



Operational Guidelines for Aboriginal Cultural Heritage Management – a Due Diligence Code of Practice

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1. INTRODUCTION

Aboriginal cultural heritage includes places of physical and spiritual sites, places, objects, stories, oral histories, flora and fauna that are of significance to First Nations people because of their connection to country through traditions, Lore, customs beliefs and historically. It provides evidence of the lives and assistance of First Nations peoples before and after European contact. Evidence of the longest surviving culture and connection to country through the occupation by First Nations people, and their use of naturally occurring resources, can be seen in items in the landscape.

The identification and management of these areas of significance within areas Forestry Corporation of NSW manages is important to the protection of Aboriginal cultural heritage in NSW. Forests contain pathways, song lines, ceremonial sites, plants used as food and medicine and animals that are identified as Kinship animals and hunted for food. The habitats that support this flora and fauna are important to First Nations people.

Forestry Corporation acknowledges that First Nations people should determine the significance of their heritage and how to maintain and protect it.

The involvement of First Nations people is fundamental to understanding First Nations people, their connection to land and water and formulating management responses to culturally significant areas.

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First Nations communities place spiritual and cultural value on locations because they follow their Lore (tradition and knowledge) and narratives of historic events and traditions through Kinship to the land, such as initiation, ceremonial, birthing sites. Consideration of matters arising from connection to the country and these significant areas and issues relating to cultural and spiritual beliefs requires authentic involvement with First Nations stakeholders during forestry operations.

These operational guidelines set out the procedures which, when followed, satisfy the due diligence requirement to identify and protect Aboriginal objects and places as required by the National Parks and Wildlife Act and described on the [Heritage NSW website](#).

Scope

These operational guidelines cover all forestry operations and other forestry activities undertaken by Forestry Corporation and its contractors. It sets out the reasonable and practicable steps Forestry Corporation can take to:

- » Identify whether Aboriginal objects are present or likely to be present in an area
- » Consider whether planned activities are likely to harm Aboriginal objects (if present)
- » Determine whether an Aboriginal Heritage Impact Permit (AHIP) is required.

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Purpose

The purpose of these operational guidelines is to:

- » Set out due-diligence procedures that will identify and protect Aboriginal objects, sites and spiritual places on State forests and lands managed by Forestry Corporation prior to operational activity
- » ensure that Forestry Corporation meets its legal and other obligations for Aboriginal cultural heritage
- » describe the consultation process for engaging the Aboriginal community around proposed operations and the identification and management of heritage during operations.

Policy

Forestry Corporation is committed to protecting and managing Aboriginal cultural heritage in partnership with Aboriginal communities and in accordance with legislative obligations. Aboriginal people must be consulted about proposed activities early in the planning process and be given an opportunity for meaningful input to determine the significance of their heritage and how to protect it.

To effectively identify and manage cultural heritage, Forestry Corporation will:

- i. Communicate effectively and genuinely with the appropriate First Nations community representatives and stakeholders
- ii. Ensure that forest management policies and practices are sensitive and respond to the needs and attitudes of First Nations people
- iii. Ensure that operational planning addresses cultural heritage requirements
- iv. Make available resources to address heritage responsibilities
- v. Ensure that employees or contractors whose work may impact on cultural heritage are trained appropriately
- vi. Promote Aboriginal cultural competency and respect among staff and contractors
- vii. Explore opportunities to work with Aboriginal people
- viii. Respect confidentiality about the location and details of Aboriginal sites and traditional cultural knowledge shared by First Nation communities
- ix. Refer inquiries from third parties on cultural heritage or sites to local Aboriginal community representatives.

Aboriginal cultural heritage items are irreplaceable. Forestry Corporation applies management controls to minimise damage and harm to Aboriginal sites or objects during all forestry operations and activities such as plantation establishment, road works, fire management and timber harvesting.

Sound forest management practices:

- i. Protect Aboriginal objects, sites and spiritual places
- ii. Protect intellectual knowledge
- iii. Provide for cultural access to animal and plant species, sought for food or for medicinal purposes

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- iv. Identify opportunities to participate in joint ventures or co-manage areas of forest.

Compliance framework and legislative requirements

These operational guidelines meet legal and other best practice standards and requirements for Aboriginal cultural heritage management as detailed below in Table 1: Where this plan fits with Forestry Corporation's legal and other requirements).

Table 1: Where this plan fits with Forestry Corporation's legal and other requirements

Jurisdiction	Legislation	Regulatory instruments	Policy/ Plans	Committees
Commonwealth	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (ATSHP Act)	Aboriginal and Torres Strait Islander Heritage Protection Regulations 2017		
	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Environment Protection and Biodiversity Conservation Regulations 2000		
	<i>Native Title Act 1993</i>	Native Title (Tribunal) Regulations 1993		
State (NSW)	<i>Forestry Act 2012</i>	Due Diligence Code of Practice for the protection of Aboriginal Objects in NSW		
	<i>National Parks and Wildlife Act 1974</i>	National Parks and Wildlife Regulation		
	<i>Rural Fires Act 1997</i>	Integrated Forestry Operations Approvals (IFOAs)		
	<i>Environmental Planning and Assessment Act 1979</i>	Bushfire		
	<i>Plantation and Reafforestation Act 1999</i>	Environmental Assessment Code		
	<i>Heritage Act 1977</i>	Plantation and Reafforestation Code		
	<i>Native Title (New South Wales) Act 1994 No 45</i>	Environmental Impact Assessment		
Forestry Corporation		Heritage Regulation 2012		
			Forest management policy Aboriginal Cultural Heritage management policy	

For a list of all legislation and how it relates to Forestry Corporation, refer to Forestry Corporation's [Obligations Register](#).

National Parks and Wildlife Act 1974

One of the key objects of the *National Parks and Wildlife Act 1974* (NP&W Act) is that it provides for the conservation of objects, places or features of cultural significance to Aboriginal people within the landscape.

Part 6 of the NP&W Act provides protection for Aboriginal places and objects. In particular, this part provides offence and permit conditions in relation to harming or desecrating Aboriginal objects or places and provides that the presence of newly found Aboriginal objects must be made known to the Heritage NSW and recorded on the Aboriginal heritage information management system (AHIMS).

The NP&W Act provides for the declaration by the Minister of Aboriginal places where it is believed the place was or is of special significance to Aboriginal culture (s.84).

The Act defines Aboriginal objects 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.

In the past, if a person harmed or destroyed an Aboriginal object **unknowingly**, that could be used as a defence in court. However, the *National Parks and Wildlife Act 1974* (NP&W Act) has been amended and, under section 86, it is an offence to harm an Aboriginal object even if the offender did not know it was an Aboriginal object. ***In other words, ignorance is no longer a defence.*** Under the NP&W Act **harming** an Aboriginal object includes to:

- i. Destroy, deface, damage or desecrate an object
- ii. Move an object from the land on which it is situated
- iii. Cause or permit an object to be harmed.

Under the NP&W Act, including the *National Parks and Wildlife Amendment Regulation 2019*, (NP&W Regulation) it is an offence to harm an Aboriginal object:

- i. Which the person knows is an Aboriginal object (a 'knowing offence')
- ii. Whether or not a person knows it is an Aboriginal object (a 'strict liability offence').

Harm does not include something that is trivial or negligible. Examples of what might be a trivial or negligible act are picking up and replacing a small stone artefact, breaking a small Aboriginal object below the surface when you are gardening, crushing a small Aboriginal object when you walk on a track, or picnicking, camping or other similar recreational activities.

The penalties under the NP&W Act for harming or desecrating an Aboriginal object or place are substantial for both individuals (up to \$550,000) and corporations (up to \$1.1 million).

Due diligence

Due diligence is a legal concept describing a standard of care. Exercising due diligence means considering the likely risks of a proposed course of action. It requires consideration of obligations under the NP&W Act, and the adoption of a course of action that is directed towards preventing a breach.

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In the context of protecting Aboriginal cultural heritage, due diligence involves taking reasonable and practicable measures to determine whether actions will harm an Aboriginal object. For Forestry Corporation staff and contractors, following these operational guidelines does not provide certainty about the *existence* of Aboriginal objects.

Following successful due diligence, an activity may be undertaken, though always with caution. Where objects are found, Forestry Corporation staff or contractors must stop work and inform the Aboriginal Partnerships Team Leader/ Liaison. The due diligence defence does not authorise continuing harm.

The NP&W Act provides that a person who exercises **due diligence** in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence at section 86(2) if they later unknowingly harm an object without an AHIP.

Section 87(3) of the NP&W Act provides for requirements for due diligence to be contained within a **Code of Practice** adopted or prescribed by the NP&W Regulation. These operational guidelines have been developed to meet the minimum requirements of the code of practice.

