedure are implemented within their area of responsibility.

Direct Reports to the Chief Executive who are accountable for specific projects/programs are accountable for ensuring associated contractors comply with the requirements of this Procedure.

2. Types of unexpected heritage finds and their statutory protections

Project, field and environmental personnel (including construction contractors) are critical to the early identification and protection of unexpected heritage finds.

[Appendix A: Examples of unexpected heritage finds](#) illustrates the wide range of heritage items uncovered to date during Transport for NSW projects and provides an understanding of what unexpected finds may look like.

Unexpected heritage finds are categorised as either:

- Aboriginal objects;
- Historic (non-Aboriginal) heritage items; or
- Human skeletal remains.

The relevant legislation that applies to each of these categories is described below.

2.1. Aboriginal objects

The NPW Act provides the basis for the care, protection and management of Aboriginal objects and places in NSW.

An Aboriginal object is defined as: *any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.*

An 'Aboriginal place' is an area declared by the Minister administering the Act to be of special significance with respect to Aboriginal culture. An Aboriginal place does not have to contain physical evidence of occupation (such as Aboriginal objects).

Under section 87 of the Act, it is an offence to harm or desecrate an Aboriginal object or place. There are strict liability offences. An offence cannot be upheld where the harm or desecration was authorised by an AHIP and the permit's conditions were not contravened. Defences and exemptions to the offence of harming an Aboriginal object or Aboriginal place are provided in section 87, 87A and 87B of the Act. A person must notify Heritage NSW if a person is aware of the location of an Aboriginal object.

Penalties for some of the offences can include two years imprisonment and/or up to \$550,000 (for individuals), and a maximum penalty of \$1.1 million (for corporations).

Examples of Aboriginal objects include stone artefacts, shell middens, axe grinding grooves, pigment or engraved rock art, burials and scarred trees.

IMPORTANT!

All Aboriginal objects, regardless of significance, are protected under law.

If any impact is expected to an Aboriginal object, an AHIP is usually required from Heritage NSW. When a person becomes aware of an Aboriginal object, they must notify Heritage NSW about its location. Assistance on how to do this is provided in section 4 (Step 5).

2.2. Historic heritage items

The Heritage Act provides for the care, protection and management of heritage items in NSW. Historic heritage include:

- Archaeological 'relics' as defined under the Heritage Act; and
- Other historic heritage such as works, buildings or movable objects, which are not considered 'relics' under the Act.

2.2.1. Archaeological relics

Under section 139, it is an offence to disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, unless the disturbance or excavation is carried out in accordance with an excavation permit issued by Heritage NSW under the Act.

A relic is defined as: *'any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance.'*

A person must notify Heritage NSW, if a person is aware or believes that they have discovered or located a relic (section 146). Penalties for offences under the Heritage Act can include six months imprisonment and/or a fine of up to \$1.1million.

IMPORTANT!

All relics are subject to statutory controls and protection.

If a relic is likely to be disturbed, an approval is usually required from the Heritage Council of NSW. When a person discovers a relic, they must notify the Heritage Council of NSW of its location.

2.2.2. Other historic heritage

Some historic heritage items are not considered to be 'relics', but are instead referred to as works, buildings, or movable objects. Examples of these items include culverts, former road surfaces, retaining walls, tramlines, rail track or sleepers, cisterns, fences, buildings and conduits.

Usually archaeological relics are uncovered via a process of excavation or soil removal. When an unexpected find is uncovered, an archaeological excavation permit under section 140 or section 60 of the Heritage Act may be required to further investigate or remove it if investigation is not covered by an existing approval. In contrast, 'other historic items' either exist above the ground surface (for example a shed), or they are designed to operate and exist beneath the ground surface (for example a culvert). They may also need a permit to alter, disturb or remove them if there is not an approval already in place.

2.3. Human skeletal remains

[SM-20-00099495 Exhumation Management Procedure](#) provides a more detailed explanation of the approval processes related to human skeletal remains.

Human skeletal remains can be classified as:

- Reportable deaths;
- Aboriginal objects; or
- Relics.

