

718-724 Sydney Road, Coburg CHA

Cultural Heritage Assessment and Implications for Development

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12 October 2015

Introduction

The following report presents an assessment of the known and predicted Aboriginal cultural heritage values, which may have implications for the proposed development of the property at 718-724 Sydney Road, Coburg. The requirements for undertaking a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* (Vic) (hereafter 'the Act') and *Aboriginal Heritage Regulations 2007* (Vic) (hereafter 'the Regulations') are assessed in detail.

Findings

This report finds that the current activity area is nominally defined as an area of cultural heritage sensitivity under the *Act 2006* (Vic). The activity proposed within the activity area constitutes a high impact activity as defined in Division 5 of Part 2 of the Regulations. The activity area, in its entirety, has been subject to significant ground disturbance pursuant to the definitions presented in the *Regulations 2007* (Vic). These findings are based on evidence of prior works which constitute significant ground disturbance to the entirety of the activity area. As a consequence a mandatory CHMP in accordance with section 46 of the *Act 2006* (Vic) is not required.

The Activity Area

The activity area comprises four adjoining rectangular parcels of land situated to the east of Sydney Road, Coburg. It is located approximately 8 kilometres north of the Melbourne CBD and positioned within the City of Moreland (Figure 1). The overall activity area is orientated east-west and represents an approximate total land area of 3163m². The activity area occurs within a Commercial 1 Zone (C1Z) and is situated between Sydney Road to the west and commercial developments to the north and south. The eastern boundary is immediately adjacent to the Merri Creek Lake Reserve.

The activity area has been subject to extensive groundworks relating to the development of an existing commercial warehouse across the four property parcels. The entire activity area is situated within the structural footprint of the single-storey commercial building, with the exception of a small section at the rear of the property (~300m² in size). All native vegetation has been cleared from the activity area and the property parcels would have undergone extensive levelling and grading in preparation for the commercial development. The majority of the activity area (~90%) is covered by built structures.

The activity area encompasses land situated approximately 30 m west of Merri Creek and is, therefore, located within an area of cultural heritage sensitivity, as defined in Regulation 23 of the Regulations (Figure 2).

The Proposed Activity

The Sponsor is seeking planning approval to construct three or more dwellings within the activity area. The proposed activity will include the demolition of the existing commercial building and associated structures and the construction of a residential development with an accompanying basement car park and landscaped features. The proposed activity comprises a high impact activity as defined in r.45 of the *Aboriginal Heritage Regulations 2007* (Vic)

Scope of Prior Assessment

There has been no prior archaeological assessment of the activity area.



Figure 1: Photomap of the activity area; NearMaps 28 July 2015

Existing Heritage Listings

The following register sources were checked for existing heritage listings (both statutory and non-statutory):

- Victorian Aboriginal Heritage Register (VAHR) – no listings
- Victorian Aboriginal Places Register- no listings
- Victorian Heritage Register- no listings
- Victorian Heritage Inventory- no listings
- Register of the National Estate- no listings
- Commonwealth Heritage List- no listings
- National Heritage List- no listings
- Australian Heritage Places Inventory- no listings
- LGA Planning Schemes Heritage Overlay- no listings
- National Trust of Australia (Victoria) (non-statutory) - no listings

As such, there is no existing Aboriginal or archaeological constraints to development on the activity area.

The activity area is situated immediately adjacent to Victorian Heritage Inventory site 'Coburg 5' (Heritage Inventory Number H7822-0041). The site was quarried in the late 19th century and later established as a recreational site by the council in 1915. The heritage inventory site is considered to contain high cultural significance.