Other codes of practice can also provide specific due diligence guidance for certain classes of activity or for industry sectors. Examples Forestry Corporation operates under are the *Plantations and Reafforestation (Code) Regulation 2001*, Private Native Forestry Code of Practice. When such a code of practice is complied with, it may instead be relied upon as a due diligence defence for the relevant activity or industry operation.

If a person already knows, or believes, that a proposed activity will harm Aboriginal objects, there is no need to go through the due diligence process. In most cases, it is a matter of applying for an AHIP. This is done through Heritage NSW.

Information related to applications for permits can be obtained through the Heritage NSW website. If an AHIP is granted and activities are undertaken in accordance with the conditions of an AHIP, there is a valid defence to prosecution under the NP&W Act.

Aboriginal Heritage Impact Permit (AHIP)

Forestry Corporation will explore every avenue not to harm an Aboriginal object. If, after a detailed investigation and impact assessment, a decision is made that harm may occur, then an application must be made for an AHIP under section 90 and 90(A) of the NP&W Act. The [website](#) and associated guide step out the application process.

Duty of notification

If a Forestry Corporation staff member or contractor finds an Aboriginal object on land and the object is not already recorded on AHIMS, report the object's location to the Aboriginal Heritage and Partnerships team as soon as possible to enable the appropriate management and recording transpires.

The notification procedures can also be found on the [Heritage NSW website](#).

The maximum penalty for failing to notify Heritage NSW of the location of an Aboriginal object under s.89A is \$11,000 for individuals and a further maximum penalty of \$1,100 for each day the offence continues. For a corporation, the penalty is \$22,000 and for continuing offences a further maximum penalty of \$ 2,200 will apply for each day the offence continues.

Low impact activity

The NP&W Regulation removes the need to follow the due diligence process if carrying out a specifically defined low impact activity. As a result, you are not required to follow these operational guidelines or any other due diligence process if your activity meets this criterion. Some low impact activities are listed below. **It is important to note that this defence does not apply to situations**

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where you already know there is an Aboriginal object. This defence does not authorise harm to known Aboriginal objects.

The following low impact activities are prescribed in the regulation as a defence against the strict liability s86 (2) offence.

Clause 80B Defence of carrying out certain low impact activities: section 87 (4)

(1) It is a defence to a prosecution for an offence under section 86 of the Act, if the defendant establishes that the act or omission concerned:

- (a) was maintenance work of the following kind on land that has been disturbed:
 - (i) maintenance of existing roads, fire and other trails and tracks,
 - (ii) maintenance of utilities and other similar services (such as above or below ground electrical infrastructure, water and sewerage pipelines).

Other activities meeting this requirement (including grazing) can be found in [Clause 80B of the NP&W Regulation](#).

(2) Subclause (1) does not apply in relation to any harm to an Aboriginal culturally modified tree.

In this clause, **Aboriginal culturally modified tree** means a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved or modified by an Aboriginal person by:

- (a) the deliberate removal, by traditional methods, of bark or wood from the tree, or
- (b) the deliberate modification, by traditional methods, of the wood of the tree.

Note: For more information regarding Aboriginal culturally modified trees see www.environment.nsw.gov.au/conservation/AboriginalScarredTrees.htm

(3) For the purposes of this clause, land is **disturbed** if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.

Note: Examples of activities that may have disturbed land include the following:

- (c) soil ploughing,
- (d) construction of rural infrastructure (such as dams and fences),
- (e) construction of roads, trails and tracks (including fire trails and tracks and walking tracks),
- (f) clearing of vegetation,
- (g) construction of buildings and the erection of other structures,
- (h) construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure),
- (i) substantial grazing involving the construction of rural infrastructure
- (j) construction of earthworks associated with anything referred to in paragraphs (a)–(g).

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2. DESCRIPTION OF FORESTRY ACTIVITIES AND THE POTENTIAL IMPACTS ON ABORIGINAL SITE LOCATIONS

Extent of Forestry Corporation operations

Forestry Corporation of NSW manages approximately two million hectares of land, including 230,000 hectares of softwood plantations, 34,000 hectares of hardwood plantations, and 1.8 million hectares of native forest. The native forest area is centred around the far north and far south coasts and the Pilliga region. The softwood plantation estate is centred around Tumut, Bombala, Bathurst, Walcha and Grafton.

Large areas of forest in NSW are concentrated on the coast and Great Dividing Range. In the west of the state, outside of the Pilliga, forests are generally more scattered within agricultural land. Forest types range from moist subtropical rainforest on the far north coast to the dry cypress pine forests of the Pilliga, from the alpine forests of the Snowy Mountains to the river red gum forests along the Murray/ Murrumbidgee Rivers.

Timber from State forests is used in home construction for framing, flooring and weather boards, furniture, tools and toys, railway sleepers, bridge girders, wharf piles, telephone and electricity poles, fence posts, props for underground mining, pulpwood for paper and building boards and other uses.

Some State forest areas are leased for grazing to supplement fodder supplies and reduce fire risk. The forests can also be a source of rock, gravel and sand and provide recreational opportunities.

Types of forestry activities and their potential impacts

The major forestry operations carried out in State forests are timber harvesting, replanting and subsequent silviculture practices of both native and plantation forests, road building and maintenance, and fire mitigation, prevention and control. These activities all could have some impact on archaeological sites.

Guidance on how these activities can be modified or relocated to avoid landscape features or Aboriginal objects is outlined in the operational guideline chapter of this guide.

Road building and timber harvesting

The building of main roads, access roads and fire trails, including the construction of batters, excavation of borrow pits and construction of crossings, and sediment traps all have the potential to disturb Aboriginal cultural heritage items. Most susceptible are surface items and open sites of all kinds.

Harvesting is the major cause of disturbance after roading in a naturally regenerated native forest. There are three components of timber harvesting, including felling, extraction and loading. The impacts depend on the intensity and the technique used in the area.

- i. In felling, the main disturbance is due to the fall of the tree and is consistent with the size of the tree
- ii. Extraction of felled trees to a dumpsite along a snig track also results in some disturbance
- iii. Conversion of the tree at the felling site or at the log dump and associated loading also causes some level of disturbance.

All these operations disturb the ground. However, the overall disturbance depends on the intensity of the operation.

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The most vulnerable type of site is a campsite, where the scatter of stone artefacts can be displaced by road building and harvesting activities. Rock shelters are less vulnerable in that they are in terrain generally unsuitable for road building and harvesting. They can however be damaged if machine operation in close proximity disturbs the fragile rock and it falls in and disturbs the deposit beneath, which has implications for gathering historical information.

Grinding grooves may be protected in creek beds but they can occur on exposed rock slabs and thus are susceptible to damage by falling logs and machinery. The same applies to engravings, stone arrangements and open shell middens. Carved and scarred trees are susceptible to being cut down or damaged by machinery or falling logs.

Silviculture practices

Silvicultural practices carried out on maturing native and plantation forests, such as thinning and culling, may have an impact, however they will be relatively unimportant in an area that has been previously been cleared and planted.

Plantation operations in areas of authorised plantation

Plantation establishment operations include clearing, windrow burning, ripping or mounding, weed control and planting. These occur on previously heavily disturbed sites, either previously planted sites (second rotation) or already cleared land. The clearing of any remnant native vegetation is limited to isolated paddock trees in accordance with the *Plantation and Reafforestation (Code) Regulation 2001*.

The *Plantation and Reafforestation (Code) Regulation 2001* specifically provides for the identification and protection of any *Aboriginal culturally modified tree*, and other culturally significant items. The *Plantation and Reafforestation (Code) Regulation 2001* is also a recognised due diligence code of practice under the NP&W Act.

Fire management practices

Fire trail construction, along with dam or depot construction, has the potential to impact on Aboriginal sites as do firefighting activities during emergencies. Hazard reduction burning at low intensity is generally considered a low risk activity to Aboriginal heritage sites. The NSW Rural Fire Service's [Bush Fire Environmental Assessment Code – Conditions for Hazard Reduction and Aboriginal Heritage](#) sets out a due diligence approach for identification and management for Aboriginal heritage.

Aboriginal cultural heritage site types and their general locations

There is a close relationship between the location of archaeological sites and certain characteristics of the environment related to terrain, landscape and geology.

For stone artefact sites, rock shelter occupation and art sites the requirements are quite specific and predictable - mainly to do with topographic constraints on movement, ecological productivity and the nature of the local geology.

Less is known about ceremonial archaeological sites (e.g. boras), except to note these are generally rare, particularly in areas remote from the major river valleys. Intangible sites, such as natural feature, mythological and/ or ceremonial sites most frequently occur on prominent landscapes.