Where it is suspected that less than 100 years has elapsed since death, human skeletal remains come under the jurisdiction of the State Coroner and the *Coroners Act 2009* (NSW). Under s35(2) of the Act, a person must report a death to a police officer, a coroner or an assistant coroner as soon as possible. This applies to all human remains less than 100 years old regardless of ancestry. Public health controls may also apply.

Where the remains are suspected of being more than 100 years old, they are considered to be either Aboriginal objects or non-Aboriginal relics, depending on the ancestry of the individual. Aboriginal human remains are protected under the NPW Act, while non-Aboriginal heritage remains are protected under the Heritage Act.

The approval and notification requirements of these Acts are described above in Sections 2.1 and 2.2. The discovery of Aboriginal human remains also triggers notification requirements to the Commonwealth Minister for the Environment under s20 (1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

IMPORTANT!

All human skeletal remains are subject to statutory controls and protections.

All bones must be treated as potential human skeletal remains and work around them must stop while they are protected and investigated urgently.

3. Unexpected heritage finds procedure

On discovering something that could be an unexpected heritage item on a Sydney Metro project, the following procedure must be followed. There are seven steps in the procedure.

IMPORTANT!

Sydney Metro may have approval to impact certain heritage items during construction. If you think that you may have discovered a heritage item and you are unsure whether an approval is in place or not, **STOP** work and follow this Procedure.

