

Appendix G

Non-Aboriginal Heritage Management Sub-Plan

Western Harbour Tunnel

January 2025

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Document control

Approval and authorisation

Approved on behalf of ACCIONA by	Andrew Marsonet
Signed	
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Glossary/ Abbreviations

Abbreviations	Expanded text
ACMP	Artefact Conservation Management Plan
AHD	Australian Height Datum
Ancillary facility	<p>A temporary facility for construction of the CSSI including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory, material stockpile area and car parking facilities.</p> <p><i>Note: where an approved management plan contains a stockpile management protocol, a material stockpile area located within the construction boundary is not considered to be an ancillary facility</i></p>
ARDEM	Archaeological Research Design and Excavation Methodology
CEMP	Construction Environmental Management Plan
CMP	Conservation Management Plan
EIS	Environmental Impact Statement
Environmental heritage	Places, buildings, works, relics, movable objects and precincts, of State or local heritage significance as defined in Section 4 of the Heritage Act
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
ER	Environmental Representative
Heritage Act	<i>Heritage Act 1977</i>
Heritage item	<p>A place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance, that is listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), and an “Aboriginal object” or “Aboriginal place” as defined in section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW)</p>
Heritage NSW	Heritage branch of the Department of Premier and Cabinet

Abbreviations	Expanded text
LEP	Local Environmental Plan
NAHMP (this Plan)	Non-Aboriginal Heritage Management Sub-plan (this Plan)
MCoA	Minister's Condition of Approval
MOD2	Western Harbour Tunnel and Warringah Freeway Upgrade TBM solution of crossing Sydney Harbour – Modification 2
NPW Act	<i>National Parks and Wildlife Act 1974</i>
PAD	Potential Archaeological Deposit
PDLP	Place Design and Landscape Plan
Project Area	The area required to facilitate the construction of the Project (i.e., construction footprint)
Project (the)	Western Harbour Tunnel project
REMM	Revised Environmental Management Measure
Roads and Maritime	Formerly the NSW Roads and Maritime Services, now part of Transport for NSW
RTA	Formerly the Roads and Traffic Authority
RtS	Response to Submissions Report
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the NSW Department of Planning, Industry and Environment (or delegate)
SMART	Specific, Measurable, Achievable, Relevant and Time-based principles
Study area	The Project area (including surface works plus the tunnel alignment) and a 50-metre buffer around the Project area.
Sydney Harbour SREP	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
TfNSW	Transport for NSW
WFU	Warringah Freeway Upgrade (component of the Western Harbour Tunnel and Warringah Freeway Upgrade project)
WHT	Western Harbour Tunnel (component of the Western Harbour Tunnel and Warringah Freeway Upgrade project)
WHT Project Area	The area impacted by construction of WHT

1 Introduction

1.1 Context

This Non-Aboriginal Heritage Management Sub-plan (NAHMP or Plan) forms part of the Construction Environmental Management Plan (CEMP) for the Western Harbour Tunnel (WHT) (the Project), a component of the Western Harbour Tunnel and Warringah Freeway Upgrade project.

This NAHMP has been prepared to address the non-Aboriginal heritage requirements of the Minister's Conditions of Approval (MCoA) for the Western Harbour Tunnel and Warringah Freeway Upgrade project (SSI #8863), the Western Harbour Tunnel and Warringah Freeway Upgrade Environmental Impact Statement dated January 2020 (the EIS), the Western Harbour Tunnel and Warringah Freeway Upgrade Response to Submissions Report dated September 2020 (the RtS), Western Harbour Tunnel and Warringah Freeway Upgrade TBM solution of crossing Sydney Harbour – Modification 2 (MOD2) and applicable guidelines and legislation.

This Plan describes how ACCIONA propose to manage potential non-Aboriginal heritage impacts during the Project.

1.2 Background and project description

The Western Harbour Tunnel and Warringah Freeway Upgrade project comprises a new motorway tunnel connection across Sydney Harbour, and an upgrade of the Warringah Freeway to integrate the new motorway infrastructure with the existing road network and to enable the future connection of the Beaches Link and Gore Hill Freeway Connection project.

The Project will connect the approved M4-M5 Link in Rozelle to the Warringah Freeway at North Sydney/Cammeray. The Project will traverse from Rozelle to Cammeray, primarily comprising twin 6.5-kilometre bored/excavated tunnels with a crossing of Sydney Harbour, supported by surface based ancillary facilities.