Based on the environmental, archaeological and historical evidence, stone artefact sites are likely to be the most common site type encountered on State forest. Ceremonial/ mythological sites, burials, historic campsites and massacre sites will be rare within State forests, particularly given the level of disturbance forests have already undergone, although surviving sites will be highly significant, and

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every effort should be made to identify them and provide for their management. Their locations are difficult to predict or establish through sample survey techniques. Yet unrevealed knowledge concerning such sites is undoubtedly held by local people and may be revealed through oral history investigations.

Artefact scatters in and around open campsites

Artefact scatters may occur anywhere across the landscape. The typical locations for these sites are on ridge lines, spurs and along streams and swamps. Stone artefact sites located on ridge lines are generally small.

A common interpretation placed on these ridge line sites is that they were pathways that people used to traverse the countryside.

Rock shelter occupation and art sites

Rock shelters suitable for occupation can occur in most rock strata, although sandstone and limestone weather in a way that produces many more potential shelters than other rock types. Most shelter sites are located on streams, both because this is where rocks tend to outcrop and because campsites generally are located near water.

Rock outcrops on steep slopes or on tops of hills are unlikely to have much evidence of occupation in them, although art on walls and ceilings and stone arrangements may occur in these locations.

Quarries and primary reduction sites

A quarry is defined as a stone source where First Nations people obtained stone or ochre for artefact manufacture. A stone source may be a vein outcrop or a surface deposit of loose rock or pebble. These sources are generally located where rock outcrops in ranges or along watercourses with pebble beds.

A primary reduction site is the location where the initial production of the stone artefact blanks takes place before the tools are used and further modified. Primary reduction sites are generally located at or within proximity to quarry sites.

Axe grinding grooves

Axe grinding grooves are the abrasion scars resulting from the sharpening of stone hatchets on rock. These sites are identified by smooth linear or ovoid depressions in sandstone outcrops. Sandstone is chosen for grinding as it has the necessary abrasive properties and water is used as the wetting agent. Consequently, these sites are invariably located within sandstone outcrops near water.

Scarred trees

Scarred trees are trees from which bark or wood have been removed for the making of shelters and implements such as containers, shields and canoes. They are very common in riparian areas.

Carved trees

Carved trees are trees which have linear designs or figurative patterns carved onto their bark or wood. They often surround bora grounds or areas known to be used in the past for ceremonial purposes. Some carved trees were used to mark boundaries and can therefore be found in many varied areas.

Stone arrangements

Stone arrangements consist of stone cairns or linear arrangements which may have ceremonial significance. Although knowledge of the distribution of this site type is less certain than for others, they could occur anywhere.

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Boras

Bora grounds are places where ceremonies were performed. The most common form consists of earthen rings two to 40 metres in diameter. They mainly occur on soft sediments in, or near, river valleys although they occasionally occur on high places on rocky ground where they may be associated with stone arrangements.

Burials

Traditional burials occur singly and in groups. They can be found in all types of terrain including caves and trees although very few have been recorded, or are likely to be recorded, in areas of rugged terrain as people are most likely to be buried in the vicinity of the main focus of occupation (e.g. river valleys) and where soft sediments are available. Where soft sediments are present in the uplands, they tend to have already suffered a fair degree of disturbance. Cave burials are likely to be restricted to sandstone outcrops.

Site complexes

Site complexes are localities where there are a number of sites of Aboriginal and/ or archaeological significance. Site types that may occur include stone arrangements, bora rings and rock shelter occupation and art sites.

Wells, waterholes and soaks

Wells, waterholes and soaks along with various waterways and cultural water are often sacred places to Aboriginal people. These can be found just about anywhere including the desert regions, the mountains, valleys and creeks or along high ridge lines and wherever water collects.

They can often be difficult to re-locate due to neglect, overgrowth, damage from construction of trails or the introduction of western agricultural practices and development.

Landscape features and natural sacred sites

Many landscape features, including mountains, ridges, out-crops, rock formations, creeks, rivers, waterholes, soaks, and caves are viewed as extremely sacred sites to Aboriginal people. These can occur anywhere in the landscape.

Pictorial representations of some of these objects and further descriptions are in **Attachment 1**

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3. THE DUE-DILIGENCE ASSESSMENT PROCESS

The due diligence process involves identification of known sites, consultation and survey for new sites, recording new sites and protection of sites from activities in line with agreed conditions wherever possible. If known sites cannot be protected, then a AHIP must be granted before damage to the site can occur.

Identifying Aboriginal Places

Aboriginal Places are declared by the Minister under s.84 of the NP&W Act. These recognise and legally protect areas that are deemed to have special significance for Aboriginal culture. The location of Aboriginal Places is available on the Heritage NSW website www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/ and are also available as a feature class within Forestry Corporation's GIS databases.

AHIMS can provide detailed information regarding the location of Aboriginal Places.

The due diligence defence is not available for activities which harm Aboriginal Places. If the operation being planned may 'harm' an Aboriginal Place, apply for an AHIP.

Identifying known Aboriginal sites

When planning an activity, Forestry Corporation will determine, from readily available sources of information, what is already known regarding the presence of Aboriginal objects in the area where it is proposed to carry out the activity. This should include:

- » a search of the AHIMS records for that area
- » a search of Forestry Corporation databases with information from previous surveys
- » review of research papers
- » advice from the local Aboriginal community (LAC), including the Native Title and Local Aboriginal Land Council (LALC) with responsibility for protection in the area in relation to objects which may not be recorded on AHIMS.

Note that presence/ absence site information on AHIMS is available to Forestry Corporation on GIS layers via a data sharing agreement. Records are updated approximately every six months. Information on accessing this service and more detailed site information can be obtained through Heritage NSW.

After obtaining records from AHIMS of any recorded Aboriginal objects confirm that these objects can be located in the area of proposed activity. If the information on AHIMS appears not to be up to date or is inaccurate, contact the Aboriginal Partnerships Team to confirm an accurate site location and ensure the AHIMS records are updated. The **Aboriginal Cultural Heritage Site Data Management Procedure**, located on Forestry Corporation's intranet, describes the process for managing site data and ensuring accurate information on areas requiring protection can be provided in operational plans.

Discovering new Aboriginal sites

As a minimum, Forestry Corporation will assess the area where it is proposed to carry out forestry activities (that are not "low impact activities") to determine the likelihood of Aboriginal objects being present on that land.

If the land has not been disturbed by previous activity, this assessment should include consideration of whether the land contains landscape features that indicate the likely presence of Aboriginal objects. If the initial investigation shows a high likelihood of Aboriginal objects occurring due to

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landscape features, Forestry Corporation will undertake a desktop assessment and conduct a Cultural Heritage Survey of the area and engage with the LAC where necessary.

The Cultural Heritage Survey **must** be done by a person with expertise in locating and identifying Aboriginal objects. This person with expertise will be

- » a member of Forestry Corporation's Aboriginal Partnerships Liaison team
- » an Aboriginal person or landholder with experience in locating and identifying Aboriginal objects
- » a consultant with appropriate qualifications or training in locating and identifying Aboriginal objects.

Current cultural heritage survey forms and procedures are located on Forestry Corporation's intranet.

Notification of new Aboriginal sites

Forestry Corporation has a legal requirement to notify Heritage NSW as soon as possible of the location of new objects which are not already registered in the AHIMS. This applies to all people and to all situations, including when you are following these operational guidelines.

If an **Aboriginal object** is found while undertaking forestry operations, stop work and apply appropriate buffers and report to the Aboriginal Partnerships Liaison team.

If **human skeletal remains** are found during the activity, stop work immediately, secure the area to prevent unauthorised access and contact the NSW Police and the Environment Line on 131 555.

Further investigation and impact assessment to determine need for AHIP

When either the desktop assessment or visual inspection indicates that there are, or are likely to be, Aboriginal objects in the area of the proposed activity, more detailed investigation and impact assessment will be required.

Forestry Corporation will explore every avenue not to harm an Aboriginal object.

If, after a detailed investigation and impact assessment, a decision is made that harm may occur, then an AHIP application must be made

When applying for an AHIP, Forestry Corporation must undertake consultation in accordance with clause 80C of the NP&W Regulation. These requirements may also be followed where there is uncertainty about potential harm, and you are undertaking a cultural heritage assessment.

Permit information can be found [on the Heritage NSW website](#).

Record keeping

Written records must be kept in order to prove that the due diligence process has been followed.

AHIMS data is updated continuously, so a search of the AHIMS database should be undertaken for any new forestry operations that take place.

Procedure for reporting Aboriginal cultural heritage information

Follow the **Aboriginal cultural heritage site data management procedure** if you

- » find, or believe you have found, an Aboriginal object or site
- » believe the location of a site is not correct
- » Aboriginal cultural heritage site information requires updating.

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Following the site data management procedure will ensure sites are registered. This can be done either via registering or correcting the information through an [AHIMS Quarantine Station account](#) or by reporting the information to the Heritage Information Management Team on the details below.