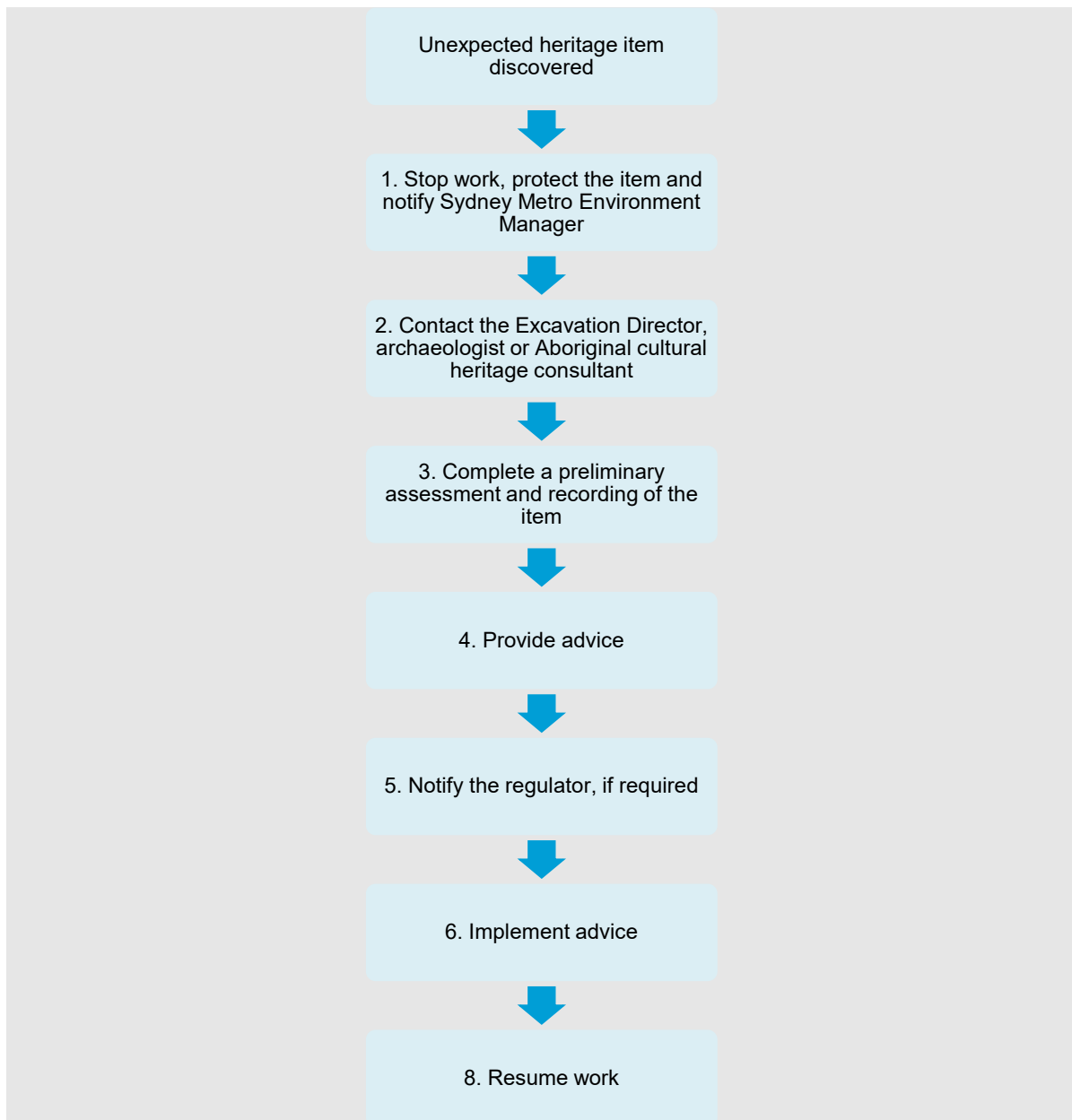


Figure 1: Summary of steps to be taken on the discovery of an unexpected heritage item

Table 2: Specific tasks to be implemented following the discovery of an unexpected heritage item

Step	Task	Responsibility	Guidance and tools
1	Stop work and protect the item		
1.1	Stop all work in the immediate area of the item and notify the Project Manager	Contractor/ Supervisor	Appendix A: Examples of unexpected heritage finds
1.2	Establish a 'no-go zone' around the item. Use high visibility fencing, where practical. No ground disturbing work is to be undertaken within this zone until further archaeological investigations are completed, and if required, appropriate approvals are obtained. Inform all on-site personnel about the no-go zone.	Contractor's Project Manager or Supervisor	
2	Engage an archaeologist		
2.1	Contact the nominated Excavation Director, archaeologist or Aboriginal cultural heritage consultant to discuss the location and nature of the item and arrange an inspection. The project CEMP should contain the contact details of the archaeologist. Provide as much information as possible to the Excavation Director, archaeologist or Aboriginal cultural heritage consultant, including photographs of the item. Inform the Sydney Metro Environment Manager and keep them involved in the process. The Environment Manager will inform the Sydney Metro Senior Heritage Advisor.	Contractor's Project Manager	
2.2	Where there is no project Excavation Director, archaeologist or Aboriginal cultural heritage consultant engaged for the work, engage a suitably qualified consultant to assess the find. If the find is likely to be an Aboriginal object, engage a suitably qualified and experienced Aboriginal cultural heritage consultant. If the find is a historic heritage item, engage a suitably qualified and experienced historical archaeologist.	Contractor's Project Manager	
3	Preliminary assessment and recording		
3.1	Occasionally, the Excavation Director, archaeologist or Aboriginal cultural heritage consultant may determine from the photographs provided at Step 2.1 that it is not necessary to inspect the item because no heritage constraint exists for the project (for example the item is not an Aboriginal object or archaeological relic). This advice should be provided in writing (for example via email or letter with the consultant's name and company clearly identifiable) to the Sydney Metro Project Manager, Environment Manager and Senior Heritage Advisor.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant	Proceed to Step 7
3.2	Arrange access for the Excavation Director, archaeologist or Aboriginal cultural heritage consultant to inspect the item as soon as practicable. In most cases, a site inspection is required to conduct a preliminary assessment.	Contractor's Project Manager/ Excavation Director	