Figure 2: Aboriginal Affairs Victoria: Area of Cultural Sensitivity; 28 July 2015

Historical development of the activity area

Little is known about the specific historical land use of the activity area before the 1940s. However, a general history can be deduced from information pertaining to broader regional land uses. Robert Hoddle surveyed the Coburg and Pascoe Vale region between 1836 and 1837. After Hoddle's survey, crown land was subdivided and used by early land owners for agricultural purposes, mainly farming for wheat, barley, oats, potatoes, maize, vegetable and fruit as well as grazing lands for stock (Weaver 1991:21). During this time the townships of Flemington, Essendon, Coburg and Broadmeadows were established (Weaver 1991:21).

Throughout the Gold Rush, agricultural lands were developed for residential use with portions allocated to market gardens and dairying in order to sustain the growing population. An industrial shift began during the 1850s with the establishment of brickworks, tanneries, flour mills and various factories (Weaver 1991: 23). Quarrying of large bluestone outcrops within the area began in the late 1850s and early 1860s. By 1875 forty one quarries had been established in Coburg.

An increase in urbanisation during the 1870s saw improvements in infrastructure within the residential areas including Essendon, Coburg, Pascoe Vale and Broadmeadows (Weaver 1991:24). Roads and bridges were constructed while residential areas continued to grow. Public and recreational areas were established.

In the 1940s, a post-war development boom was evident in the area with the rapid construction of factories, parklands and recreation reserves. These developments resulted in extensive disturbance to the Darebin and Merri Creek corridors, with the introduction of fill, levelling of surfaces and modification to the course of the creek (Weaver 1992: 16). Yarra Valley Water property sewerage plans demonstrate at least two stages of commercial development across the activity area between 1936 and 1944 (Figures 3 and 4).

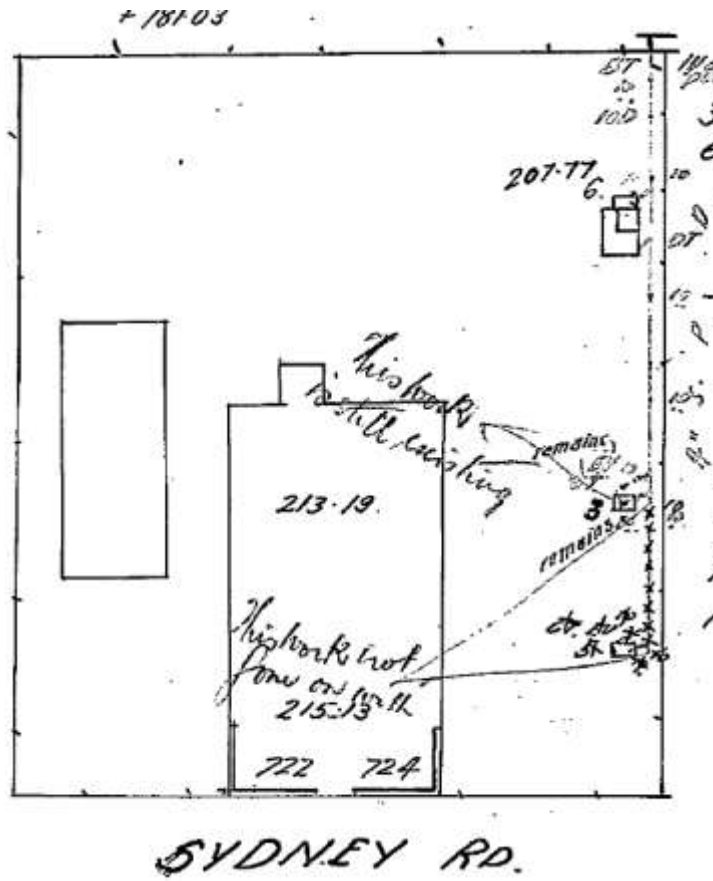


Figure 3: Property sewerage plan demonstrating the initial commercial development within the activity area in 1936; YVW 28 July 2015

