



Heritage Impact Procedure

for use by proponents holding a ministerial authorisation under sections 21 and/or 23 of the Aboriginal Heritage Act 1988 (SA)

This Heritage Impact Procedure (**Procedure**) is only for use by parties holding a ministerial authorisation under sections 21 and/or 23 of the *Aboriginal Heritage Act 1988 (SA)* (**Authorised Party/ies**). Authorised Parties should refer to the Procedure following notification to Aboriginal Affairs and Reconciliation (AAR) of a discovery of suspected Aboriginal heritage (via the Heritage Discovery Report - Form A), and where damage, disturbance or interference with the Aboriginal heritage cannot be avoided by the authorised activities/works (**Heritage Impact Works**). The Procedure covers potential methodologies to be considered in the management of the discovered Aboriginal heritage.

AAR has developed the Procedure to assist Authorised Parties to prepare their own approach for undertaking Heritage Avoidance or Impact Works. The methodology any Authorised Party intends to adopt should be outlined in the Heritage Discovery Management Proposal - Form B, as required by the Aboriginal Heritage Discovery Protocols. The Authorised Party's methodology should be developed in accordance with this Procedure (where relevant) and any other applicable conditions of the Ministerial Authorisation.

The Procedure is a guide for the management of Aboriginal heritage discoveries. In circumstances where the Authorised Party and Aboriginal parties nominated by AAR (**Aboriginal Parties**) (in consultation with qualified heritage professional(s) where they have been engaged) consider that particular circumstances do not warrant the implementation of a process or processes set out below, the Authorised Party may seek to develop a Heritage Discovery Management Proposal that departs from the Procedure. However, Authorised Parties are advised that any Heritage Discovery Management Proposal is subject to any direction that the Minister may consider necessary for the protection or preservation of Aboriginal heritage.

Authorised Parties are advised that elements of the Procedure may form specific conditions of the Ministerial Authorisation. Where an element of the Procedure is included as a specific condition, it will be mandatory and must be complied with.

When preparing a methodology for undertaking any Heritage Impact Works, Authorised Parties should:

- where possible, incorporate recommendations for the management of heritage from Aboriginal Parties and any qualified heritage professional (or professionals) agreed to by the Aboriginal Parties
- aim to make the methodology fit for purpose. This means that the scope and scale of the Authorised Party's methodology should be based on the nature and extent of the heritage discovery. It should be sufficiently flexible to allow for any changes that may be recommended (e.g. from the Aboriginal Parties, heritage professionals and/or AAR)

- consider developing a cultural heritage management plan (**CHMP**) to formalise the Authorised Party's methodology for dealing with discoveries and outlines other relevant considerations such as heritage monitoring regimes and terms of engagement with the Aboriginal Parties.

In the case of all Heritage Impact Works:

All Heritage Impact Works should be overseen by a qualified heritage professional, ideally one who is approved by the Aboriginal Parties. Representatives of the Aboriginal Parties should always be notified of, and offered the opportunity to oversee, Heritage Impact Works.

It is recommended that, where appropriate, the following be undertaken:

- Any heritage that would otherwise be damaged or destroyed during Heritage Impact Works should instead be subject to archaeological excavation
- Any archaeological excavations should be conducted based on stratigraphic layers or arbitrary levels (spits) of no more than 10 cm in depth, unless specified otherwise in this document, until base sterile soil or bedrock is reached, and that these excavation:
 - a) should be conducted by hand, where practicable
 - b) where hand excavation is not practicable, should be conducted using a shovel
 - c) where hand or shovel excavation is not practicable, should be conducted using a small mechanical excavator
 - d) should be documented using scale photographs showing, at minimum, each layer that is removed either by hand, shovel or via a small excavator.
- Where the nature of the heritage discovered warrants it, all soil material excavated during any Heritage Impact Works (either manually by hand, shovel or machinery) should be sieved using a mesh of no greater than 10 mm so that smaller remains and cultural material can be identified
- All heritage removed during any Heritage Impact Works should be stored in a secure temporary storage location recommended by a qualified heritage professional, until such time as it is relocated and/or reburied
- Record the nature, condition and extent of the Aboriginal heritage throughout the Heritage Impact Works (where relevant), including scale photographs that show or demonstrate:
 - a) the heritage prior to any Heritage Impact Works, in order to illustrate its location, context and condition at the time of discovery
 - b) the progress of any Heritage Impact Works, including cross-section photography of the side walls of any excavation trenches and, where possible, drawings of stratigraphic profiles
 - c) the physical removal of the heritage from its original location (where applicable)
 - d) that the heritage has been completely removed.
- Record adequate fieldnotes for reporting purposes

- The precise location of all heritage subject to Heritage Impact Works should be recorded using a GPS unit with sub-20 cm accuracy prior to any Heritage Impact Works.