Website: <https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>

Email: AHIMS@environment.nsw.gov.au

Phone: 02 9585 6345

Mail: Heritage NSW, Locked Bag 5020, Parramatta NSW 2124.

To report **damage or destruction** of Aboriginal Cultural Heritage, contact the Environment Line **131 555**.

4. CONSULTATION REQUIREMENTS

Consultative framework

This framework provides a comprehensive consultative process in which local issues can be discussed and documented with Aboriginal communities. It allows Forestry Corporation staff to take a consistent approach when consulting with the many Aboriginal stakeholders associated with forestry activities across the state. The focus on reaching agreement at a local level allows arrangements to be tailored to the regional situation and history.

Forestry Corporation aims to maintain communications with Aboriginal communities to ensure that planning incorporates Aboriginal interests. This includes site management, cultural heritage intellectual property rights and the cultural use of natural resources.

The principles of Forestry Corporation's consultative framework are:

- I. Forestry Corporation's Aboriginal Partnerships Liaison team should involve people with cultural knowledge, which may include Aboriginal land councils, registered native title claimants, Aboriginal Elders or people with knowledge of areas where activities are proposed
- II. Expectations for input will consider the community's capacity to participate
- III. Consultation will be conducted in a culturally safe manner and will be culturally sensitive to gender-specific sites and issues.

Proactive communication

Forestry Corporation plays an important role in informing Aboriginal communities about the likely impact of management activities. Potential conflicts will be minimised if Aboriginal people are involved in identifying and assessing sites and cultural places, including discussions about managing and minimising the impact of operational management. Involve Aboriginal representatives early in the planning process to help foster mutual trust and conduct discussions about site management in a culturally appropriate manner.

Contact with the Aboriginal community

Contact with the Local Aboriginal Land Council (LALC), registered Native Title claimants and other recognised groups is necessary to identify issues and concerns about proposed operations.

The most appropriate contacts will be cultural knowledge-holders or custodians with authority to speak (by descent, historical association or entrusted knowledge) or other Aboriginal community groups that are active in heritage conservation.

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Meetings, on-site visits and inspections provide opportunities to resolve issues and develop measures to protect cultural sites. If community meetings are held, the venue must be convenient to local people — for example, a land council office rather than a Forestry Corporation office.

Consultation maps

Maps used for consultation with the LALC must:

- I. be at an appropriate scale to identify the location and extent of operations over the planning period, either plan of operations scale for strategic consultation (e.g. the Plan Portal would be suitable for Hardwood Forests Division operations) or operational scale maps for operational consultation
- II. identify known sites and areas surveyed within five kilometres of the operational area in order to consider the context of Aboriginal sites within the landscape and future management requirements.

The role of Forestry Corporation Aboriginal staff in consultation

Consultation will be organised by Forestry Corporation's Aboriginal Partnerships Team Leader or a staff member nominated to coordinate Aboriginal liaison in the area. Key consultation elements are outlined in Table 2.

Table 2: Aboriginal consultation elements at the strategic and operational scales

Level	What consultation is required	Expected outcomes	When
Strategic	Identify relevant groups and organisations in each local area for both knowledge holding and cultural heritage survey capacity.	Increase local Aboriginal communities' knowledge of Forestry Corporation management intent and practices.	At least annually and as agreed
	Develop and follow protocols for notification of works, review annual works schedules and discuss issues of joint interest.	Increase Forestry Corporation knowledge of local Aboriginal communities' interests and concerns in forest management, including opportunities for Aboriginal connection with management and use of State forest.	
	Identify known and potential sites that may not be recorded in AHIMS or Forestry Corporation systems, particularly those relevant to the annual work schedule.	Establish agreed consultation processes	
	Agree on site-survey process for new sites and where appropriate establish contracts with groups likely to be engaged to conduct surveys in the coming period	Meet agreed obligations for dialogue with Native Title holders.	
	Agreed procedures for data management and confidentiality of site information	Increase awareness of known or potential cultural heritage sites in the landscape. Confidence that sites and data are being recorded and managed in a culturally appropriate manner	
Operational	Engage relevant sites officers to conduct surveys for high risk operations and any low risk operations identified from strategic consultation.	Sites are reliably recorded, both in the field and in relevant systems.	Ongoing as operations with known sites or requiring site-survey arise.
	Record newly discovered sites in both AHIMS and in Forestry Corporation systems.	Confidence sites have agreed management measures, and these are enacted in the field.	
	Engage and agree on the appropriate management conditions of known or newly discovered sites, including site-specific field	New sites are surveyed for and identified prior to high risk operations.	

identification of areas requiring protection measures.¹

If AHIP required, consult regarding permits to harm known sites and potentially salvage objects.

Monitor known sites during and at completion of operations and report any non-conformances or issues arising during operations

Newly discovered sites are visible in Forestry Corporation GIS systems as soon as identified and whilst AHIMS recording is undertaken.

Due diligence requirements are met.

Minimum protection measures for sites are outlined in Table 5.

Information sharing

To foster trust and involvement, Forestry Corporation staff will share relevant information held in compartment histories and databases with members of the local Aboriginal community. This includes recorded information about sites, previous community advice and prescriptions implemented to manage these places.

Leadership by Forestry Corporation's Aboriginal Partnerships Liaison Team helps promote open dialogue. Cultural concerns are more likely to be revealed when trust is established between parties. Information provided by Aboriginal groups must be handled sensitively.

Process for managing Aboriginal cultural heritage information

Forestry Corporation will obtain local Aboriginal community agreement on procedures for handling data and information on Aboriginal sites and issues including:

- » Details of instruction to third parties requesting information from Forestry Corporation on Aboriginal sites or heritage
- » How information on Aboriginal sites is shown on operational maps and plans, including constraints on distributing maps and plans
- » Details to be recorded in Forestry Corporation databases
- » Data expected to be provided to local Aboriginal community
- » Aboriginal Partnerships Liaison Team must ensure that all new sites found are loaded into the AHIMS database in compliance with the section 89A of the NP&W Act.

The **Aboriginal cultural heritage site data management procedure** outlines how Forestry Corporation systems and staff interact with the AHIMS database to ensure timely and accurate recording and protection of sites.

Engaging the Aboriginal community for field work

Forestry Corporation may engage representatives from Local Aboriginal communities or other Aboriginal stakeholders engaged to carry out cultural heritage field work, location or identification work prior to Forestry Corporation operations. Anyone engaged under such an arrangement should be experienced and should be engaged under a formal contract arrangement.

Contracts should cover a defined period, such as 12 months – three years, be agreed with the group (e.g. Native Title groups and Forestry Corporation), and specify the payment rate, survey method and reporting requirements. An example contract is available on the Cultural Heritage page of Forestry Corporation's intranet.

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5. OPERATIONAL GUIDELINES

Due diligence assessment

During planning and prior to conducting operations, an assessment of due diligence is required. Refer to Figure 1 below.