The EIS was prepared to assess the impacts of the construction and operation of the Western Harbour Tunnel and Warringah Freeway Upgrade project. As part of the EIS development, a non-Aboriginal heritage assessment (Appendix J (Technical working paper: Non-Aboriginal heritage)) was prepared to address Non-Aboriginal heritage issues. The findings of the non-Aboriginal heritage assessment are summarised in Chapter 14 (Non-Aboriginal heritage) of the EIS.

A RtS report was prepared in response to submissions received on the EIS. The RtS includes clarifications as well as further detail relating to heritage management issues of the Project. The EIS environmental management measures were revised and included in Part D of the RtS report.

The Western Harbour Tunnel and Warringah Freeway Upgrade project was declared to be Critical State Significant Infrastructure (CSSI) by the Minister for Planning and Public Spaces (the Minister) on 9 November 2020 and approved by the Minister on 21 January 2021.

The MOD2 application modifies the construction methodology across Sydney Harbour from an immersed tube tunnel (IMT) design with transition structures at both ends of the harbour crossing, to a tunnel boring machine (TBM) methodology and to include an additional construction ancillary facility at Emu Plains (WHT13). MOD2 was approved by the Minister on 27 January 2024. The RtS environmental management measures were revised and included in Appendix B2 of the MOD2 report. The specific non-Aboriginal cultural heritage measures are contained in this Plan.

The documents listed in the planning approval concluded that the construction phase of the Project will result in limited overall significant, long-term impacts on non-Aboriginal heritage, but may have site specific impacts at surface facilities. The measures and management requirements to minimise any impacts on non-Aboriginal heritage are detailed within this Plan.

1.3 Scope and staging

The scope of this NAHMP is to describe how ACCIONA will manage both known and potential impacts to non-Aboriginal heritage during the construction of the Project. Aboriginal cultural heritage is managed through the separate Aboriginal Cultural Heritage Management Sub-plan.

As described in Transport for New South Wales (TfNSW) Staging Report (Section 2.1), this Project will be managed in stages with the CEMP. This document applies to the WHT Stage 3B and 3C which include the following scope:

Stage 3B – WHT Northern Tunnelling and Integration works

- Excavation of twin mainline tunnels about 2.5 kilometres long and each accommodating three lanes of traffic in each direction, connecting portals adjacent to the Cammeray Golf Course to the Harbour Crossing section of the tunnel at Berrys Bay.
- Excavation of Falcon Street off-ramp tunnel.
- Excavation of Berry Street on-ramp tunnel.
- Cut and cover infrastructure surface construction at the Ridge Street North construction support site (WHT9), Berry Street and the Warringah Freeway portals.
- Integration works including Mechanical and Electrical (M&E) fit out for the Southern and Northern tunnelling sections, paving, surface connections, ventilation cavern fitout, integration and fitout of the Motorway Operation Centre (MOC) and Motorway Control Centre (MCC)
- Establishment and operation of White Bay (WHT3 – southern portion. The northern portion of WHT3 as described in the EIS will not be used); Ridge Street North (WHT9), and Cammeray Golf Course (WHT10) construction support sites.
- Operation of the City West Link Portal tunnelling support site (WHT12) after the completion of Stage 3A.
- Installation of acoustic structures.
- Utilities connections including but not limited to power, potable water, sewerage.
- Carrying out of surveys, test drilling, test excavations, geotechnical or contamination investigations or other tests or surveys, sampling or investigation.

Stage 3C – WHT Sydney Harbour Crossing

- Excavation of about 1.8 km of twin mainline tunnels using Tunnel Boring Machine (TBM) methodology.
- Construction of launch chambers beneath Birchgrove, and receival chambers and burial beneath the Waverton Peninsula.
- Establishment and operation of an underground slurry treatment plant within an existing ventilation cavern (constructed by the Stage 3A contractor).
- Establishment and operation of an underground Water Treatment Plant.
- Establishment and operation of an underground grout batching plant.
- Access and egress via City West Link Portal (WHT12) for:
 - Spoil removal.
 - Materials and equipment delivery, including concrete tunnel segments and box culverts.
- Use of Ridge Street North (WHT9) as a tunnelling support site, including the construction of an acoustic shed.

- Construction and operation of an additional construction support site at Emu Plains (WHT13), primarily for the prefabrication and storage of tunnel lining segments, box culverts and other pre-cast concrete elements.
- Design and construction of Berrys Bay foreshore parkland

Requirements triggered by the 3B and 3C scope of works are identified in Table 3-1 and Table 3-2.

For more details on staging refer to the Staging Report (Section 2.2.3.2), which has been prepared in accordance with MCoA A10.

1.4 Interface with other planning documents

This NAHMP is a component of a suite of documents, prepared as part of the implementation of the Project's Environmental Management System. The Environmental Management System overview is described in Section 4.1 of the CEMP.

