

Non-Aboriginal Heritage Assessment Guideline

Environment and Heritage Technical Manual –
Attachment Part 8A

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Abbreviations /Glossary

Term/Acronym	Definition
CMP	Conservation Management Plan
Contract Documentation	Contract Scope and Technical Requirements; Functional and Operational Requirements; Contract or Project Scope
Contractors	Contractor engaged by the Department to undertake the planning, design or construction of a project (including maintenance projects)
Council	South Australian Heritage Council (as defined in the HP Act)
DIT or the Department	Department for Infrastructure and Transport
EHIA	Environment and Heritage Impact Assessment
EHTM	Environment and Heritage Technical Manual
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cwth)</i>
HIS	Heritage Impact Statement
HP	Heritage Professional - Generally qualified as an archaeologist and/ or anthropologist
HP Act	<i>Heritage Places Act 1993 (SA)</i>
PDI Act	<i>Planning, Development and Infrastructure Act 2016 (SA)</i>
PM	The Department's Project Manager
Supervisor	Site Supervisor

1 Introduction

The Non-Aboriginal Heritage Assessment Guideline forms Attachment 8A of the Department's Environment and Heritage Technical Manual (EHTM). This document applies to a range of Department programs and projects including road, rail, marine and other infrastructure, as required. The document applies to employees of the Department (direct or contracted) and others operating under the direction of the Department.

The processes outlined in this document provides guidance for the assessment of impacts to and management of non-Aboriginal heritage associated with Departmental projects.

This guideline should be read in conjunction with Master Specification Part PC-H2 – Non-Aboriginal Heritage.

1.1 Performance Outcomes

In order to meet the performance requirements for this guideline, unless specified otherwise in the Contract Documentation, the following shall be achieved:

- Design and construction methodology to minimise and where practicable avoid, impacts on non- Aboriginal heritage;
- All non-Aboriginal heritage assessments, necessary for the execution of the project works, are undertaken;
- All required authorisation/approvals/permits have been obtained prior to the commencement of associated project works;
- Where non-Aboriginal heritage objects or sites are identified during construction works, these must be managed in accordance with the relevant legislation.

1.2 Legislative Context

The following legislation may apply to departmental construction, demolition, operation and maintenance activities associated with transport and building (including property) related infrastructure:

- *Heritage Places Act 1993* (SA) (HP Act);
- *Planning, Development and Infrastructure Act 2016* (SA) (PDI Act);
- *Environment Protection and Biodiversity Conservation Act 1999* (Cwth) (EPBC Act);
- *Historic Shipwrecks Act 1981* (SA)
- *Underwater Cultural Heritage Act 2018* (Cwth); and
- *National Trust of South Australia Act 1955* (SA).

An important non-statutory document for consideration when assessing cultural heritage significance is the International Council on Monuments and Sites Charter for the Conservation of Places of Cultural Significance, known as the Burra Charter (1979, as amended 2013).

2 Processes for Assessing and Managing Impacts

The processes outlined in this section are intended as a guide. Actual requirements will differ depending on the Project Area, interface with construction activities and nature of potential impacts, and the project phase.

As detailed in the Department's Environment and Heritage Impact Assessment Guideline, an assessment of environmental impacts (including impacts to non-Aboriginal heritage items/places) is integrated in the Department's Program and Project Management Framework (PPMF). The PPMF describes how the Department should manage the development of programs and projects. It provides guidance on the key activities, minimum deliverables, decisions, and approvals within each phase of the Project lifecycle. These stages are outlined in Table 2-1 along with the expected level of impact assessment and/or obtainment of approvals for each phase.

The processes followed in the Proving Phase, where the scope of a project is undefined or there may be a range of alignment/location options to be assessed, will differ to the Pre-delivery or Delivery Phase where the scope is defined and/or a preferred design and construction methodology is known.