Step	Task	Responsibility	Guidance and tools
3.3	<p>Subject to the Excavation Director, archaeologist or Aboriginal cultural heritage consultant's assessment, work may recommence at a set distance from the item.</p> <p>This is to protect any other archaeological evidence that may exist in the vicinity, which may have not yet been uncovered.</p> <p>The 'no-go zone' established in Step 1.2 may need to be adjusted to reflect the area of archaeological potential, as determined by the Excavation Director, archaeologist or Aboriginal cultural heritage consultant.</p>	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	
3.4	<p>Has the item been damaged or harmed?</p> <p>If yes, record the incident in the Incident Management System. Implement any additional reporting requirements related to the planning approval and CEMP where relevant.</p>	Contractor's Project Manager/ Excavation Director, archaeologist or Aboriginal cultural heritage consultant	
3.5	<p>Can the work avoid further impact to the item?</p> <p>Project Manager to confirm with Sydney Metro Environment Manager.</p>	Contractor's Project Manager	
3.6	Record the item and complete the Unexpected Heritage Item Recording Form.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant	Appendix B: Unexpected heritage find recording form Appendix C: Photographing unexpected heritage items
3.7	<p>Is the item likely to be bone?</p> <p>If yes, follow the steps in Appendix D 'Uncovering bones'.</p> <p>Where it is obvious that the bones are human remains, you must notify the local police by telephone immediately.</p> <p>They may take command of all or part of the site.</p> <p>Also refer to SM-20-00099495 Exhumation Management Procedure.</p> <p>If no, proceed to the next step.</p>	Excavation Director, archaeologist or Aboriginal cultural heritage consultant	
3.8	<p>The Excavation Director, archaeologist or Aboriginal cultural heritage consultant may provide advice after the inspection and preliminary assessment that no heritage constraint exists for the project (for example the item is not an Aboriginal object or relic).</p> <p>This advice should be provided in writing (for example via email or letter with the consultant's name and company clearly identifiable) to the Sydney Metro Project Manager, Environment Manager and Senior Heritage Advisor.</p>	Excavation Director, archaeologist or Aboriginal cultural heritage consultant	Proceed to Step 7
3.9	<p>Where required, seek additional specialist technical advice (such as a forensic or physical anthropologist to identify skeletal remains).</p> <p>The Excavation Director, archaeologist or Aboriginal cultural heritage consultant can provide contacts for such specialist consultants.</p>	Excavation Director, archaeologist or Aboriginal cultural heritage consultant	

Step	Task	Responsibility	Guidance and tools
4	Provide advice		
4.1	The Excavation Director, archaeologist or Aboriginal cultural heritage consultant should provide written advice with input from Registered Aboriginal Parties where appropriate. The plan should include as a minimum a) a description of the item, b) an assessment of the significance of the item, c) approval or statutory notification requirements, d) reporting requirements, e) consultation requirements, and f) relevance to other project approvals or management plans.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant	<p>Appendix D: Archaeological/heritage advice checklist</p> <p>Other references</p> <p>DECCW 2010, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</p> <p>DECCW 2010, Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW</p> <p>Heritage Branch 2009, Assessing Significance for Historical Archaeological Sites and 'Relics'</p>
4.2	In preparing the advice, the Excavation Director, archaeologist or Aboriginal cultural heritage consultant must review the CEMP, heritage sub-plans, conditions of project approval and associated heritage assessment documentation (for example an Environmental Impact Statement Technical Paper). The Excavation Director, archaeologist or Aboriginal cultural heritage consultant must determine if the item is consistent with previous heritage or project approvals or management plans. The Project Manager must provide all relevant documents to the Excavation Director to assist with this.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	
4.3	The Excavation Director, archaeologist or Aboriginal cultural heritage consultant must submit this advice as a report, letter or email to the Project Manager as soon as practicable.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant	
4.4	The Project Manager, Sydney Metro Environment Manager and Sydney Metro Senior Heritage Advisor should review the advice to ensure that all requirements are addressed and can be reasonably implemented.	Consultant's Project Manager/ Sydney Metro Environment Manager/ Sydney Metro Senior Heritage Advisor	
5	Notify the regulator, if required		
5.1	Based on the advice and any statutory requirements, is notification to Heritage NSW and the Secretary required? If no, proceed directly to Step 6. If yes, proceed to next step.	Sydney Metro Environment Manager/ Sydney Metro Senior Heritage Advisor	