The key documents that interface with the NAHMP are outlined in Table 1-1.

Table 1-1 Key interfaces with the NAHMP

Plan	Interface
Construction Environmental Management Plan	<ul style="list-style-type: none"> • Provides details on overall project staging, interactions between Sub-Plans of the CEMP, and management of cumulative impacts. • Provides a framework for how the construction works will be managed. • Identifies procedures, processes and management systems that will apply in relation to construction activities. • Provides environmental planning and controls for construction including environmental risk assessment, regulatory requirements, protection measures and sustainability requirements.
Aboriginal Cultural Heritage Management Sub-plan	<ul style="list-style-type: none"> • Sets out how Aboriginal cultural heritage will be managed during construction of the Project.
Maritime Heritage Management Sub-plan	<ul style="list-style-type: none"> • Sets out how maritime heritage will be managed during construction of the Project.
Design Review Panel	<ul style="list-style-type: none"> • An independent panel which, among other functions, provides advice and recommendations for consideration in the development of the Place, Design and Landscape Plan as well as heritage aspects of the Project.
Place, Design and Landscape Plan (PDLP)	<ul style="list-style-type: none"> • Details how non-Aboriginal heritage (including maritime heritage) will be incorporated within the design of built features.

Plan	Interface
Noise and Vibration Management Sub-plan and Monitoring Program	<ul style="list-style-type: none"> • Details how potential noise and vibration impacts will be managed and monitored during construction of the Project. • Details requirements for construction vibration testing during vibration generating activities that have the potential to impact on heritage items and mitigation for potentially affected heritage items.
Groundwater Management Sub-plan and Monitoring Program	<ul style="list-style-type: none"> • Details how potential settlement impacts due to groundwater drawdown will be managed and monitored during construction of the Project. • Details requirements for groundwater monitoring during construction to monitor and manage the potential to impact on settlement of heritage items.
Blast Management Strategy	<ul style="list-style-type: none"> • Blasting is not currently proposed so at this stage a Blast Management Strategy has not been prepared. However, in the case blasting is proposed a Blast Management Strategy will be prepared which details the manner in which any blasting will be undertaken so that it will not generate unacceptable noise and vibration impacts or pose a significant risk to nearby structures and sensitive receivers.
Community Communication Strategy and Complaints Management System	<ul style="list-style-type: none"> • Describes how community and stakeholder engagement will be managed and facilitates communication about construction of the project with the community as well as relevant councils and agencies. • Specifies the process for receiving, addressing, resolving and recording complaints as well as outlines the process required in the escalation of a complaint to an independent mediator.

2 Purpose and objectives

2.1 Purpose

The purpose of the NAHMP is to describe how ACCIONA will manage potential impacts to non-Aboriginal heritage during construction of the Project.

This Plan has been prepared to address the applicable statutory requirements and aims to ensure that the commitments in the planning approval are met with regard to impacts to non-Aboriginal heritage.

2.2 Objectives

The objective of the NAHMP is to ensure that all avoidance, mitigation and management measures relevant to an approved impact, as well as the protection of non-Aboriginal heritage, are properly implemented.

To achieve this objective, ACCIONA will undertake the following:

- Ensure appropriate controls and procedures are implemented during construction activities to address non-Aboriginal heritage impacts within and in proximity to the Project corridor, as well as manage risks from analysis of relevant construction activities as per MCoA C2(d)(ii)
- Ensure appropriate measures are implemented to address the relevant MCoA requirements outlined in Table 3-1, as well as the relevant environmental management and mitigation measures detailed in the MOD2 report and outlined in
- Table 3-2
- Implement relevant legislation and other requirements detailed in Section 3.1 of this NAHMP.

Furthermore, the ACCIONA will meet the performance outcomes from Table 28-4 of the EIS that are relevant to non-Aboriginal heritage impacts, as required by MCoA C2(d)(i) as identified in Table 2-1 below.