Table 2-1 Summary of PPMF Stages and Associated Level of Assessment Regarding the Assessment of Non-Aboriginal Heritage

PPMF Stage	Description	Level of Assessment
Initialisation	Building the foundation for the program or project through establishing the need, engaging the team, and identifying and assessing options.	N/A
Proving	Proving the option identified in the initialisation phase is suitable and ensuring the way forward is achievable.	Preliminary Impact Assessment - refer to Section 2.1.1
Pre-Delivery	Firming up the scope and approach for delivery, identifying and addressing any remaining information gaps and ambiguities, and ensuring commitment to delivery of a project or program prior to going to market.	Detailed Impact Assessment – refer to Section 2.1.2 Permits and Approvals – refer to Section 2.2 Heritage Impact Statement – refer to Section 2.3 Conservation Management Plan – refer to Section 2.4
Procurement	Delivery strategy is implemented and the delivery is put to the market for tender. Final preparation to ensure readiness for delivery	N/A
Delivery	Asset is constructed by the delivery contractor, handed over and put into operation	Detailed Impact Assessment – refer to Section 2.1.2 Permits and Approvals – refer to Section 2.2 Heritage Impact Statement – refer to Section 2.3 Conservation Management Plan – refer to Section 2.4 Management of the Discovery of Archaeological Artefacts – Section 2.5

2.1 Key Considerations during Project Planning and EHIA

A preliminary assessment of potential impacts to non-Aboriginal heritage items/places should be undertaken during the Proving Phase. A more detailed impact assessment shall be undertaken during the Pre-Delivery/Procurement/Delivery Phase when the project has a preferred design and is at a level that is generally representative of the final design. Once a preferred design has been selected, the detailed impact assessment should be undertaken to determine if further detailed investigations are required, if permits or approvals are required to undertake works, and to determine the mitigation measures to be adopted.

2.1.1 Proving Phase

The preliminary impact assessment should identify potential impact minimisation options influencing planning and design decisions (e.g. via informing the Multi-Criteria Analysis process). The preliminary impact assessment shall identify the following:

- the location of any non-Aboriginal heritage listed items/places within or close to the Project Area. The following heritage registers, as a minimum, should be consulted:
 - Australian Heritage Database (including National, World and Commonwealth Heritage Lists);
 - State Heritage Register;

- SA Heritage Register;
 - Local Council Heritage Listing;
 - Australasian Underwater Cultural Heritage Database;
 - Register of Historic Shipwrecks and Register of Historic Relics;
 - DIT Roadside and Railside Significant Site Databases; and
 - SA Planning and Property Atlas.
- the high level historical use of the Project Area since development (i.e. consideration of previous disturbance levels to identify areas with a higher potential of encountering undiscovered artefacts); and
 - identification of high level potential impacts to the non-Aboriginal heritage listed items/places with consideration of the following:
 - direct impacts such as where listed non-Aboriginal heritage places/items are located within the Project Area and may be materially impacted by the design of the project; and
 - indirect impacts such as where listed non-Aboriginal heritage places/items are located near the Project Area and may be impacted by vibration and visual amenity changes generated during construction or operation of the project.

The preliminary impact assessment will also:

- identify any constraints associated with the identified non-Aboriginal heritage items/places (to inform options assessments);
- identify if and what other information may be required in this or subsequent phases including the need to engage a consultant to undertake a risk assessment;
- identify management and mitigation measures required to be adopted during delivery (including design);
- determine if any permits or authorisations may be required and the recommended approval pathway with reference to timing implications; and
- present impacts/opportunities that are to be considered when evaluating alternatives and selecting the preferred project options (if relevant).

2.1.2 Pre-Delivery/ Delivery Phase

Once the detailed project scope and/or the preferred design is known, if there is a need for further investigation, the preliminary impact assessment should be reviewed and updated to become the detailed impact assessment. In addition to the outcomes in Section 2.1.1, the detailed impact assessment shall address the following:

- identify the need for further investigation including a risk assessment (undertaken by a suitably qualified heritage architect/specialist) to determine the likelihood of encountering archaeological artefacts, a Heritage Impact Statement, Conservation Management Plan, a self-assessment of significant impact to Matters of National Environmental Significance or other investigation required to support permit or approval applications;
- identify mitigation measures and legislative requirements (including the need to obtain permits or approvals) for each of the identified potential impacts during the delivery and operation of a project;
- obtainment of permits or approvals (if required in Contract Documentation) prior to related works occurring;
- where the scale or proximity of the works does not warrant further investigation of the identified non-Aboriginal heritage listed items/places, recommendations may include the development of a construction vibration monitoring and management plan (to be informed by an acoustic consultant) and completion of pre- and post-construction dilapidation surveys to demonstrate that the construction activities undertaken did not cause damage to nearby non-Aboriginal heritage listed items/places; and
- a statement regarding the likelihood of encountering sub-surface archaeological artefacts during project works, and if relevant, identification of areas where sensitive construction methodologies should be adopted so that sub-surface archaeological features may be recognised before they are damaged. If it is expected that sub-surface archaeological artefacts may be present, however, there is insufficient information to provide further information, the need for further assessment should be identified.