Step	Task	Responsibility	Guidance and tools
5.2	<p>If notification is required, provide the required information for a section 146 notification on the Heritage NSW Heritage Management System (HMS). The Environment Manager will provide the information to the Sydney Metro Senior Heritage Advisor who will lodge the notification via HMS.</p> <p>If the relic is uncovered when a section 139 (4) exception is being used, the section 146 notification must be sent to the Heritage Council of NSW via email.</p>	Sydney Metro Environment Manager and Senior Heritage Advisor	Heritage NSW notification requirements
5.3	A copy of the final supporting information and Unexpected Heritage Item Recording Form must be kept on file and a copy sent to the Sydney Metro Project Manager.	Sydney Metro Environment Manager/ Contractor's Project Manager	
6	Implement advice		
6.1	The advice should be modified to take into account any additional advice resulting from notification and discussions with the regulator if required.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	
6.2	Implement advice. Where impact cannot be avoided, this could include a formal assessment of heritage significance and impact assessment, preparation of excavation or recording methodologies, consultation with Registered Aboriginal Parties and obtaining heritage approvals if required.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	DECCW 2010, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 DECCW 2010, Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW
6.3	Where heritage approvals are required, contact the Sydney Metro Environment Manager for further advice and support. Please note there are time constraints associated with heritage approval preparation and processing.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	
6.4	For SSI or SSD projects, or projects approved under Part 5 of the EP&A Act, assess whether the heritage impact is consistent with the project approval or if project approval modification is required from the Department of Planning, Industry and Environment or the relevant consent authority.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	
6.5	Where statutory approvals (or project modifications) are required, impact upon Aboriginal objects or relics must not occur until heritage and planning approvals have been issued by the appropriate regulator.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	

Step	Task	Responsibility	Guidance and tools
6.6	Where statutory approval is not required but where recording is recommended by the Excavation Director, archaeologist or Aboriginal cultural heritage consultant, sufficient time and resources must be allowed for this to occur.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	
6.7	Ensure short term and permanent storage locations are identified for archaeological material or other heritage material recovered from site, where required. Interested third parties (for example local Aboriginal land councils, local councils or museums) should be consulted on this issue. Contact the Excavation Director, archaeologist or Aboriginal cultural heritage consultant for advice on this issue.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	
7	Resume work		
7.1	Seek written clearance to resume project work from the Excavation Director, archaeologist or Aboriginal cultural heritage consultant. Clearance would only be given once all archaeological excavation or heritage recommendations and approvals (where required) are complete. Resumption of project work must be in accordance with all the relevant project and heritage approvals/determinations.	Contractor's Project Manager	
7.2	If required, ensure archaeological excavation/heritage reporting and other heritage approval conditions are completed in the required timeframes. This includes artefact retention repositories, conservation and/or disposal strategies.	Excavation Director, archaeologist or Aboriginal cultural heritage consultant/ Contractor's Project Manager	
7.3	If additional unexpected heritage items are discovered, this procedure must begin again from Step 1.	All	

4. Responsibilities

Table 3: Roles and responsibilities

Role	Responsibility
Contractor/Supervisor	<ul style="list-style-type: none"> Stop work immediately when an unexpected heritage item is encountered. Cordon off area until Contractor Environmental Manager/Excavation Director, archaeologist or Aboriginal cultural heritage consultant advises that work can recommence. Manage the process of the identification, protection and mitigation of impacts on the heritage item. Liaise with the Sydney Metro Project Manager, Environment Manager and Senior Heritage Advisor. Assist the Excavation Director, archaeologist or Aboriginal cultural heritage consultant with mitigation and statutory requirements. Complete Incident Report and review CEMP for any changes that may be required. Proposed amendments to the CEMP if any changes are required.
Contractor's Project Manager	Ensure all aspects of this Procedure are implemented. Advise the Contractor/Supervisor to recommence work if all applicable requirements have been satisfied and the Contractor Environmental Manager/ Excavation Director, archaeologist or aboriginal cultural heritage consultant has approved commencement of work.
Contractor's Excavation Director/ archaeologist or Aboriginal cultural heritage consultant	Provide expert advice to the Contractor and Sydney Metro Environment Manager on find identification, significance, mitigation, legislative procedures and requirements.
Environmental Representative	Ensure compliance with relevant approvals (new and existing) and the Construction Environment Management Plan.
Sydney Metro Environment Manager	Notify the Director Project Environment, Sustainability & Planning of find and help support Contractor with managing Incident Reporting.
Sydney Metro Director Project Environment, Sustainability & Planning	Notify the Executive Director Environment, Sustainability & Planning of the find and management actions.
Sydney Metro Senior Heritage Advisor	Provide expert advice to Sydney Metro Environment Manager and project as required.