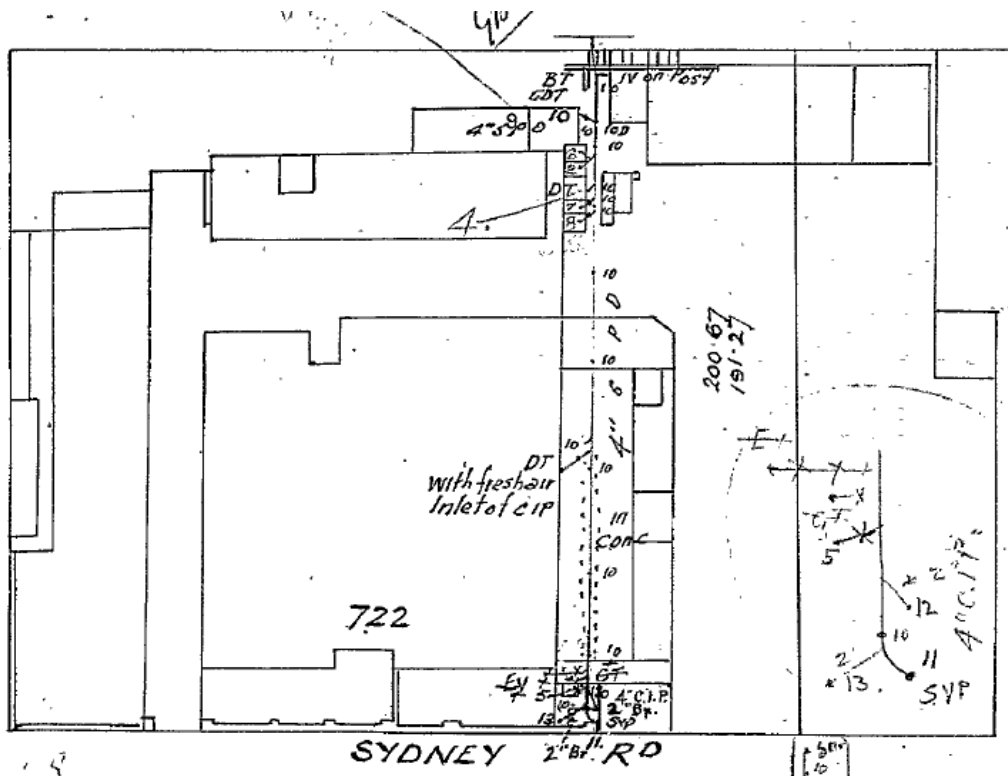


Figure 4: Property sewerage plan demonstrating subsequent commercial development within the activity area by 1944; YVW 28 July 2015



Figure 5: 1945 Aerial Photograph of the activity area; Land Photo Mosaics 28 July 2015

An aerial photograph from 1945 demonstrates that the construction of the existing warehouse had taken place sometime between 1944 and 1945 (Figure 5). This development would have occurred after the demolition of the earlier structures and associated ground disturbance. The landform in the activity area is mildly undulating and, keeping with practices necessitated by local conditions, the block will have been graded and levelled prior to the construction of the initial commercial structure. The surface within the activity area contrasts to the surrounding street-scape which shows a gentle sloping surface towards Merri Creek.

The development of commercial lots entailed the removal and uprooting of trees, shrubs, and ground-cover to create a level construction surface. Soils were mechanically graded, stockpiled, and levelled as part of this process. Further disturbance was undertaken for the installation of sewerage pipelines and other utilities and services. Such disturbance tends not to be limited to the precise location of such excavations, but extends to surrounds in the course of mechanical extraction, dumping, and the redeposition of soils.

State of the Activity Area

As noted above, the entire activity area has undergone a variety of disturbances mainly associated with the construction of three commercial developments, associated structures and landscaping.

Multiple utilities leading up to the existing warehouse are evident within the activity area indicating sub-surface installations and associated disturbance. These include underground gas infrastructure, water services, sub-surface cabling and electrical services. The installation of these utilities usually involves recurring trenching and ongoing sub-surface disturbance. Yarra Valley Water (YVW) sewerage plan from 718-724 Sydney Road reveals sub-surface sewerage assets entering the activity area from the eastern margin of the property (Figure 5). The installation of the existing sewerage assets would have involved substantial trenching across the eastern section of the property which extends to the eastern margin of the existing commercial development. Jemena underground cables also enter the property from the western margin of the property to the existing development (Figure 6). The provision of underground drainage and services demonstrate extensive significant disturbance across the eastern section of the activity area and a small section along the western boundary.