Table 2-1 Performance outcomes identified in the EIS relevant to this Plan

Performance outcome	How performance will be addressed	Records
The design, construction and operation of the project facilitates, to the greatest extent possible, the long-term protection, conservation and management of the heritage significance of items of environmental heritage and Aboriginal objects and places.	Minimise impacts on heritage items during construction <ul style="list-style-type: none">• Implement the heritage mitigation measures in Section 7• Heritage Interpretation Plan	Environmental inspection records Sensitive Area Plans Heritage Interpretation Plan
	Establish archival recordings of items of heritage significance that would be demolished <ul style="list-style-type: none">• Archival recordings	Archival recordings
	Incorporate heritage values and stories into the final urban design and landscaping outcome	Place, Design and Landscape Plan

Performance outcome	How performance will be addressed	Records
	<ul style="list-style-type: none"> Opportunities to incorporate key heritage values and stories into the final urban design and landscaping outcome 	
	<p>Design is sympathetic to the heritage significance of surrounding listed heritage items, and where practicable, avoids and minimises impacts to heritage</p> <ul style="list-style-type: none"> Criteria and consideration will be given in detailed design and their reviews Heritage Interpretation Plan 	<p>Design reports</p> <p>Place, Design and Landscape Plan</p> <p>Heritage Interpretation Plan</p>
	<p>Impacts on heritage would be managed in accordance with relevant legislation, including the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Heritage Act 1977</i>, and relevant guidelines</p> <ul style="list-style-type: none"> This NAHMP has been prepared in accordance with relevant legislation and guidelines where applicable 	<p>Compliance Tracking and Environmental Auditing</p>

2.3 Targets

The following targets have been established for the management of non-Aboriginal heritage impacts during the Project construction activities:

- Identify and implement measures to ensure compliance with the relevant legislation, including the *Environmental Planning and Assessment Act 1979 (NSW)*, the *Heritage Act 1977 (NSW)*, and, where possible, relevant guidelines
- Ensure full compliance with the MCoA and the revised environmental management measures (REMMs)
- Take all reasonable measures so as to not harm, modify or otherwise impact heritage items except as authorised through the planning approval
- Follow correct procedures and ensure notification of any non-Aboriginal heritage items unexpectedly uncovered during construction.

3 Environmental Requirements

3.1 Relevant legislation and guidelines

3.1.1 Legislation

Key legislation relevant to this Plan includes:

- *Heritage Act 1977 (NSW)*
- *Environmental Planning and Assessment Act 1979.*

All legislation relevant to this NAHMP is also included in Appendix A1 of the CEMP.

3.1.2 Additional approvals, licences, permits and requirements

It should be noted that notification and approval requirements relating to local heritage items under the relevant Local Environmental Plans (LEPs) do not apply to approved State Significant Infrastructure (SSI) projects.

As an approved Critical State Significant Infrastructure (CSSI) project, no approvals are required under the *Heritage Act 1977*.

Additional approvals, licences, permits and requirements for the project are included in Appendix A1 of the CEMP.

3.1.3 Guidelines

The main guidelines, specifications and policy documents relevant to this Plan include:

- *Roads and Maritime Services Specification G36 – Environmental Protection* (Management System)
- *Altering Heritage Assets* (NSW Heritage Office & NSW Department of Urban Affairs and Planning, 1996a)
- *Assessing Heritage Significance* (Department of Environment and Planning, 2023)
- *Roads and Maritime Standard Management Procedure: Unexpected Heritage Items* (Roads and Maritime Services, 2022)
- *Archaeological Assessment Guidelines* (NSW Heritage Office & NSW Department of Urban Affairs and Planning, 1996b)
- *Heritage Interpretation Policy* (NSW Heritage Office, 2005a)
- *Charter for Places of Cultural Significance* (Burra Charter) (ICOMOS (Australia), 2013a)
- *How to Prepare Archival Records* (NSW Heritage Office, 1998)
- *Photographic Recording of Heritage Items Using Film or Digital Capture* (NSW Heritage Office, 2006)
- *NSW Heritage Manual* (NSW Heritage Office & NSW Department of Urban Affairs and Planning, 1996c).

3.2 Minister's Conditions of Approval

The MCoA relevant to this Plan are listed in Table 3-1 below. A cross reference is also included to indicate where and how the condition is addressed in this Plan or other Project management documents.

3.3 Revised Environmental Management Measures

Relevant Revised Environmental Management Measures (REMMs), as identified in Appendix B2 of the MOD2 report, are listed in

Table 3-2 below. A cross reference is also included to indicate where and how the condition is addressed in this Plan or other Project management documents.

Table 3-1 Minister's Conditions of Approval relevant to this Plan

MCoA No.	Condition Requirements	Document Reference	How Addressed
General			
A5	<p>Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include:</p> <ul style="list-style-type: none">(a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval(b) a log of the dates of engagement or attempted engagement with the identified party(c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations(d) outline of the issues raised by the identified party and how they have been addressed(e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed	Section 4	This NAHMP has been prepared in consultation with the relevant agencies identified in MCoA C4(h).