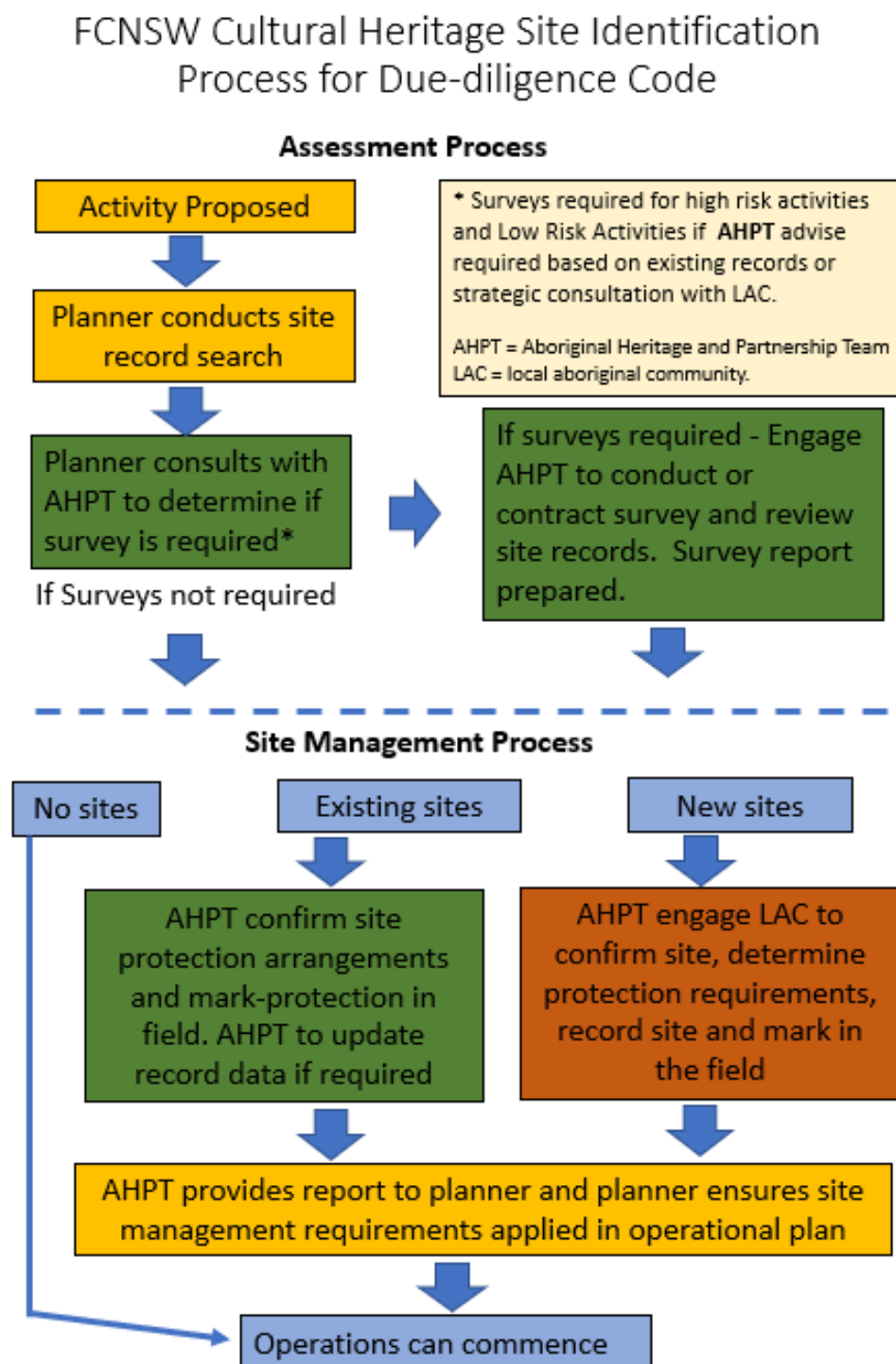


Figure 1: Due diligence process

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Table 3: Due diligence assessment for operational activities

What is the activity type?	Is a site survey required?	Site management required for all identified sites or areas	What consultation and site marking is required?
Low impact	If strategic consultation identifies likely sites or existing known sites trigger additional surveys	Required for all known sites, places and newly discovered sites	Ensure known sites have agreed management actions (AHIMS and/or local Aboriginal community consultation) and are accurately mapped on operational maps and marked in the field ¹ .
Other activities	Yes		

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Table 3 outlines minimum management requirements for sites under these operational guidelines and *Plantations and Reafforestation (Code) Regulation 2001* and the NSW Rural Fire Service's [Bush Fire Environmental Assessment Code](#).

Low impact activities are described in Section 2 of this guideline and include road maintenance, operating in previously cleared areas and as outlined in the *Plantations and Reafforestation Act 2001* and (Code) Regulation, low intensity hazard reduction under the NSW Rural Fire Service's [Bush Fire Environmental Assessment Code](#).

Planning staff implement the discovery process for surveys for new sites and assessment of existing sites over the proposed operational area. This involves considering the type of activity, assessing data for known sites and triggering consultation where required via the AHP team as described in the flow chart above.

Survey process for new sites

Forestry Corporation should seek agreement on processes for surveys as described in Figure 1 but generally take the following approach:

- » Operational planner provides the Aboriginal Partnerships Liaison (APL) or consultant with a draft operational map showing the proposed area of operations.
- » Forestry Corporation's APL or a community consultant will consider the operational map along with the following elements to determine the site-specific survey design:
 - Geographic area (eg. entire or part of the region, including the cultural landscape)
 - Historic knowledge of Aboriginal occupation, including from AHIMS data, local Aboriginal community knowledge, research papers, and Environmental Impact Statement (EIS) reports
 - Location and types of known sites on and within five kilometres of the area. Ensure to use maps of appropriate scale
 - The extent and intensity of previous discovery work
 - Ground visibility during past discovery work
 - Landform features including topography and vegetation affecting the likelihood of finding new sites
 - Extent and level of past disturbance
 - Current ground visibility
 - Proposed operational activities
 - Timing of proposed discovery work relative to proposed activities
 - Field sampling intensity and procedures to focus effort in areas with highest likelihood for new sites
- » The APL and/or a community consultant will survey the operational area by examining the most likely areas on foot (e.g. rock overhangs, river flats, saddles, level to gently sloped areas and stream flats), looking for stone objects such as cutting tools, hammer stones, stone axes, stone arrangements. In addition, investigation will include areas such as
 - rock overhangs and cliffs for rock engravings, art or potential occupation deposits
 - trees for unnatural scars.
- » The APL or consultant will prepare a report that records all areas inspected regardless of whether sites were located. This provides evidence of the search effort (i.e. the due diligence effort). It also

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provides a useful tool for future planning and will record areas searched where sites were not evident. Forestry Corporation surveyors should use the Forestry Corporation cultural heritage survey report template located on the intranet.

- » The APL or consultant will record in the field any objects that may have Aboriginal cultural significance using surveyor's pink spray paint and the APL will record the site as a potential site in Forestry Corporation's GIS system using the Map App.
- » Forestry Corporation must consult with the Aboriginal community in regard to these items and determine in the field, and by reference to the community and others if necessary (e.g. archaeologist selected in consultation with the Aboriginal community), whether a potential site is Aboriginal heritage.
- » Where places or suspected objects are confirmed as Aboriginal sites or objects, the management and protection requirements of the site will be determined by the local Aboriginal community and APL and consider the minimum requirements set out in Figure 1.
- » Once confirmed, Forestry Corporation confirms the site in the Map App (or removes it if the site proves not to be heritage) so its location is known and can be protected.
- » The site details are entered into the AHIMS form as agreed by either Forestry Corporation staff or the local Aboriginal community.
- » The APL should mark the protection area in the field and provide the operational planner a report with the location of sites, including a map, describing the required management actions for inclusion in operational plans. The **Aboriginal cultural heritage site data management procedure** further details the steps in this process.
- » The planner ensures that sites requiring protection are incorporated into the plan as described in Section 7.

6. FIELD INVESTIGATION TO LOCATE KNOWN SITES

The APL will review recorded sites in consultation with the planner and locate them in the field where possible. This may require an application for AHIMS data cards to provide more detailed information on site locations. As many previously recorded sites have site accuracy issues due to a range of factors including recording pre-GPS technology, map errors and change in map datum, it is important recorded sites are accurately relocated.

The APL will update Forestry Corporation's Map App and advise Heritage NSW to update AHIMS data when better information on site locations is available as per the **Aboriginal cultural heritage site data management procedure**.

The agreed consultation process for the area will determine if known sites require a new assessment from the local Aboriginal community and other registered stakeholders to inspect or locate recorded sites or review management requirements before operational activities.

Because forest litter or ground flora can mask recorded sites and isolated objects, unless there is evidence that a location is wrong, mark the recorded location in the field and protect it during operations.

Field marking

There are two aspects of site protection:

- i. averting known or predicted threats
- ii. maintaining the site in its desired state.

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Mark the buffer of the site before operations begin. Buffers should be marked, not the site itself. Ideally, the APL or community representative who found the site in the pre-operational inspection should field mark the boundary of the management exclusion or otherwise guide the field supervisor to the location so it can be correctly marked.

Table 4 describes the tree marking code used for site protection in coastal areas managed by the Hardwood Forests Division. However, these may be updated from time to time or vary between areas. Operational plans will describe the required marking requirements for relevant sites in the plan area.

Table 4: Example tree marking code

Activity	Method	Symbol or marker
Harvesting	Spray paint on trees	Four (4) horizontal lines/ bars two (2) dots
Road works	Paint or tape plus 'stake' at each end of road section	100 mm x 50 mm stake, projecting 75 cm above ground
Plantation establishment	Reference posts or fencing around object	Solid post or fencing
Hazard reduction burning and other activities	Spray paint	Four (4) bars/ two (2) dots

7. SITE MANAGEMENT

Activities can be modified or relocated to avoid harm to landscape features or Aboriginal objects.

Management procedures may vary depending on the nature and significance of a site and the proposed activity. Site procedures may involve

- » Consideration of the requirements of the *Plantations and Reafforestation (Code) Regulation 2001* or [Bush Fire Environmental Assessment Code](#)
- » Establishment of defined exclusion zones
- » Variation of operations, including reduced harvesting intensity, restriction of off-road machinery or vehicles
- » Exclusion or inclusion of fire
- » Protection works
- » Interpretation works.