5. Seeking advice

Advice on this Procedure should be sought from the Sydney Metro Environment Manager in the first instance. Contractors and delivery partners should ensure their own project environment managers are aware of and understand this Procedure.

Technical archaeological or heritage advice regarding an unexpected heritage item should be sought from a suitably qualified and experienced archaeologist/Aboriginal heritage consultant.

6. Related documents and references

Related documents and references

- [SM-20-00099495 Exhumation Management Procedure](#)
- [SM-17-00000096 Environmental Incident Classification and Reporting Procedure](#)
- [SM-21-00280658 Unexpected Heritage Find Recording Form](#)
- [SM-21-00280680 Archaeological Heritage Advice Checklist](#)
- [SM-21-00280708 Unexpected Heritage Discovery Notification Letter Template](#)
- 3TP-SD-015/7.0 Transport for NSW Guide to Environmental Control Map
- Roads and Maritime Services, November 2015, Unexpected Heritage Items Heritage Procedure 02
- [SM-17-00000203 Sydney Metro Glossary](#)
- Department of Environment, Climate Change and Water 2010, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
- Department of Environment, Climate Change and Water 2010, Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW
- Heritage Branch Department of Planning 2009, Assessing Significance for Historical Archaeological Sites and 'Relics'
- Heritage NSW 2022, [Notify discovery of a relic](#), <
<https://www.environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/historical-archaeology/notify-discovery-of-a-relic#:~:text=Under%20Section%20146%20of%20the,section%2060%20approval%20in%20place>>.

7. Superseded documents

Superseded documents

There are no documents superseded as a result of this document.

8. Document history

Version	Date of approval	Notes
1.1	June 2017	Incorporates Environmental Representative comments
1.2	-	Amends p13 step 8 reference to s146
1.3	-	Incorporates Planning Mods 1-4 including amended CoA E20
1.4	March 2018	Incorporates Environmental Representative comments
2.0	-	Removes SSI 15-7400 COA reference
3.0	-	Revises definitions
3.1	-	Revises procedure
3.2	-	Revises roles and responsibilities
3.3	-	Minor edits and corrections
4.0	16 August 2021	Revises definitions and procedure; references the Sydney Metro Exhumation Management Procedure v5 with amendments throughout for consistency with that document. Updates to related documents and references.
5.0	24 April 2023	Minor clarifications and updates to the process for the notification of the discovery of a relic under section 146 of the <i>Heritage Act 1977</i> to address a change in Heritage NSW's process.

Appendix A: Examples of unexpected heritage finds



Figure 2: Aboriginal stone artefacts found at the Wickham Transport Interchange, 2015



Figure 3: Aboriginal artefacts (shell material) found at the Wickham Transport Interchange, 2015



Figure 4: 1840s seawall and 1880s retaining wall uncovered at Balmain East, 2016



Figure 5: Sandstone pavers uncovered at Balmain East, 2016



Figure 6: Platform at Hamilton Station classified as a 'work' by the project archaeologist, Wickham Transport Interchange project, 2015



Figure 7: Sandstone flaging and cesspit, Wynyard Walk project, 2014



Figure 8: Chinese Ming Dynasty pottery and English porcelain/pottery dating back to the early nineteenth century, Wynyard Walk project, 2014



Figure 9: Pottery made by convict potter Thomas Ball during the early settlement period, Wynyard Walk project, 2014