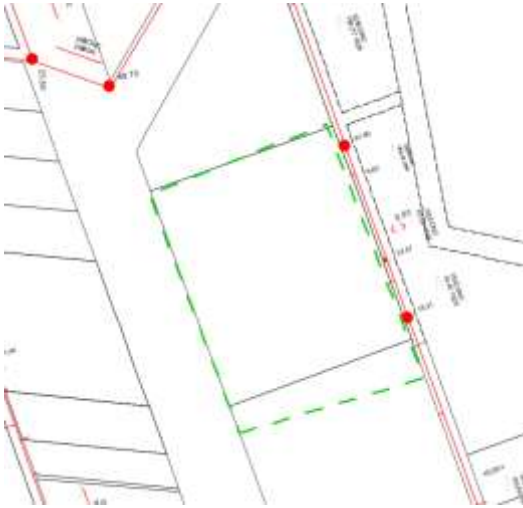


Figure 5: Sewer Asset Information; YVW 28 July 2015



Figure 6: Jemena underground utilities; Jemena 28 July 2015

Implications for Development

The following sections outline the triggers and issues which will affect the proposed works in relation to the *Aboriginal Heritage Act 2006 (Vic)* and *Aboriginal Heritage Regulations 2007 (Vic)*, specifically as these relate to the need to undertake a mandatory Cultural Heritage Management Plan.

When is a cultural heritage management plan required?

A CHMP is required for an activity if (Regulation 6)-

- (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and
- (b) all or part of the activity is a high impact activity.

Is the activity area an area of cultural heritage sensitivity?

Yes. The activity area does contain an area of cultural heritage sensitivity.

Regulation 23 Waterways

- (1) Subject to sub-regulation (2), a waterway or land within 200 metres of a waterway is an area of cultural heritage sensitivity.
- (2) If part of a waterway or part of the land within 200 metres of a waterway has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

The entire activity area is located within 200 m of Merri Creek. A waterway is defined in r. 4 of the *Aboriginal Heritage Regulations 2007 (Vic)* as a river, creek, stream or watercourse the name of which is registered under the *Geographic Place Names Act 1998 (Vic)*. A search of the Register of Geographic names (Vicnames) was undertaken on the 20 April 2015. Merri Creek was found to be listed. Therefore, the activity area is within an area of cultural heritage sensitivity.

Therefore, the activity area is wholly within the zone of cultural heritage sensitivity zone as defined in Regulation 23 of the *Aboriginal Heritage Regulations 2007 (Vic)*.

Is the activity a high impact activity?

Regulation 45 Dwellings

- 1) The construction of three or more dwellings on a lot or allotment is a high impact activity.
- 2) The carrying out of works for three or more dwellings on a lot or allotment is a high impact activity.
- 3) This regulation does not apply to the construction of or the carrying out of works for a retirement village within the meaning of the VPP.

The proposed activity to construct three or more dwellings on a lot is a high impact activity, as defined in Regulation 45 (1) of the *Aboriginal Heritage Regulations 2007* (Vic).

Has the activity area been subject to significant ground disturbance?

Pursuant to **Regulation 4 – Definitions:**

significant ground disturbance means disturbance of -

- a. *the top soil or surface rock layer of the ground; or*
- b. *a waterway –*

by machinery in the course of grading, excavating, digging or dredging.

Recent VCAT ‘red dot decisions’¹ have addressed a number of issues as to the circumstances when a CHMP is required, and the level of inquiry required by a planning decision maker to determine whether significant ground disturbance has occurred. The principles established have formed the basis for a Practice Note regarding Significant Ground Disturbance (AAV 2009).

