

PART G52
HERITAGE MANAGEMENT AND NATIVE TITLE

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1. GENERAL

- .1 The work must be undertaken in accordance with all applicable environmental legislation, including:
 - (a) *Aboriginal Heritage Act 1988* (SA);
 - (b) *Heritage Places Act 1993* (SA)
 - (c) *Development Act 1993* (SA).
- .2 The Contractor's design and construction methodology must be undertaken to maximise the achievement of the following objectives:
 - (a) must avoid impacts to Aboriginal heritage sites located within or adjacent to the project site unless approval to damage, disturb and destroy has been provided under the *Aboriginal Heritage Act 1988*; and
 - (b) protect and conserve non-Aboriginal cultural heritage sites.

2. ABORIGINAL HERITAGE

- .1 The Contractor must engage an Archaeologist currently on DPTI's Environmental Services Panel to undertake the following:

Desktop Risk Assessment

- .2 A qualitative risk analysis matrix must be used to evaluate the level of risk of encountering Aboriginal archaeological/anthropological sites, objects or remains.
- .3 The assessment as a minimum must consider the project location; current and previous land use, soil profile; nearby waterways; past heritage surveys (if any); outcomes of a search of the DSD-ARR Central Archive for Registered Aboriginal Sites or Objects. The risk assessment must advise whether, based on the risk, further consultation and/or survey is required.
- .4 Submission of the risk assessment will constitute a **HOLD POINT**. Further work under this Clause will be subject to the approval of the Principal.

Heritage Survey

- .5 Where the Contractor determines that a survey is required, the survey must be undertaken in accordance with DPTI's Cultural Heritage Guideline and standard industry practice. The field survey must be undertaken in consultation with representatives from the appropriate Aboriginal group(s) and Native Title claimants as advised by DSD-AAR. The survey must assess and advise on the effects of the proposal on any sites as defined under the Aboriginal Heritage Act, 1988 and identify any high risk locations that may require heritage monitoring during construction.
- .6 Provide advice that identifies the need for any determinations or approvals under the Aboriginal Heritage Act, 1988 and the need for the development of a Cultural Heritage Management Plan or similar.

- .7 Submission of the heritage survey report and advice on determinations and approvals will constitute a **HOLD POINT**. Further work under this Clause will be subject to the approval of the Principal.

Aboriginal Heritage Act Approval:

- .8 Where approved by the Principal, the Contractor must prepare any documentation required and obtain any determinations or approvals under the *Aboriginal Heritage Act 1988* (for example section 12, 21, 23 or 29).
- .9 Submission of the approval documentation for the *Aboriginal Heritage Act 1988* will constitute a **HOLD POINT**. Further work under this Clause will be subject to the approval of the Principal.

Cultural Heritage Management Plan

- .10 Where approved by the Principal the Contractor must develop a Cultural Heritage Management Plan including discovery protocols of Aboriginal sites, objects or remains. The Contractor will be responsible for consulting with relevant Aboriginal group(s) regarding the Cultural Heritage Management Plan and obtaining their endorsement.
- .11 Submission of the approval documentation and endorsed Cultural Heritage Management Plan will constitute a **HOLD POINT**.
- .12 Where obtained or developed, the Contractor must comply with all requirements/conditions included in an approval or determination obtained under the *Aboriginal Heritage Act 1988* or the Cultural Heritage Management Plan.

Engagement with Aboriginal Group(s)

- .13 The Principal is required to seek approval from the Attorney-General in relation to Aboriginal heritage payments.
- .14 Where it is necessary to engage with Aboriginal Group(s) regarding heritage matters (meetings, surveys or monitoring of ground disturbing works), approval must be provided by the Principal prior to the engagement being undertaken.
- .15 The Contractor must prepare documentation seeking heritage payment approval, (using the DPTI template - Application for Concurrence with Payments in the Engagement for Aboriginal Heritage Services Details and Certification, provided in the Appendix) for submission to the Attorney-General to engage Aboriginal group(s) or representatives. Submission of the documentation to the Principal will constitute a **HOLD POINT**. The Contractor must allow at least 8 weeks for approval.
- .16 Where approval has been granted by the Attorney-General the Contractor will be responsible for:
- (a) Organising the engagement of the Aboriginal group(s) or representatives in relation to heritage matters;
 - (b) Provide all necessary support to Aboriginal group(s) or representatives to undertake the works under this PAA, including safety inductions;
 - (c) Organising complete payment of the Aboriginal group(s) or representatives in accordance with the Attorney-General's Aboriginal Heritage Payment Rates (for meetings, surveys and monitoring); and
 - (d) provide a written report of monitoring time and results, including signed timesheets when requested by the Principal.

3. NON-ABORIGINAL HERITAGE

- .1 This clause applies where there are State and Local Heritage items/place identified as being located within the vicinity of the project area.
- .2 The Contractor must engage a suitably qualified heritage architect listed on DPTI's Environmental Services Panel to:
- (a) liaise with the Heritage Branch of the Department of Environment, Water and Natural Resources regarding requirements for State Heritage sites and obtain any necessary legislative approvals and implement recommendations/requirements;

- (b) liaise with Local Government in relation to local heritage listed items / places and contributory places and if necessary obtain any approvals and implement recommendations/requirements;
 - (c) undertake a heritage impact assessment (direct and indirect including material impacts); and
 - (d) develop and implement a Conservation/Heritage Management Plan for each heritage listed item/place that has been identified as being potentially impacted by the project. The Plan shall form part of the CEMP.
- .3 The Contractor must ensure that the design does not materially affect the amenity value of any state heritage listed or local heritage sites and complies with recommendations contained within heritage reports
- .4 Provision of the Heritage Impact Assessment Report(s) and Conservation Plan(s) shall constitute a **HOLD POINT**.
- .5 If the Contractor has caused structural damage to a building or structure of heritage significance, the Contractor shall arrange for the repairs of damage required in a manner that is consistent with the character and fabric of the item. Where approval under the *Development Act, 1993* is required, this shall be obtained by the Contractor prior to any rectification or repairs of damage being undertaken.

4. NATIVE TITLE

- .1 The Principal will obtain advice on the implications of the project on Native Title and advise if any land affected by the project is subject to the Native Title Act 1994 or any Indigenous Land Use Agreements. If Native Title is affected, the Principal will undertake any required notification process under the Native Title Act 1994.

5. HOLD POINTS

- .1 The following is a summary of Hold Points referenced in this Part:

CLAUSE REF.	HOLD POINT	RESPONSE TIME
2.4	Submission of the risk assessment	10 working days
2.7	Heritage survey report and advice on determinations and approvals	10 working days
2.9	Approval documentation for Aboriginal Heritage Act	6-9 months
2.11	Cultural Heritage Management Plan	10 working days
2.15	Documentation seeking heritage payment approval	8 weeks
3.4	Heritage Impact Assessment Report(s) and Conservation Plan(s)	10 working days

6. RECORDS

- .1 The following records must be provided to the Principal:
- (a) Reports
 - (b) Additional Aboriginal heritage assessment;
 - (c) Additional non-Aboriginal heritage survey;
 - (d) any other surveys, reports or studies issued to address environmental issues.
 - (e) Other