Figure 10: Top left hand picture continuing clockwise: Stock camp remnants (Hume Highway Bypass at Tarcutta); linear archaeological feature with post holes (Hume Highway Duplication); animal bones (Hume Highway Bypass at Woomargama); cut wooden stake; glass jars, bottles, spoon and fork recovered from refuse pit associated with a Newcastle Hotel (Pacific Highway, Adamstown Heights, Newcastle area)

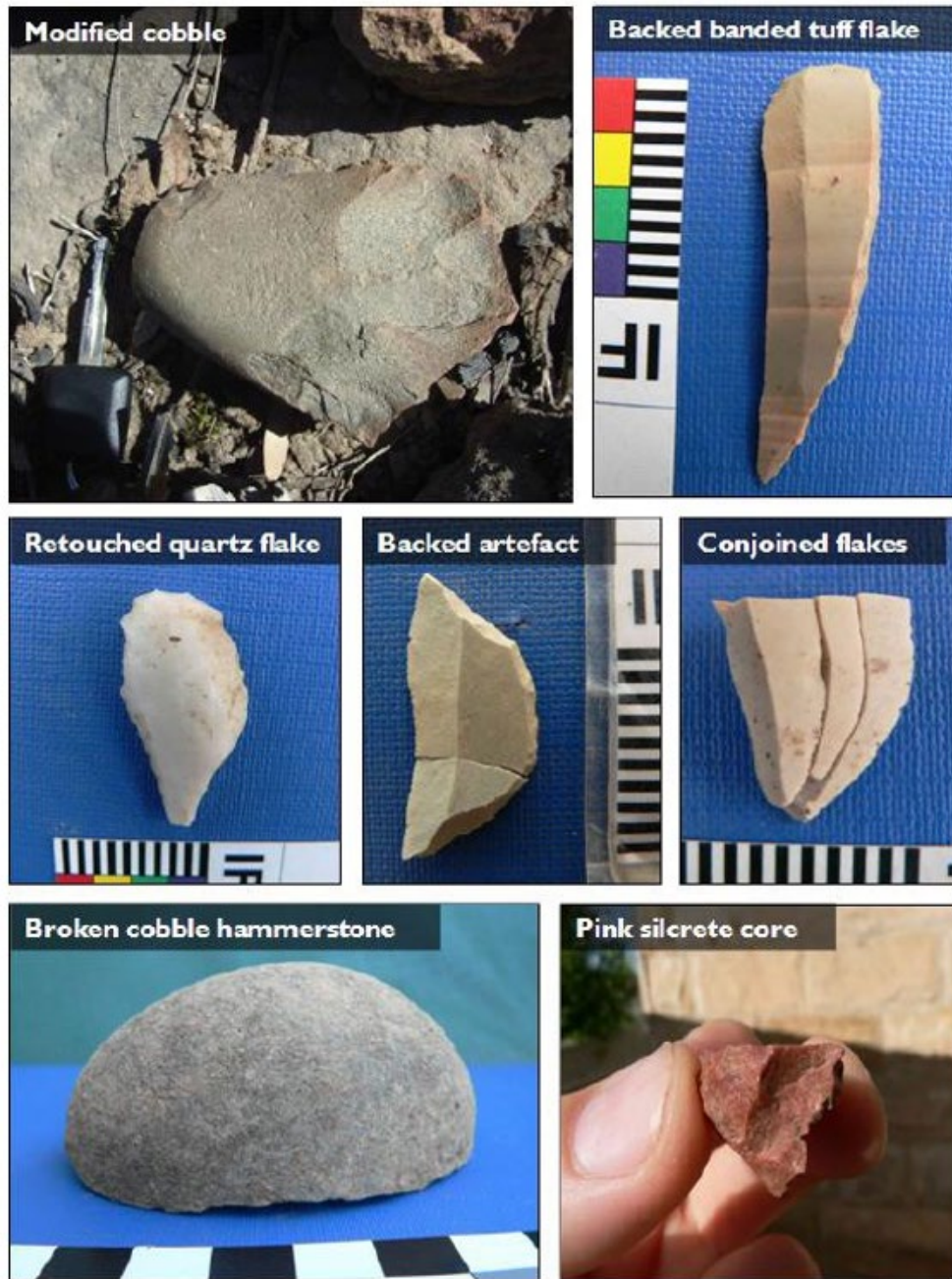


Figure 11: Culturally modified stone discovered on Main Road 92, about two kilometres west of Sassafras. The remaining images shown a selection of stone artefacts retrieved from test and salvage archaeological excavations during the Hume Highway Duplication and Bypass projects from 2006-2010

Appendix B: Unexpected heritage find recording form

Refer to [SM-21-00280658 Unexpected Heritage Find Recording Form](#).