Other considerations include

- » Cultural sensitivity of landscape
- » Evidence of past disturbance
- » Aboriginal community involvement in fieldwork and schedules for payment
- » Aboriginal cultural significance of sites, and the site-types present
- » Significance of Aboriginal sites and their heritage value to the wider community
- » Direct and indirect impacts on Aboriginal sites and cultural places that would result from the proposed operation and subsequent rehabilitation
- » Regional priorities for the protection of sites and objects
- » Opportunities for conserving adjacent similar sites

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- » Negotiation of actions for field implementation
- » Need to obtain AHIPs

The above considerations determine the management prescriptions including the following minimum buffers although the final protective measures will be determined in consultation with the local Aboriginal community. Where the recommended management actions are significantly greater than outlined in Table 5 below, consult with the Aboriginal Partnerships Team Leader for approval. The Team Leader will consult with the relevant area supervisor or manager if significantly increased actions are proposed prior to finalising agreement with the local Aboriginal community.

Table 5: Minimum buffer zone widths (metres) for cultural heritage sites

Site Type	Native forest operations	Plantation operations (cl19)	Prescribed burning **
Scarred or carved trees	20	20	Rake 10 m around trees
Stone arrangement	20	20	
Burial site	20*	50	
Artefact scatter	10	10	
Other sites	10	10	Carefully remove leaf litter and manage art sites.

*For a Burial zone with multiple sites an increased buffer zone will be created in consultation with local Aboriginal community

** Prescribed burning is rated low risk except for what are described in the Code as 'Group 3 sites' which include scar trees. The [Bush Fire Environmental Assessment Code](#) includes additional measures for chemical use, slashing, mechanical or manual clearing and tree felling and these must be considered if these activities are planned under the code.

Relocation of the activity is the preferred alternative when an activity is planned for area which has (or has been shown in the due diligence process to be likely to have) Aboriginal objects. If this is not possible, and due diligence has shown that a planned activity may harm Aboriginal objects, further assessment and consideration of an AHIP application should be made. Planning prescribed burning in areas of forest managed by Forestry Corporation requires site specific burn plans to be prepared. Burn prescriptions and ignition patterns are specified to ensure that prescribed burning meets management objectives.

When planning a hazard reduction burn, vulnerable sites such as scarred trees should be found and protection work (raking or dozing) carried out before burning. Where possible, use temporary marking such as ribbon or aerosol paint on nearby trees or features.

Operational plan and map recording of sites

The operational plan and map is where sites and their protection requirements are communicated to Forestry Corporation staff and contractors.

Operational plans and maps must include the protection of all identified and recorded Aboriginal sites within and near the operational area, and management prescriptions for each site.

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The method of identification on the operational copy of the map and text should be as agreed with the local Aboriginal community.

Aboriginal sites will not be shown on operational plans or any maps available for public release. Likewise copies of survey reports and site information provided to planners or other Forestry Corporation staff to support plan preparation will not be made publicly available.

The preferred approach to operational plans and maps is that generic “other significant area” is used on the map and described as a ‘special prescription’ in the text, rather than as an Aboriginal site. This provides sufficient detail in the pre-operational briefing to each operator and staff member to ensure protection occurs. If mark-up starts before the pre-operational briefing, the field supervisor may need a briefing before mark-up.

In operations managed by the Hardwood Forests Division, sites should be recorded and available from the survey or mark-up phase in the Map App via mobile data in the ‘Other Significant area’ (OSA) layer.

Where sites are to be shown or detailed in plans these must be clearly identified as not-for-public release and seek agreement from the local Aboriginal community on whether plans and maps with symbols need to be recalled from contractors after the operation and recorded as being collected on the operational clearance certificate.

Operational plan inductions

Operational staff and contractors must be aware of legal obligations to ensure that sites are not disturbed or damaged unless an AHIP has been obtained.

At the pre-operational briefing, planning staff will inform staff and contractors of management requirements and exclusion areas. The induction will include reference to operational maps, prescriptions in plans, field marking and field inspection. A list of inductees will be kept with the operational plan.

Operational supervision and monitoring

Field supervisors monitor compliance with operational plan conditions.

If a previously unknown Aboriginal site is found during operations, stop work near the site and impose a minimum exclusion distance until the site has been investigated and a management prescription is added to the operational plan.

Procedure for new sites discovered during operational activity

If a new site is discovered during operational activity, the following procedure must be followed:

- i. Staff or contractor must mark the possible site, for example with flagging tape, and exclude from operations for at least 50 metres and trigger immediate notification to the Aboriginal Partnerships Liaison team for further investigation.
- ii. The APL and Aboriginal community consultant inspect the site and determine whether the site is heritage. Community members or other experts may be consulted.
- iii. The extent and boundary of the site are determined in the field. Local Aboriginal communities and Forestry Corporation staff discuss management and protection, outcomes are approved by the Aboriginal Partnerships Team Leader. Prescriptions are added as amendments to operational plans. The buffer distance is marked according to the marking standard.

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- iv. Site details are recorded on the AHIMS form, entered into the Map App and copies sent to the planner, local Aboriginal community and Heritage NSW in line with the ***Aboriginal cultural heritage site data management procedure***.

If a site cannot be avoided, and objects are not considered significant by the local Aboriginal community, Forestry Corporation will seek support from the knowledge-holders for an application to Heritage NSW for an AHIP. Guidance may be sought from knowledge-holders about salvaging artefacts.

Reporting operational outcomes

Forestry Corporation will conduct operational compliance monitoring during and following operations and any non-conformance will be reported in accordance with the incident management process. Site monitoring and audit should follow the procedures described for cultural heritage site monitoring on the Forestry Corporation intranet.

Training requirements

Forestry Corporation must ensure that staff and contractors are trained in the consultation and management processes as outlined in Table 6 below.

Table 6: Training requirements

Training element	Who	Responsibility
Requirements of these operational guidelines	Hardwood Forests Division and Softwood Plantations Division Operational planning staff and supervisors	General Managers
Cultural competency training	Everyone involved in planning, implementing and supervising operations.	Aboriginal Partnerships Liaison Team
Cultural awareness	Hardwood Forests Division harvesting contractors	Aboriginal Partnerships Liaison Team or approved providers.
Site survey and AHIMS recording	Forestry Corporation Aboriginal Partnerships Liaison and contract site officers and archaeologists	Various

Data management

The ***Aboriginal cultural heritage site data management procedure***, available on the intranet, details the specific internal systems and processes to manage site data in a way to keep it current, accurate and available to ensure known sites are able to be protected. These systems are under ongoing review and improvement.

Forestry Corporation accepts that information may be culturally sensitive and therefore should be kept confidential.

Forestry Corporation adopts the following procedures to protect information:

- » Reports must state that Aboriginal site information cannot be reproduced in public documents without the consent of the local Aboriginal community.
- » Site and other information provided by Aboriginal people will be used by Forestry Corporation staff for consultation, planning and operational supervision purposes only. It will not be released to the public.

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- » Information is available to the Aboriginal community on request through the Aboriginal Partnerships Liaison.
- » Inquiries from third parties about Aboriginal cultural heritage or site information will be referred to local Aboriginal community representatives. The Aboriginal Partnerships Team Leader will ensure that agreed procedures are implemented.
- » Processes for Aboriginal involvement and the protection of heritage include consideration of data management procedures, which are assessed during the annual consultation review.

Aboriginal Heritage Information Management System (AHIMS)

The Aboriginal heritage information management system (AHIMS) is a statutory register of Aboriginal sites maintained by Heritage NSW. It is the primary source of information about the location of known Aboriginal sites in NSW. The electronic AHIMS database contains summary data for information held on site cards, in slide and photographic collections, and site recording forms. The data available through AHIMS contains site details resulting from areas already investigated, where the data has been provided to Heritage NSW and the record updated.

Forestry Corporation has a Memorandum of Understanding with Heritage NSW, to share data from AHIMS for sites on State forests and within a five-kilometre buffer. A Data Licence Agreement covers the exchange of such data, which occurs regularly.

The data agreement provides basic site information for recorded sites. Where more information on sites is required then a site data request can be made through the Heritage NSW website.

Forestry Corporation database

Forestry Corporation maintains a corporate feature class of sites that integrates AHIMS data, previously captured site data that is not in AHIMS and mobile captured data. The Forestry Corporation database may contain information additional to AHIMS data, gained through consultation and negotiations. There is also a time delay between data being recorded on AHIMS data cards and coming back via the data agreement. The mobile feature class is the best way for Forestry Corporation to ensure that these known sites are visible and able to be protected whilst this data transfer delay exists.

Aboriginal community data sources

Site data will be supplemented by the results of community consultation and identify sites not recorded within AHIMS or Forestry Corporation systems. Where consultation results in the location of these sites being shared, they should be entered into Forestry Corporation's mobile feature class with agreement of the data sharer to ensure their ongoing protection.

