



Our ref: DOC20/862143

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By email: lauren.rose@planning.nsw.gov.au

Dear Ms Rose

M12 Motorway (SSI 9364) Advice on Amendment Report and Recommended Conditions

Thank you for inviting the Heritage Council of NSW to provide advice in relation to the M12 Motorway project.

I am responding as the delegate of the Heritage Council on the Amendment Report (October 2020), including advice on recommended conditions.

I understand from the Amendment Report that the revised project will not have impacts on State Heritage Register items that are additional to those identified in the EIS. The desktop assessment and review of aerial imagery did not identify any additional areas of potential heritage items or areas of archaeological sensitivity within the amended study area.

I note that the amended construction footprint would encroach further into the curtilages of two locally listed heritage items:

- Item 3: Luddenham Road Alignment, listed on the Penrith LEP (PLEP 843)
- Item 8: Cecil Park School, Post Office and School Church

Cecil Park Complex archaeological site

The additional project impact to the Cecil Park Complex Archaeological Site and recommended approach of salvage is noted. HNSW notes that the Proponent undertook test excavation in 2019 to understand the extent and integrity of the archaeological site. The results confirmed the presence of artefacts and some structural remains. However, the testing report and current RTS has not articulated clearly how these remains (a late 1890s school, 1906 church and Post Office) would contribute research potential not available through historical sources, particularly NSW State Archives and local history records.

HNSW advises the Department that no further archaeological excavation would be required under a *Heritage Act 1977* management scenario where 'relics' within the meaning of the Heritage Act, are unlikely to be disturbed. As such, HNSW considers that further archaeological work is not required for this project.

If the Department wishes to manage the Cecil Park Complex Archaeological site as proposed by the consultants, it is recommended that archaeological work is in accordance with the

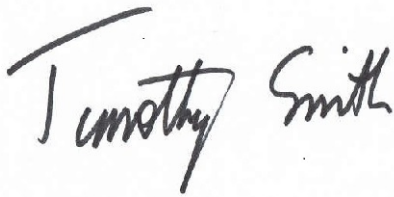
research design and excavation methodology outlined in *Non-Aboriginal heritage supplementary technical memorandum* prepared by Jacobs Consulting, dated October 2020 and *M12 Motorway: Former Cecil Park Historical Complex Historical Archaeological Salvage Research Design and Methodology*, prepared by Jacobs Consulting, dated April 2020.

Recommended conditions of approval were provided in our EIS submission on 29 November 2019. We note that conditions of approval are a matter for the Department of Planning, Industry and Environment to consider during its assessment of the project.

Based on the Submissions Report (October 2020) and the Amendment Report above, we suggest our earlier recommended conditions be amended as annotated in the attachment, with amendments shown in double ~~strike through~~ or ***bold italics***.

If you have any questions regarding our comments on SSI 9364 (M12 Motorway), please contact Hendry Wan, Senior Heritage Officer Major Projects at Heritage NSW, Department of Premier and Cabinet, on (02) 8837 6090 or at Hendry.Wan@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tim Smith OAM
Director, Heritage Operations
Heritage NSW
Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW

4 November 2020

Attachment: Recommended conditions of approval

ATTACHMENT: RECOMMENDED CONDITIONS OF APPROVAL

Based on the Submissions Report (October 2020) and the Amendment Report (October 2020), Heritage NSW suggest our earlier recommended conditions be amended as annotated below, with amendments shown in double ~~strike through~~ or **bold italics**.

Recommended Conditions

If approved, the following conditions are recommended.

Heritage - general

- Suitably qualified and experienced heritage specialists must be integrally involved in the detailed design development of the proposed project's components to avoid, minimise or mitigate heritage impacts on Aboriginal, Non-Aboriginal, archaeological, landscape and urban design values along the M12 corridor.
- Construction and operation of the M12 motorway should aim not to diminish the potential of the following heritage items for nomination to the State Heritage Register: McGarvie Smith Farm, McMaster Field Station and Fleurs Radio Telescope Site. ***Where heritage impacts were unavoidable, site-specific management measures should be applied.***
- Identified impacts to heritage items should be minimised through both detailed design and construction. The measures for ensuring this are to be detailed in the Construction Cultural Heritage Management Plan.
- The Proponent should engage a suitably qualified and experienced heritage specialist to prepare a Heritage Interpretation Plan that identifies and interprets the key heritage values and stories of the heritage items impacted by the project. The Heritage Interpretation Plan must include but not be limited to:
 - (a) Integration of heritage themes and values;
 - (b) Collaboration with other design elements and themes for the project, including those associated with Western Sydney Airport and Sydney Metro ~~Greater West~~ ***Western Sydney Airport***, to develop an integrative design approach with surrounding development; and
 - (c) Opportunities for design responses for Aboriginal and Non-Aboriginal heritage.

This framework should be prepared as a component of the overall detailed design and in accordance with the *Interpreting Heritage Places and Items Guidelines* (NSW Heritage Office, 2005).

- The Proponent must engage a suitably qualified and experienced heritage specialist to prepare an Archival Photographic Digital Recording of listed heritage items and sites of potential heritage significance affected by the proposed works, to be recorded prior to the commencement of any works.

The archival recording to be prepared in accordance with NSW Heritage Office's *How to Prepare Archival Records of Heritage Items* (1998) and *Photographic Recording of Heritage Items Using Film or Digital Capture* (2006).

Within 12 months of completing the archival recording, the Proponent must submit the Archival Photographic Digital Recording to the Secretary, Heritage NSW, relevant councils, relevant local libraries and local historical societies in the respective local government areas.