Appendix C: Photographing unexpected heritage items

Photographs of unexpected finds in their current context (*in situ*) may assist archaeologists/Aboriginal heritage consultants to better identify the heritage values of the item. Emailing good quality photographs to specialists can allow for better quality and faster heritage advice. The key elements that must be captured in photographs of the item include its position, the item itself and any distinguishing features. All photographs must have a scale (ruler, scale bar, mobile phone, coin etc.) and a note describing the direction of the photograph.

C1: Context and detailed photographs

It is important to take a general photograph (below left) to convey the location and setting of the item. This will add value to the subsequent detailed photographs also required (below right – labelled Figure 2).

Removal of the item from its context (e.g. excavating from the ground) for photographic purposes is not permitted.

C2: Photographing distinguishing features



Figure 2: Close up detail of the sandstone surface showing material type, formation and construction detail. This is essential for establishing date of the feature.

Where unexpected items have a distinguishing feature, close up detailed photographs must be taken of these features, where practicable. In the case of a building or bridge, this may include diagnostic details architectural or technical features. See images next page, labelled Figures 3 and 4 for examples.



Figure 3: Ceramic bottle artefact with stamp.

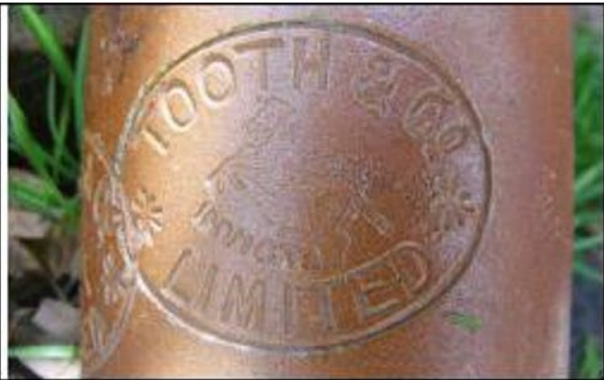


Figure 4: Detail of the stamp allows 'Tooth & Co Limited' to be made out. This is helpful to a specialist in gauging the artefact's origin, manufacturing date and likely significance.

C3: Photographing bones

The majority of bones found on site will be animal bones often requiring no further assessment (unless they are in archaeological context). However, if bones are human, the police must be contacted immediately (see [Appendix E](#) for detailed guidance). Taking quality photographs of the bones can often resolve this issue quickly. The project archaeologist can confirm if bones are human or non-human if provided with appropriate photographs.

Ensure that photographs of bones are not concealed by foliage (example below left, labelled Figure 5) as this makes it difficult to identify. Minor hand removal of foliage can be undertaken as long as disturbance of the bone does not occur. Excavation of the ground to remove bone(s) should not occur, nor should they be pulled out of the ground if partially exposed.

Where sediment (adhering to a bone found on the ground surface) conceals portions of a bone (example below right, labelled Figure 6) ensure the photograph is taken of the bone (if any) that is not concealed by sediment.



Figure 5: Bone concealed by foliage.



Figure 6: Bone covered in sediment

Ensure that all close up photographs include the whole bone and then specific details of the bone (especially the ends of long bones, the *epiphysis*, which is critical for species identification). The images below (labelled Figure 7, left and Figure 8, right) are examples of good photographs of bones that can easily be identified from the photograph alone. They show sufficient detail of the complete bone and the epiphysis.



Figure 7: Photograph showing complete bone.



Figure 8: Close up of a long bone's epiphysis.

Appendix D: Archaeological/heritage advice checklist

Refer to [SM-21-00280680 Archaeological Heritage Advice Checklist](#)