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9. AMENDMENTS FROM PREVIOUS VERSION

Version #	Changes
3.0	<ul style="list-style-type: none"> » Consultation table outlining strategic and operational scale consultation requirements. » State-wide Aboriginal Heritage management moving from OEH to Heritage NSW. » Update to internal operational management and survey processes.
2.0	<ul style="list-style-type: none"> » Description of the environment and landscapes in which forestry activities take place » Examples of a typical range of Aboriginal objects likely to occur in the area » Description of various forestry activities and their potential impacts » Mandatory use of AHIMS data and associated website » Mandatory notification of all new sites found » Minimum protective measures for Aboriginal sites » Need to seek an Aboriginal Heritage Impact Permit (AHIP).

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10. APPENDIX A – PICTORIAL REPRESENTATION OF ABORIGINAL OBJECTS AND DESCRIPTION

Glossary of cultural terms

Artefact

Burial

Bora (ceremony ground)

Camp site

Carved tree

Cairn (stacked stones)

Ceremonial places

Cultural modification

Cultural deposit

Cultural landscape

Grinding groove

Grindstone (mortar and pestle)

Ground-edged hatchets (axes)

Core

Flake

Hearth

Landscape Features

Midden

Millstone (mortar and pestle)

PAD (potential archaeological deposit)

Rock art

Sacred places

Scar tree

Stone arrangements

Stone artefact

Stone traps (fish & eel traps)

Wells, water hole and soaks

Quarries

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Stone artefacts

Stone artefacts are a common type of Aboriginal object, and include stone tools, spear points, surface scatters, grinding stones, ground-edge axes, and other implements that were used for a variety of purposes, such as in the preparation of food or to make nets, baskets and other tools. Stone artefacts often have sharp edges, or of a stone type that is different from the natural rock in the area.

Another type of stone artefact is a ground-edge axe, which can come in different shapes, but they are usually round or oval. They are sometimes rounded and narrow at one end, and slightly broader and straighter at the cutting edge.

Because stone artefacts do not rot or rust, they are often the primary physical evidence of Aboriginal occupation in an area. They can also provide important information about past Aboriginal people's settlement patterns, lifestyle and other connections, such as trade.

The presence of stone artefacts in an area may indicate that either a place was previously used by Aboriginal people, or that the area continues to be a place of significance, which may include sensitive sites such as men's or women's areas which may require a buffer zone to maintain. In some cases, it will be appropriate to consider removing stone artefacts from where they are found (salvage), following advice from Heritage NSW and Aboriginal groups.

Stone artefacts are often small, so they can be difficult to protect. Erosion and weathering activities such as ditch digging, and ploughing can disturb stone artefacts. They can also be broken when trampled by animals, or when run over by vehicles.



Figure 2: Stone artefacts in Ourimbah and Buckenbowra State Forests. Photographs courtesy of S Hodgetts (2019)



Figure 3: Stone artefacts in M^cPherson State Forest. Photograph courtesy of S Hodgetts (2020)



Figure 4: Grindstone. Muller and grindstone (millstone) held in the West Australian Museum. Photograph courtesy of S Hodgetts

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Artefact scatter

An Artefact scatter is an area where stone material is often seen exposed in the landscape. The artefact scatter can consist of both debitage (left-over material) and finished items left from the tool making process and include stone or shell. They are often found at occupation sites where Aboriginal people camped, as a result leaving material remains of everyday life including artefact scatters and isolated stone artefacts.



Figure 5: Stone artefact scatter eroding out of sand dune on a beach WA. Photograph courtesy of S Hodgetts (2016).

Occupation sites

Occupation sites are places where Aboriginal people camped in the open or within rock shelters. These can be indicated by material remains including charcoal, rock art, shell, bones, artefact scatters, isolated stone artefacts and deposits, along with the remains of ovens or hearth sites (as seen in image below -oven or hearth sites).

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Stone traps (fish and eel traps)



Figure 6: Brewarrina Fish traps ('Baiaime's ngunnhu'), Barwon River. Photograph courtesy of S Hodgetts (2015).

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Oven or hearth sites

Oven or hearth sites are the remains of a domestic open fireplace. Domestic open fireplaces have been used in populated places throughout Australia to provide warmth and lighting. They are also used for cooking food and sometimes to signal from one group to another.

These hearths are roughly circular piles of burnt clay or heat fractured rock with associated charcoal fragments, burnt bone, shell and stone artefacts.



Figure 7: Hearth with stone artefacts, Gundabooka
Photograph courtesy of S Hodgetts (2015).

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Rock art

Rock art includes paintings and drawings that generally occur in rock overhangs, caves and shelters. Stencils of hands, paintings or drawings of animal or people figures and animal tracks are common and have often been created using ochre, white pipeclay or charcoal.

Engravings commonly occur on open, flat surfaces of rock such as on sandstone outcrops, although some occur in vertical rock faces and in rock shelters. Examples of engravings include outlines of people or animals, but may also include patterns, tracks and lines.

Rock art is of high cultural significance to Aboriginal people, and many sites are still regarded as sacred, or of ceremonial significance. Rock art sites are important link to the past for Aboriginal people today. Rock art sites can also provide important information about the daily life and culture of Aboriginal people before European contact, and many sites are hundreds or thousands of years old.

Rock art sites can be easily damaged as they can be prone to erosion and vandalism. Touching rock art or disturbing a shelter floor in the immediate vicinity of the rock art can cause damage, as can movement on or over surfaces with rock art. Sites may also suffer from vegetation growth or removal. Effective management of rock art sites can include drainage, fencing, graffiti removal, and visitor control.



Figure 8: Shelter with pigment art in M'Pherson State Forest.



Figure 9: Rock engraving in Ourimbah State Forest. Photographs courtesy of S. Hodgetts (2018)

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Shell middens

Shell middens are commonly made up of the remains of edible shellfish and could be the result of a single meal or many different meals at the same location over many years. A midden may also contain fish and animal bones, stone tools, or charcoal. They can vary in size and depth. Middens are sometimes associated with burials.

Middens can be found on headlands, sandy beaches and dunes, around estuaries, swamps and tidal stretches of creeks and rivers, and along the banks of inland rivers, creeks and lands. Middens may also be found in the open or in rock shelters.

Middens can indicate that a place was, and may continue to be, a key meeting place of significance. Middens can also provide information about the environment that existed when Aboriginal people collected the shellfish, such as changes in species, and tools or raw materials that were used. Middens which contain burials are particularly significant.

Middens are amongst the most fragile cultural sites. They can be exposed by wind or degraded by human and animal activity. Effective management of midden sites may include stabilising the surface, such as encouraging vegetation cover, or by restricting access to the site such as erecting fencing.



Figure 10: Shell Midden and section of a midden, Central Coast, NSW. Photographs courtesy of S Hodgetts (2016).

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Axe grinding grooves

Axe grinding grooves are oval shaped indentations generally on flat and soft rock surfaces, such as sandstone outcrops. Aboriginal people made the grooves when shaping and sharpening stone axes by grinding them against the rock. Grooves can vary in size, shape and number. Sites with 20 to 60 grooves are not uncommon and some sites have more than 200.

Axe grinding grooves provide information about Aboriginal stone tool technology. They are often found along the edges of creeks, lakes or swamps as water was needed to keep the stone clean and cool. In areas where suitable outcrops of rock were not available, transportable pieces of stone were used for sharpening or grinding tools. Axe-grinding grooves provide important information about how stone tools were made.

As sandstone is relatively soft, it is prone to weathering, erosion and trampling by animals. Human activities such as mining, road infrastructure, damming, clearing, ploughing and construction can also destroy these sites. Management options can include stock and erosion control.



Figure 11: Axe grinding grooves, Clarence River NSW. Photograph courtesy of Rachael Cavanagh.

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Wells, waterholes, soaks

Wells, waterholes and soaks along with various waterways and cultural water were important sources of water for Aboriginal people. In addition to being a reliable place for collecting water, but they were also an important food source. More importantly, the location of the water is often a sacred place. These places are associated with creation stories and are often the place of ancestral creation beings. It is therefore very important for Aboriginal people to look after and maintain these places as part of the responsibility to care for country.



Figure 12: Byrock Rock Holes Aboriginal Place Byrock. Photograph courtesy of S Hodgetts (2015).



Figure 13: Well with Axe Grinding Grooves Central Coast. Photograph courtesy of S Hodgetts (2015).

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Aboriginal culturally modified (scarred and carved) trees

Aboriginal culturally modified (scarred and carved) trees are trees that show the scars caused by the removal of the bark or wood for the making of, for example, canoes, vessels, boomerangs, shelters and medicines. The shape and size of the scar may indicate the purpose for which the bark or wood was removed from the tree. In some regions of NSW, trees were carved with intricate patterns and designs for ceremonial purposes, or to mark country boundaries or burials.

Carved trees associated with burial sites are usually in groups of two or more trees. Carved trees associated with ceremonial grounds may have also been used for educational purposes. Scarred and carved trees occur in various locations across NSW.