The following statements from the Mainstay decision (2009 VCAT 145) are reproduced here verbatim:

Many parts of the state are not areas of cultural heritage sensitivity, and many activities are exempt requiring a CHMP. Use should be made of the AAV on-line ‘Aboriginal heritage planning tool’ to determine if a CHMP is required;

It is the fact of significant ground disturbance that creates an exception under the Regulations, and determines if a CHMP is not required. The actual likelihood of Aboriginal heritage existing in the area is irrelevant to this determination;

The timing of the significant ground disturbance is irrelevant. It may have occurred many years ago in the early history of European settlement in the state;

If only part of the land has been subject to past significant ground disturbance, and the remaining part is still in an area of cultural heritage sensitivity, a CHMP will still be required for the whole development activity;

The burden of proving that the land has been the subject of significant ground disturbance rests with the applicant. The planning decision maker (and, on review, the Tribunal) must feel an actual persuasion of the existence of that fact to its reasonable satisfaction. This should not be derived or produced by inexact proofs or indirect inferences, and little weight should be given to a mere assertion by an applicant or landowner;

In assessing whether significant ground disturbance has occurred, there are four levels of inquiry that might commonly arise, and the assessment should be dealt with at the lowest applicable level. These levels are:

- (1) common knowledge,*
- (2) publicly available records,*
- (3) further information from the applicant, and*
- (4) expert advice or opinion;*

¹ Mainstay Australia Pty Ltd vs Mornington Peninsula SC & Ors VCAT 145 (24 February 2009); Azzure Investment Group Pty Ltd vs Mornington Peninsula SC VCAT 1600 (14 August 2009).

If the decision maker is not persuaded by the applicant that there has been significant ground disturbance, the 'default' position is that a CHMP is required. This accords with the purpose and intent of the Aboriginal Heritage Act 2006;

'Significant ground disturbance' is defined in the Regulations. The disturbance must have been caused by machinery in the course of grading, excavating, digging, dredging or deep ripping. Ploughing other than deep ripping is expressly excluded. 'Deep ripping' is also a defined term that requires the use of a ripper or subsoil cultivation tool to a depth of 60 cms or more. By reference to these definitions, past ground disturbance caused by conventional ploughing (such as by a disc plough or a rotary hoe) does not constitute significant ground disturbance. Both the depth of ploughing and the type of machinery used are relevant to whether deep ripping (as defined) has occurred.

The Mainstay decision (2009 VCAT 145) is further complemented by the Azzure decision (2009 VCAT 1600), which addresses difficulties in the application of the Aboriginal Heritage Regulations 2007 to determine whether land has been subject to past 'significant ground disturbance'.

In the Azzure decision, the Tribunal accepted that in the absence of 'smoking gun' evidence (i.e. proof beyond doubt) that firmly establishes 'significant ground disturbance' as defined in r. 4 (i.e. disturbance of topsoil by machinery), evidence for 'significant ground disturbance' can still be established to a sufficient level from comparative and contextual information. Such information might include:

- the urban context; the timing of subdivision;
- the shape, size, topography and configuration of lots;
- the actual development of dwellings and outbuildings and pattern of use over time;
- the provision of underground drainage and services;
- the style and configuration of the house and garden;
- and the lack of remnant vegetation.

The following statement from the Azzure decision (2009 VCAT 1600) is reproduced here in verbatim:

The comparative and contextual information must still reasonably satisfy the decision maker that the relevant land has been disturbed in the past by machinery in the course of grading, excavating, digging, dredging or deep ripping (other than ploughing) – i.e. the definition of the AH Regulations must still be met. However, in the absence of a single item of proof, the contextual approach may assist in achieving this level of satisfaction though a reasonable inquiry and examination of a range of relevant information (none of which necessarily conclusive itself) and 'joining the dots' to reach a common sense conclusion from the available information....The standard of proof is on the 'balance of probabilities' – not proof beyond doubt.