- The Proponent must prepare an Archaeological Excavation Report containing the findings of any excavations, including artefact analysis and the identification of a final repository of any finds. The report must be submitted to the Secretary within 12 months of completing all archaeological investigations. The Archaeological Excavation Report must also be submitted to the Heritage Council of NSW, relevant local libraries and local historical societies in the respective local government areas. A copy of the Archaeological Excavation Report must be retained with the relics at all times.
- Preparation of final reporting shall be required to include the following:
 - (a) An executive summary of the archaeological programme;
 - (b) Due credit to the client paying for the excavation, on the title page;
 - (c) An accurate site location and site plan (with scale and north arrow);
 - (d) Historical research, references, and bibliography;
 - (e) Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
 - (f) Nominated repository for the items;
 - (g) Detailed response to research questions (at minimum those stated in the Department of Planning, Industry and Environment approved Research Design);
 - (h) Conclusions from the archaeological programme. This information must include a reassessment of the site's heritage significance, statement(s) on how archaeological investigations at this site have contributed to the community's understanding of the Site and other Comparative Site Types and recommendations for the future management of the site;
 - (i) Details of how this information about the excavations have been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).
- The Proponent must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- An Unexpected Heritage Finds Procedure must be prepared:
 - (a) to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW; and
 - (b) by a suitably qualified and experienced heritage specialist.

The Procedure must be included in the Construction Cultural Heritage Management Plan.

Note: Human remains that are found unexpectedly during works are under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.

- Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Chief Executive is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until Heritage NSW has been informed.

Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Upper Canal System

- A suitably qualified and experienced heritage specialist should be involved in guiding the heritage protection of the Upper Canal System.
- Upper Canal System must be managed according to *Upper Canal Pheasants Nest to Prospect Reservoir Conservation Management Plan* (NSW Public Works Government Architect's Office, 2016).
- The Construction Cultural Heritage Management Plan should be consistent with and require implementation of relevant conservation policies in the *Upper Canal Pheasants Nest to Prospect Reservoir Conservation Management Plan* (NSW Public Works Government Architect's Office, 2016) to ensure the heritage fabric of the canal system is not impacted or damaged by the project.
- The Construction Cultural Heritage Management Plan should be consistent with and require implementation of relevant measures outlined in *The Guidelines for development adjacent to the Upper Canal and Warragamba Pipelines* (~~Sydney Catchment Authority, 2012~~ **WaterNSW, 2020**) to ensure the heritage fabric of the canal system is not impacted or damaged by the project.
- A safe working distance exclusion zone be established around the exposed tunnel air shaft (Tunnel Shaft 4) in the M7 Motorway median in accordance with the process outlined in noise and vibration management measures NV09 - NV10. The Proponent must not destroy, modify or otherwise cause direct or indirect damage during construction and operation to the Tunnel Shaft 4 of the Upper Canal System.
- The condition of the canal to be confirmed by ~~For NSW (Roads and Maritime)~~ **Transport for NSW** during or prior to the detailed design stage of the project in order to determine appropriate vibration criteria. In-situ monitoring should be used to establish site laws to confirm the site-specific vibration propagation to assess the impact of vibration on the canal.

Fleurs Radio Telescope Site

- The Proponent should engage a suitably qualified and experienced heritage consultant to prepare an Archival Photographic Digital Recording of the ~~entire property~~ **impacted area**, in accordance with Heritage NSW guidelines (Heritage Council of NSW, 2006).
- Prior to any ground disturbance, ground penetrating radar, or other remote sensing survey techniques, could be undertaken (within the heritage curtilage of Fleurs Radio Telescope Site included in the construction footprint) under the supervision of a suitably qualified and experienced archaeologist, to detect sub-surface cables that connected the antenna elements to the signal processing units. ~~Roads and Maritime~~ **Transport for NSW** to provide a copy of this report to the University of Sydney.
- A dilapidation survey should be carried out to confirm the sensitivity of the item to vibration-induced damage and the appropriate criteria applied. The vibration criteria should be reviewed with respect to the condition of the structural item (e.g. footing, frame, beams or fabric). Vibration monitoring of relevant Fleurs Radio Telescope structures nearby must be performed during construction. The management measures must be included in the

Construction Cultural Heritage Management Plan to describe how the heritage values of the Fleurs Radio Telescope Site will be conserved and managed during the construction of the motorway.

- Contractors and subcontractors working in the area must be informed of the exclusion zones, the elements and their significance, to prevent accidental damage or encroachment.
- All extant elements of the radio telescopes and associated infrastructure, including rubbish mounds (outside of the construction footprint) must be left intact.
- Historic heritage interpretation and improvement of community awareness of the significance of the Fleurs Radio Telescope Site must be included in a Heritage Interpretation Plan that should be developed as a part of the project's overall detailed design.

McMaster Field Station

- The Proponent to engage a suitably qualified and experienced heritage specialist to prepare an Archival Photographic Digital Recording of the impacted area, in accordance with Heritage NSW guidelines (Heritage Council of NSW, 2006). This should include both buildings and landscape features such as dams and earthworks. The recording shall include a detailed map showing the location of the features.
- A potential use zone be established around the McMaster Farm group of buildings, including a suitable buffer zone, and construction activities must not take place within this zone. This zone should be incorporated into the Construction Cultural Heritage Management Plan. The potential use zone to include safe working distances to be adhered to for heritage structures as outlined in Appendix K (Noise and Vibration assessment report).
- Before occupying or utilising the buildings, a dilapidation survey should be carried out and the heritage specialist shall advise on proposed modifications and management measures to avoid and minimise impact on the buildings.