Details of the mitigation measures and conditions of any permits/approvals are to be included in the Contractor's Environmental Management Plan.

2.2 Permits and Approvals

If a registered place/item cannot be avoided, consultation with the relevant organisation should be undertaken to confirm permits or approvals that may be required. The most common permits/approvals associated with Departmental projects include the following:

- projects proposing impacts to a local or State heritage place, a permit under the HP Act may be required;
- projects proposing impacts to a local or State heritage place, development approval under the PDI Act may be required;
- projects proposing impacts to a historic shipwreck or historic relic, a permit under *the Historic Shipwreck Act 1981* (SA) or the *Underwater Cultural Heritage Act 2018* (Cwth) may be required; and
- projects proposing impacts to a National Heritage Place (such as the Adelaide Park Lands and City Layout) or a World Heritage Place (such as the Australia Fossil Mammal Site in Naracoorte), referral and/or approval under the EPBC Act may be required.

Any required permits or approvals must be obtained prior to the commencement of associated construction works and any associated conditions must be adhered to.

2.3 Heritage Impact Statement

Where the initial desktop assessment has identified that a Heritage Impact Statement (HIS) is required, this is to be undertaken by a suitably qualified heritage architect/ specialist in accordance with the guidance provided by the Department of Environment and Water. Commonly a HIS is required to support a development application for a project and will require consideration of Conservation Management Plan for the listed item/place (if it exists).

The HIS, including a heritage impact assessment, should take into consideration the proposed project construction footprint and/or construction methodology, and should address the following:

- a statement regarding the likely impacts of the project to known non-Aboriginal heritage items/places;
- recommendations on exclusion/buffer zones that can be applied to avoid impacts to known non- Aboriginal heritage items/places (if relevant);
- recommendations on monitoring requirements (i.e. vibration monitoring, pre- and post-construction dilapidation surveys) required to protect the integrity of known non-Aboriginal heritage buildings or structures (if relevant);
- a statement regarding the likelihood of encountering sub-surface archaeological artefacts during project works, and if relevant, identification of areas where sensitive construction methodologies should be adopted so that sub-surface archaeological features may be recognised before they are damaged.
- any other recommendations on mitigation measures that can be adopted to manage or minimise impacts to the place/item; and
- details of authorisations or permits required, where impacts to non-Aboriginal places/items cannot be avoided.

2.4 Conservation Management Plan

A Conservation Management Plan (CMP) may be required for each non-Aboriginal heritage item/place that has been identified as being potentially impacted by the project. For example, this may be necessary to support a HIS or form a condition of a Development Approval. A CMP may also be necessary to guide the long-term management of a Department owned asset.

CMPs provide further information about items/places and give essential guidelines for future use and development. It is expected that CMPs are prepared in accordance with the guidance provided by the Department of Environment and Water or other regulating body.

As a minimum, CMPs must address the following:

- detailed examination of the place/item including identification of its cultural significance;

- requirements for retaining the significance of the place/item; and
- Conservation Policies to guide project works that may impact on the place/item.

The CMP must include clear statements regarding which aspects of possible future use/maintenance/modification will have impact of the heritage significance of the heritage listed item or place.

2.5 Managing the Discovery of Archaeological Artefacts

Archaeological artefacts are physical evidence of past human activity and provide context to the lives and behaviour of past generations. Archaeological artefacts may be located both on land and in water. The presence of artefacts may be known based on previous research, however, commonly archaeological artefacts are buried and their presence will remain unknown until discovered through systematic research or by accident i.e. during construction/development works.