The findings of this report determine that the activity area, as a whole, has been subject to significant ground disturbance. It can be determined beyond any reasonable doubt that the activity area has undergone significant ground disturbance associated with three stages of commercial development between 1936 and 1945. The findings of this report satisfy the evidentiary criteria of the VCAT decisions and are based on evidence fitting several lines of enquiry listed within the Mainstay decision (2009 VCAT 145).

Historical records provide evidence that by 1936 the current activity area and neighbouring parcels of land were predominately cleared of remnant vegetation and underwent initial commercial development. Development of the existing commercial took place between 1944 and 1945. This is shown through historical records as set out within the second line of enquiry listed within the Mainstay decision (2009 VCAT 145): *publically available records*.

In the Practice Note Regarding Significant Ground Disturbance, the Victorian Civil and Administrative Tribunal (VCAT) determined that the definition of "topsoil or surface rock layer" applies to a naturally occurring surface level that is readily ascertainable and does not include the current topsoil or current surface rock layer if established by the mere filling of the land (OAAV 2009, 2). The standard approach to the development of land for commercial construction comprises the de-vegetation of the entire block, including the removal of ground cover, and overall levelling and grading. The provision of trenches for utility and service access, as well as for footings and bedding for concrete slabs is similarly undertaken mechanically. Evidence of multiple service utilities are evident within the activity area and indicate recurring trenching and ongoing sub-surface disturbance. The installation of multiple service utilities, including extensive Yarra Valley Water sewerage assets, indicates substantial utility trenching from the eastern property boundary to the eastern margin of the existing structure.

Given the coverage of structures and assets within the activity area, it is clear that the entire activity area has been subject to groundworks associated with the commercial development of the land and adjacent lots. These works include trenching, grading and levelling. In consideration of the above, it can be determined that the activity area, as a whole, has been subject to significant ground disturbance as defined by r.4 of the *Aboriginal Heritage Regulations 2007* (Vic).

Collectively the evidence discussed above establishes that the entire activity area has been subject to significant ground disturbance. As a consequence, the activity area is no longer considered an area of cultural heritage sensitivity and is exempt from the mandatory preparation of a CHMP prior to the proposed activity. The evidence provided here is grounded in the physical attributes of the activity area.

Do any Exemptions or other Arrangements as outlined in the *Aboriginal Heritage Regulations 2007* apply?

No exemptions apply.

Will a cultural heritage management plan be required for the activity?

On the basis of the above discussion the proposed activity does not require a mandatory CHMP to be prepared prior to the issuing of a statutory authorisation. The activity area, in its entirety, has clearly been subject to significant ground disturbance pursuant to the definitions presented in the *Aboriginal Heritage Regulations 2007* (Vic).

Conclusions and Recommendations

The activity area is situated within 200 m of a named waterway. Therefore, the activity area is nominally wholly within a zone of cultural heritage sensitivity zone as defined in Regulations 22 and 23 of the *Aboriginal Heritage Regulations 2007* (Vic).

As discussed above, conclusive evidence of significant ground disturbance within the activity area has been demonstrated through a hierarchy of evidence established following the Mainstay (2009) and subsequent Azzure (2009) VCAT decisions. It is clear that 718-724 Sydney Road, Coburg has undergone significant ground disturbance, as defined by Regulation 4 of the *Aboriginal Heritage Regulations 2007* (Vic). As a result of significant disturbance, the activity area is not an area of cultural heritage sensitivity, as outlined by Regulation 45 of the *Aboriginal Heritage Regulations 2007* (Vic).

As a consequence a mandatory CHMP in accordance with section 46 of the *Aboriginal Heritage Act 2006* (Vic) is not required.

Disclaimer

It should be noted that this opinion does not imply that Aboriginal cultural places are not present within the activity area, or are not at risk of impact from the proposed activity. It is simply stated that the *Aboriginal Heritage Regulations 2007* (Vic) do not require a mandatory CHMP in this instance.