Scarred and carved trees are significant to the descendants of the Aboriginal people living today. Scarred and carved trees are becoming rarer in NSW as trees decay, are burnt, or are destroyed.

It is important to note that the defence to a prosecution (Clause 80B of the *National Parks and Wildlife Regulation 2019*) relating to certain low impact activities does not apply in relation to any harm to an Aboriginal scarred tree. Ensuring that scarred trees are not harmed will likely include insuring effective buffer zones are used, as their significance is often part of the broader landscape.



Figure 14: Culturally modified tree from the Narromine area.
Photograph courtesy of S Hodgetts (2018)



Figure 15: Culturally Modified Tree (Canoe scar). Macquarie Marshes, Dubbo. Photographs courtesy of Rachael Cavanagh.

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Quarry sites

Quarry sites are sites where Aboriginal people manufactured stone tools or collected ochre for painting and decoration. Quarry sites may be found in areas of rock outcrops and can be identified by the presence of artefacts such as flaked stone. Quarry sites vary in size. They may be one or two flaked boulders or a single pit but can also incorporate many large outcrops over large areas.

As stone was an important resource for Aboriginal people, quarries are often associated with other nearby Aboriginal sites and cultural material. In NSW, a variety of stone types were quarried for particular purposes. Quarries also provide information about trade routes and other activities.

Human activities such as mining, road building, damming, clearing and construction can disturb or destroy Aboriginal quarries. Natural processes such as weathering, and erosion can also cause the gradual breakdown of stone outcrops.

Aboriginal quarries can be protected by management actions such as by controlling stock and managing near erosion.



Figure 16: Aboriginal Grindstone Quarry Yambacoona Hill near Brewarrina. Photograph courtesy S Hodgetts (2015).



Figure 17: Aboriginal white pipeclay (Ochre) Quarry, M^cPherson State Forest.

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Stone arrangements

Stone arrangements are places where Aboriginal people have positioned stones deliberately to form shapes or patterns, and can include large circular or linear arrangements, cairns (piles of stones), rock markers or more elaborate groupings that can depict animals or other designs. Aboriginal people also use stone arrangements for other purposes, such as for fish traps.

Stone arrangements have significant cultural heritage value because they are usually related to ceremonies, such as meetings or marriages.



Figure 18: Linear and stacked stone arrangements, Central Coast. Photographs courtesy S Hodgetts (2015).

Bora rings, which are one or more raised earth rings, were used for male initiations. They are generally rare due to their vulnerability to disturbance. The stones are long lasting, but their arrangements can be damaged or destroyed. If stones are disturbed, the pattern and its significance may be lost. Ploughing, brush cutting, logging and large grazing animals can also cause disturbance.

Management options around Aboriginal stone arrangements can include stock, weed and erosion control

Burials

Aboriginal people had a variety of customs for honouring the dead and laying them to rest and were among the first people in the world to use cremation. However, Aboriginal burials may be found in a variety of landscapes throughout NSW, although most frequently they are found in middens, sand dunes, lunettes, bordering dunes and other sandy or soft sedimentary soils. Human activities, such as sand mining, stock grazing, ripping rabbit warrens, ploughing and even trail bike riding and four-wheel driving, can devastate burial sites.

Aboriginal ancestral remains are very sensitive and significant to Aboriginal people. If human remains are found or disturbed, it is requirement that a person:

- i. Not further disturb or move these remains
- ii. Immediately cease all work at the location
- iii. Notify the NSW Environment Line on 131 555 and the local police as soon as practicable and provide available details of the remains and their location
- iv. Not recommence any work at the location unless authorised in writing by Heritage NSW.

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Landscape features and natural sacred sites

Many features of the landscape, such as mountains, waterholes, soaks, caves, and rock formations, are regarded as highly sacred sites to Aboriginal people. In addition, the flora and fauna species that inhabit these landscapes also carry Aboriginal cultural significance. In some cases, an inspection of the immediate area will show no physical evidence of prior occupation or usage by Aboriginal people.

Significant landscape features may:

- i. be recorded on AHIMS as Aboriginal objects
- ii. have been designated 'Aboriginal places' under the NP&W Act, in which case disturbance of the area is unauthorised without a permit
- iii. be marked with signage
- iv. have been recorded through other regional mapping processes undertaken by the former DECCW (now split into DPIE and Heritage NSW) and the former local CMA (now Spatial Services), heritage assessment of the Local Council or Local Aboriginal Land Council.



Figure 19: Landscape Feature. Olney State Forest



Figure 20: Landscape Features and Sacred places - Mt Yengo Aboriginal Place. Photo by S Hodgetts, 2017.

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11. FURTHER INFORMATION ABOUT ABORIGINAL SITES IN NSW AND AUSTRALIA

Aboriginal Cultural Heritage Conservation. *Aboriginal Scarred Trees in New South Wales, a field manual* (DEC and Andrew Long 2005), available at

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/aboriginal-scarred-trees-in-new-south-wales-a-field-manual> and

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/522/aboriginal-scarred-trees-in-new-south-wales-field-manual-050054.pdf>

Aboriginal cultural heritage fact sheets. Fact Sheet 2. *Providing certainty for the protection of Aboriginal heritage through due diligence*, available at

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/Aboriginal-cultural-heritage-Fact-Sheets-725/Fact-sheet-2-Providing-certainty-for-the-protection-of-Aboriginal-heritage-through-due-diligence.pdf>

Aboriginal cultural heritage fact sheets. Fact Sheet 8. *The Aboriginal Heritage Information Management System*, available at

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/Aboriginal-cultural-heritage-Fact-Sheets-725/Fact-sheet-8-The-Aboriginal-Heritage-Information-Management-System.pdf>

Aboriginal cultural heritage fact sheets. Fact Sheet 6. *The Low Impact Activity Defence*, available at

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/Aboriginal-cultural-heritage-Fact-Sheets-725/Fact-sheet-6-The-Low-Impact-Activity-Defence.pdf>

Aboriginal cultural heritage fact sheets regarding the consultation process. Fact Sheet 2. *What is an Aboriginal cultural landscape?*, available at

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/Fact-sheets-regarding-the-consultation-process-724/Fact-sheet-2-What-is-an-Aboriginal-cultural-landscape.pdf>

Aboriginal cultural heritage fact sheets, regarding the consultation processes. Fact Sheet 4. *Local Aboriginal Land Councils*, available at

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/Fact-sheets-regarding-the-consultation-process-724/Fact-sheet-4-Local-Aboriginal-Land-Councils.pdf>

Aboriginal cultural heritage publications. Heritage NSW, available at

<https://www.heritage.nsw.gov.au/search-for-heritage/publications-and-resources/aboriginal-cultural-heritage-publications/>

Conservation of Aboriginal Heritage in NSW A Guide for Aboriginal People and Public Land, available at

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<https://www.heritage.nsw.gov.au/assets/Uploads/publications/522/aboriginal-heritage-conservation-guide-for-aboriginal-people-public-land-110389.pdf>

Aboriginal Heritage Information Management System (AHIMS) Guide to completing the AHIMS Site Recording Form, available at

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/523/guide-to-completing-ahims-site-recording-form-121008.pdf>

Aboriginal scarred trees in New South Wales, a field manual (DEC and Andrew Long 2005),

available at

<https://www.environment.nsw.gov.au/research-and-publications/publications-search/aboriginal-scarred-trees-in-new-south-wales-a-field-manual> and

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/522/aboriginal-scarred-trees-in-new-south-wales-field-manual-050054.pdf>

Creative Spirits- a comprehensive Aboriginal Cultural resource, available at

<https://www.creativespirits.info/aboriginalculture/land/guide-to-aboriginal-sites-and-places#toc4>

Cultural landscapes and park management: a literature snapshot. A report for the cultural landscapes: connecting history, heritage and reserve management research project (Department of Environment and Climate Change 2008), available at

<https://www.environment.nsw.gov.au/resources/cultureheritage/20100052CulturalLandscapes.pdf>

Lost but not forgotten: a guide to methods of identifying Aboriginal unmarked graves (NPWS, 2003), available at

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Aboriginal-cultural-heritage/lost-but-not-forgotten.pdf> and

<https://www.heritage.nsw.gov.au/assets/Uploads/publications/518/lost-but-not-forgotten.pdf>

Native Title. Org. *What is native title?*, available at

<https://nativetitle.org.au/learn/native-title-and-pbcs/native-title-rights-and-interests#:~:text=The%20Native%20Title%20Act%201993,their%20traditional%20laws%20and%20customs.>

Site Identification, Victorian Mini Poster Series, Department of Planning and Community Development, 2008, available at

<https://www.aboriginalvictoria.vic.gov.au/aboriginal-places-and-objects>

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