In the case of isolated Aboriginal objects:

- Record:
 - a) the nature of the object, its precise location, depth from ground surface or real level (where recorded and relevant), raw material type and possible function
 - b) any other information or archaeological observations relating to the object
 - c) scale photographs showing the object in its original location prior to removal and at minimum two aspects (sides) of each object.

In the case of Aboriginal surface sites comprising Aboriginal objects (and other archaeological material):

- A qualified heritage professional(s) should be engaged to:
 - a) first conduct a comprehensive pedestrian survey of the entirety of the area that will be subject to Heritage Impact Works, in collaboration with the Aboriginal Parties and other relevant Traditional Owners, where possible. This pedestrian survey should be undertaken at a scale of no greater than one person per 4 m-wide transect
 - b) use pin flags (or equivalent) to flag the location of all objects, where the density of objects permits
 - c) photographically record the distribution of the objects, using the pin flags for reference
 - d) record the location of each object using a GPS unit with an accuracy of no less than 20 cm
 - e) record the highest, lowest and mean density of objects that will be subject to Heritage Impact Works.
- For each Aboriginal object subject to Heritage Impact Works, record:
 - a) raw material, object type, manufacture technique (where known)
 - b) scale photographs showing at minimum two aspects (sides) of the object
 - c) any relevant information about the context in which the object is located, any other archaeological observations relevant to the object, or to the site more broadly
- Remove each Aboriginal object, and place each in appropriately labelled bags/containers
- Create a register of all removed Aboriginal objects.

In the case of Aboriginal middens containing stratigraphic deposits:

- Prior to excavation, record:
 - a) the nature, extent, depth from ground surface or real level (where recorded and relevant), location and composition of the midden
 - b) any other information or archaeological observations relating to the midden, including observations on the range of shell material (to species level where possible) and other visible cultural material
 - c) multiple scale photographs taken from the edge of the midden facing in, and from the centre of the midden facing out
 - d) where possible, drawings of the midden's profile showing any changes in stratigraphy and the location of any hearths, pits, or other features present.
- Qualified heritage professional(s) should conduct a pedestrian survey of the entirety of the Heritage Impact Works area to identify locations suitable for potential archaeological excavations, taking into consideration the advice of any Aboriginal Party representatives present
- Excavate ideally no less than one trench – measuring 50 cm by 50 cm – for every 4 square metres of midden, with the trenches excavated in spits (layers) preferably no greater than 10 cm at a time, until the first culturally sterile layer (i.e. layer containing no cultural materials) is reached. Trenches should be excavated by hand or shovel or, where these are not practicable, via a small machine excavator
- For middens measuring less than 4 square metres in total area, excavate one trench – measuring 50 cm by 50 cm – in spits (layers) preferably no greater than 10 cm at a time, until the first culturally sterile layer (i.e. layer containing no cultural materials) is reached. The trench should be excavated by hand or shovel or, where these are not practicable, via a small machine excavator
- Make a photographic record of the entire excavation process, including at least one scale photograph at the conclusion of each 10 cm spit excavation and any Aboriginal objects exposed and subsequently removed during the excavation
- Record the precise location of each excavation trench using a GPS unit with sub-20 cm accuracy
- Sieve all excavated midden contents using a sieve with mesh of no greater than 10 mm
- Collect all objects and any other cultural materials identified during the sieving process and place them in appropriately labelled bags/containers
- Create an inventory of the materials recovered during the sieving process for each excavation trench that may include a brief identification of material types (i.e. shell, other faunal remains and charcoal), frequency/number/density of any artefacts, as well as their nature and dimensions
- Record scale photographs showing each of the main material types recovered during the sieving process.

Note that in the case of middens, the remainder of the midden not subject to archaeological excavation should only be removed and relocated on advice from a qualified heritage professional, and in consultation

with Traditional Owners where present. Note, if suspected human skeletal remains are observed at any time, stop works and comply with the Aboriginal Remains Discovery Protocol.