Any further measures to ensure compliance with the blanket protection provisions of the *Aboriginal Heritage Act 2006* (Vic) (Sections 27-29) must be met by the proponent of any future development of the land. The minimum reporting requirements may be met by implementing the attached procedure during any ground disturbance works, which is compliant with the provisions of the Act.

This study does not constitute a CHMP as defined in Division 1 of the *Aboriginal Heritage Act 2006* (Vic).

REFERENCES

Weaver, F. 1991. The Moonee Ponds Creek Archaeological Survey. Report to the Board of Works, Melbourne.

Weaver, F. 1992. The Lower Darebin Creek Archaeological Survey: A Survey for Aboriginal and Historic Archaeological Sites, Forming the Heritage Component of the Darebin Creek Concept Plan. Unpublished Report to Melbourne Water.

LEGISLATION

Aboriginal Heritage Act 2006 (Vic)

Aboriginal Heritage Regulations 2007 (Vic)

APPENDIX 1

STATUTORY REGULATIONS

ABORIGINAL CULTURAL HERITAGE LEGISLATION

The Aboriginal Heritage Act 2006

This act provides blanket protection for all Aboriginal heritage sites, places or items in Victoria.

The main aspects of the Act in relation to the development process are as follows:

- An *Aboriginal Heritage Council* (AHC) has been appointed by the Minister, Aboriginal Affairs Victoria, made up of 11 Victorian Aboriginal people.
- Aboriginal community groups with traditional interests in cultural heritage are to apply to the AHC for registration as a *Registered Aboriginal Party* (RAP). RAPs will have the role of endorsing *Cultural Heritage Management Plans* (CHMP) within a given area of interest. There may be two or more RAPs for an area, provided it does not hinder the operation of the legislation.
- Under Section 48, a developer ('sponsor') may be required to submit a CHMP before the issue of a statutory authority by local government or other agency ('decision maker'). A CHMP must be registered with the Secretary, Victorian Communities (AAV), and all relevant RAPs notified in writing. If an RAP does not respond, AAV will act in lieu. A CHMP will contain details of research, field evaluation, and consultation and management provisions in regard to the Aboriginal heritage of an area at risk from a development. A *Cultural Heritage Advisor* must be appointed to assist in the preparation of a CHMP. It is the role of an RAP to approve a CHMP if it meets prescribed standards.
- A CHMP will not be considered approved unless it has been approved by all relevant RAPs.

The regulations accompanying the Act specify when a CHMP will be required by law, and prescribe minimum standards for the preparation of a CHMP (Section 53). The approved form for CHMPs specifies the format in which a CHMP should be prepared by a sponsor in order to comply with the Act and the Regulations, and is an approved form under section 190 of the Act. The regulations have not been finalised to date, but their draft content has not been issued to stakeholders.

Other provisions of the Act include *Cultural Heritage Permits* (Section 36), as required for other works affecting Aboriginal heritage sites, *Cultural Heritage Agreements* (Section 68), in respect to land containing an Aboriginal heritage site, *Inspectors* (Part 11) appointed to enforce the Act, *Cultural Heritage Audits* (Section 80) to be ordered by the Secretary in relation to compliance with a CHMP and a VCAT appeals procedure.

APPENDIX 2

SUGGESTED PROCEDURE

IN THE EVENT

AN ABORIGINAL HERITAGE SITE

IS IDENTIFIED

DURING CONSTRUCTION

A. Management of Aboriginal Cultural Heritage Found During Works

If Aboriginal places or objects found during works the following steps must be applied:

- The person who identified the find will immediately notify the person in charge of the activity.
- The person in charge of the activity must then suspend any relevant works at the location of the discovery and within 5 m of the relevant site extent and isolate the find via the installation of safety webbing, or other suitable barrier and the material to remain *in situ*.
- Works may continue outside of the 5 m barrier.
- The person in charge of works must notify the Cultural Heritage Advisor (CHA) and the Secretary (AAV) of the find within 24 hours of the discovery.
- The CHA must notify the RAP(s) or other agreed Aboriginal stakeholder(s) within 24 hours of the discovery and invite RAP(s) or other agreed Aboriginal stakeholder(s) to inspect the find.
- Within 24 hours of notification, a CHA is to attend the site and evaluate the find to determine if it is part of an already known site or should be registered as a new site and to update and/or complete site records as appropriate and advise on possible management strategies.
- Enable RAP(s) or other agreed Aboriginal stakeholder(s) to inspect site within 24 hours of notification and remove/rebury any cultural heritage material found.
- Within a period not exceeding three (3) working days the Sponsor, in consultation with the CHA, RAP or other agreed Aboriginal stakeholder, shall, if necessary, apply for a Cultural Heritage Permit (CHP) in accordance with Section 36 of the *Aboriginal Heritage Act 2006*.
- If a CHP application is lodged, works may only recommence within the area of exclusion following the issue of a CHP and compliance with any conditions.
 - When the appropriate protective measures have been taken;
 - Where the relevant Aboriginal cultural heritage records have been updated and/or completed;

In the case of the discovery of human remains, separate procedures relating to the discovery of human skeletal remains must be adhered to (see below).

B. Custody and Management of Aboriginal Cultural Heritage Recovered

- Any Aboriginal cultural heritage recovered or salvaged from the activity area remains the property of the RAP(s) or other agreed Aboriginal stakeholder(s). Any such recovery or salvage will be agreed to and overseen by a RAP(s) or other agreed Aboriginal stakeholder representative(s). In any such instance it will be the responsibility of the Cultural Heritage Advisor to:
 - Catalogue the Aboriginal cultural heritage;
 - Label and package the Aboriginal cultural heritage with reference to provenance; and
 - With the RAP(s) or other agreed Aboriginal stakeholder(s), arrange storage of the Aboriginal cultural heritage in a secure location together with copies of the catalogue and assessment documentation.

C. The Management of the Discovery of Human Remains

Although this evaluation has determined that there is only a low risk of impacting an Aboriginal burial during the implementation of the activity, given the nature of the landforms and archaeological deposits within the activity area, it is nevertheless an extremely important consideration of any development.

The following steps must be taken if any suspected human remains are found in the activity area:

1. Discovery:

- If suspected human remains are discovered, all activity in the vicinity must ***cease immediately*** to ensure minimal damage is caused to the remains; and,
- The remains must be left in place, and ***protected*** from harm or damage.

2. Notification:

- Once suspected human skeletal remains have been found, the Coroners Office and the Victoria Police must be notified immediately;
- If there is reasonable grounds to believe that the remains could be Aboriginal, the DSE Emergency Co-ordination Centre must be immediately notified on 1300 888 544; and
- All details of the location and nature of the human remains must be provided to the relevant authorities.
- If it is confirmed by these authorities that the discovered remains are Aboriginal skeletal remains, the person responsible for the activity must report the existence of the human remains to the Secretary, Department of Victorian Communities in accordance with s.17 of the *Aboriginal Heritage Act 2006*.

3. Impact Mitigation or Salvage:

- The Secretary, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal human remains, will determine the appropriate course of action as required by s.18(2)(b) of the Act.
- An appropriate impact mitigation or salvage strategy as determined by the Secretary must be implemented (this will depend on the circumstances in which the remains were found, the number of burials found and the type of burials and the outcome of consultation with any Aboriginal person or body).
- While opportunities to avoid impacting on a burial that may be discovered during the activity may be limited, it is important to explore opportunities to minimise disturbance to the remains through unnecessary exposure or disinterment.

4. Curation and further analysis:

- The treatment of salvaged Aboriginal human remains must be in accordance with the direction of the Secretary.

5. Reburial:

- Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked and all details provided to AAV;
- Appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.