If an unexpected archaeological heritage items/places are identified during construction activities, SA Heritage Council is to be notified. Under the HP Act, a person must not, without a permit from the SA Heritage Council undertake certain activities in relation to known or unexpected archaeological artefacts (refer to Section 26, 27 and 28 of the HP Act for further details).

The process for reporting a shipwreck or underwater cultural heritage item/place will differ depending on whether item/place is located in state or commonwealth waters and further details are available from the Department of Environment and Water (DEW).

As there may be little or no surface evidence of historical archaeological artefacts, the first evidence of them may only appear with the removal of the surface layers of soil, pavement or other covering structures. Sub-surface deposits are most common near surviving structures, such as buildings, roads and mines of historical significance and within former creek lines (as well as other depressions) that have been previously filled in.

Preliminary research carried out prior to construction works should identify potential historical sites that warrant further investigation and identify areas where sensitive construction procedures should be employed so that sub-surface features will be recognised before they are damaged. In some cases undocumented structures or features will only be discovered during the initial stages of construction. If such features are found, work affecting the feature should stop and advice from Heritage SA should be sought.

The Archaeological Artefacts Discovery Procedure presented as Appendix A should be applied to all construction and maintenance activities undertaken by the Department and its contractors. The procedure should be implemented during the discovery of any unexpected archaeological artefacts, where no approval to disturb such items has been obtained or where previous investigations have not detailed mitigation or management measures for the disturbance of archaeological artefacts (other than the adoption of the discovery procedure).

Further details regarding examples of common archaeological artefacts that may be encountered during construction works may be provided by Heritage SA.

3 Reporting and Deliverables

Unless specified otherwise in Contract Documentation the following reporting/deliverables apply to each phase of a project. These deliverables shall be provided to the Principal for review by Department's Technical Services Environment and Sustainability Unit for review and acceptance.

3.1 Proving

During the Proving Phase of a project, non-Aboriginal heritage impact assessment information may be required for input into an options assessment, the EHIA Report and to inform the cost estimation of the project.

Preliminary Impact Assessment information

The outcomes of a preliminary impact assessment (refer to the assessment outcomes detailed in Section 2.1.1) and supporting documentation are to be incorporated into the preliminary EHIA. The impact assessment should also be summarised in the planning and/or design reports. Where multiple project options are being assessed and compared, the preliminary impact assessment outcomes are to be reported in a suitable location to inform such option comparisons.

3.2 Pre-Delivery/ Delivery

During the Pre-Delivery/ Delivery Phase of the project, non-Aboriginal heritage impact assessment may be required for input into the EHIA Report, to inform project design and the approvals pathway for the project.

Detailed Impact Assessment information

The outcomes of a detailed impact assessment (refer to the assessment outcomes detailed in Section 2.1.2) and supporting documentation are to be incorporated into the EHIA report, Planning Report and/or Detailed Design Report(s).

Any technical reports, statements, management plans, assessments or permit applications associated with the assessment of non-Aboriginal heritage are to be completed as per the guidance provided by the regulating body.

Appendix A – Archaeological Artefacts Discovery Procedure

The relevant legislation with regard to the management of historical archaeological artefacts on land is the *Heritage Places Act 1993* (HP Act). The Archaeological Artefacts Discovery Procedure is to be utilised as a reference during all construction works (outside of the marine environment) undertaken by the Department and its contractors and should be addressed during the induction for all persons undertaking ground disturbing works.

The procedure applies to the discovery of any unexpected archaeological artefacts where no approval to disturb such items has been obtained or where previous investigations have not detailed mitigation or management measures for the disturbance of archaeological artefacts (other than the adoption of this discovery procedure).

Table 2 details the abbreviations utilised in the discovery procedure flow chart.

Table 2 Abbreviations Utilised in Discovery Procedures

Abbreviation	Definition
Council	South Australian Heritage Council (as defined in the HP Act)
Details	Photos and GPS location coordinates
DIT	Department for Infrastructure and Transport
HP	Heritage Professional – Generally qualified as an archaeologist and/ or anthropologist
HP Act	<i>Heritage Places Act 1993</i>
PM	The Department's Project Manager

Figure 1 - Discovery Procedure Flow Chart without Permit from the Council