In the case of Aboriginal hearths/ground ovens/campfire sites:

- Prior to excavation, record:
 - a) the nature, extent, depth from ground surface or real level (where recorded and relevant), location and composition of the hearth
 - b) any other information or archaeological observations relating to the hearth
 - c) scale photographs of the hearth.
- Excavate the entirety of the hearth, using hand tools or shovels where possible
- Make a photographic record of the excavation, including scale photographs of each excavated layer and any Aboriginal objects exposed during the excavation
- Sieve all hearth contents using a sieve with mesh of no greater than 10 mm
- Collect all Aboriginal objects and any other cultural materials identified during the sieving process, and place them in appropriately labelled bags/containers
- Create an inventory of the materials recovered during the sieving process, which at minimum should include an identification of the hearth's primary components, and details of any cultural material or other artefacts identified
- Take scale photographs showing each of the main material types recovered.

In the case of Aboriginal ancestral remains:

- Record:
 - a) the orientation, articulation, position and direction of the remains
 - b) the depth from ground surface, or real level (where recorded and relevant)
 - c) the extent of the remains present
 - d) the level of preservation
 - e) the size and extent of the original burial cut, where possible
 - f) any cultural materials identified during the excavation, uncovering and removal works, including but not limited to stone artefacts, ochre, faunal remains, charcoal or other organic materials
 - g) any other information or archaeological observations relating to the remains, or the circumstances of their original interment.

- Where relevant exemptions have been granted under the *Burials and Cremations Act 2013 (SA)*, excavate the entirety of the remains, the surrounding burial cut/feature, as well as all associated cultural materials until a culturally sterile layer is reached
- Where relevant exemptions have been granted under the *Burials and Cremations Act 2013 (SA)*, remove the remains as carefully as possible, along with any associated Aboriginal objects or other cultural materials, and place them in appropriately labelled environmentally appropriate storage containers
- Make a photographic record of the excavation, including scale photographs of each excavated layer and any Aboriginal remains/objects exposed and subsequently removed during the excavation.

In the case of any other Aboriginal site types:

- In the case of Aboriginal heritage sites (excluding middens, hearths/ground ovens/campfire sites, isolated Aboriginal objects, surface sites comprising Aboriginal objects and ancestral remains), the Authorised Party should develop a bespoke methodology in consultation with the Aboriginal Parties (should they elect to participate) and any qualified heritage professionals. Authorised Parties are reminded that the Minister may issue directions for the protection of Aboriginal heritage where he/she considers it necessary or appropriate.
- Prior to undertaking any other works, record:
 - a) the nature, extent, depth from ground surface or real level (where recorded and relevant), location and type of site
 - b) any other information or archaeological observations relating to the site.

Reporting and site card requirements:

- Provide AAR with a plain English report containing, at minimum:
 - a) an executive summary
 - b) introduction and background
 - c) the specific location, nature and extent of the heritage
 - d) details of the methodology used for the excavation, uncovering, removal, relocation and/or reburial of the heritage
 - e) the results and outcomes of the works specified at point (d), including scale photographs
 - f) the dates upon which any heritage excavation, uncovering, removal, relocation and/or reburial works took place, including a comprehensive list of individuals present during these works
 - g) the results of any sieving of soil associated with the works specified at point (d)
 - h) the precise location of the heritage, depicted on a colour map
 - i) the results of any non-destructive analysis of the heritage, including:

- an inventory and basic archaeological analysis of any heritage excavated, uncovered, removed, relocated and/or reburied, such as shell material from middens, hearth contents, stone artefacts and animal remains
- in the case of ancestral remains, the sorting of any the remains into specific individuals
- In the case of ancestral remains, an inventory of the remains excavated, uncovered, removed, relocated and/or reburied, and an assessment of same, which may include:
 - a) the individual's stature during life, sex, age at death and any other relevant observations such as tooth wear, bone condition and pathologies
 - b) the results of any destructive scientific analysis undertaken interstate, such as radiocarbon dating, where authorised under the *Aboriginal Heritage Act 1988 (SA)*
 - c) details concerning the temporary storage of any heritage, prior to its relocation and/or reburial
 - d) details regarding the relocation and/or reburial of any heritage, including photographs of this process where appropriate
 - e) any heritage recommendations stemming from these works.
- Where any discovered heritage is not avoided, provide AAR with a site card in a format acceptable to AAR that:
 - where the discovered heritage is partially retained in-situ, details the nature and condition of the impacted heritage
 - where the discovered heritage has been completely relocated, details the state, condition and new location of the heritage.