MCoA No.	Condition Requirements		Document Reference	How Addressed						
Construction Environmental Management Plan										
C4	<div>CEMP Sub-plans must be prepared in consultation with the relevant government agencies identified for each CEMP Sub-plan. Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant CEMP Sub-plan, including copies of all correspondence from those agencies as required by Condition A5</div> <table><tr><td></td><td>Required CEMP Sub-plan</td><td>Relevant government agencies to be consulted for each CEMP Sub-plan</td></tr><tr><td>(h)</td><td>Non-Aboriginal Heritage</td><td>Heritage NSW and relevant council(s)</td></tr></table>			Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan	(h)	Non-Aboriginal Heritage	Heritage NSW and relevant council(s)	Section 4	This NAHMP has been prepared in consultation with the relevant agencies identified in this condition. Records of consultation have been provided separately to the Planning Secretary for consideration.
	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan								
(h)	Non-Aboriginal Heritage	Heritage NSW and relevant council(s)								
C5	The CEMP Sub-plans must state how:									
	(a) the environmental performance outcomes identified in the documents listed in Condition A1 will be achieved;		Section 2.2	This NAHMP was prepared in accordance with the environmental performance outcomes identified in the EIS and shown in Table 2-1 of this Plan, and the MOD2 report REMMs as outlined in Section 2.2.						
	(b) the mitigation measures identified in the documents listed in Condition A1 will be implemented;		Table 3-2 Table 7-1	Relevant environmental management measures are detailed in Table 3-2 including where and how they are addressed in this Plan.						

MCoA No.	Condition Requirements	Document Reference	How Addressed
			Measures to achieve these requirements are detailed in Section 7 of this Plan.
	(c) the relevant terms of this approval will be complied with	This table	Details of how ACCIONA will comply with the relevant terms of approval are listed in this Table, including references to the relevant sections of this NAHMP.
	(d) issues requiring management during construction (including cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles	Section 6 Table 7-1	<p>Non-Aboriginal heritage issues requiring management during construction of the Project have been identified through the EIS, RtS, MOD2 and Environmental Risk Workshop. These issues, including cumulative impacts, have been outlined in Appendix A2 of the CEMP. Environmental risk analysis will be ongoing and regularly reviewed in accordance with Section 4.1 of the CEMP.</p> <p>Non-Aboriginal heritage issues, including cumulative impacts, are detailed in Section 6 of this NAHMP. Management measures identified in Table 7-1 of this NAHMP have been</p>

MCoA No.	Condition Requirements	Document Reference	How Addressed
			developed with consideration of SMART principles.
C9	The CEMP Sub-plans must be submitted to the Planning Secretary for approval along with, or subsequent to, the submission of the CEMP but in any event, no later than one month before construction.	Section 2 of the CEMP	Sub-plans will be submitted generally concurrent with the CEMP
C10	Construction must not commence until the CEMP and all CEMP Sub-plans have been approved, unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary, including any minor amendments approved by the Environmental Representative (ER) must be implemented for the duration of construction. Where construction of the CSSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been endorsed by the ER and approved by the Planning Secretary.	Section 2 of the CEMP	Construction of the Project will not commence until the CEMP and all CEMP Sub-plans have been approved, unless it is otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans will be implemented for the duration of construction.
Salvage of heritage fabric			
E52	Options for protecting and reusing salvaged heritage infrastructure from the former Woodleys Shipyard and BP Sites in the landscaping of Berrys Bay must be reviewed. The use of the items must be detailed in the Place, Design and Landscape Plan required by Condition E177.	Section 7.7, Table 7-1 – NAHMP11	Salvage of heritage fabric will be undertaken prior to potentially impacting activities commencing. Refer to Section 7.7 for further details.
Archival Recording			
E56	Prior to potential physical impact, archival recording must be undertaken for the following heritage items:	Section 7.5 Table 7-1 – NAHMP5	Non-Aboriginal heritage items applicable to the Project that require Archival recording include:

MCoA No.	Condition Requirements	Document Reference	How Addressed
	<p>(a) St Leonards Park (including W. Tunks Memorial Fountain, War Memorial, and North Sydney Oval), North Sydney</p> <p>(b) North Sydney Sewer Vent</p> <p><i>*Note E56(c) and E56(d) have been removed from the Infrastructure Approval as part of the MOD2.</i></p>		<p>(a) St Leonards Park (including W. Tunks Memorial Fountain, War Memorial, and North Sydney Oval), North Sydney</p> <p>This would be undertaken prior to potentially impacting activities commencing. Refer to Section 7.5 for further details.</p>
E57	Archival recording must be undertaken by a suitably qualified heritage specialist and prepared in accordance with <i>NSW Heritage Office's How to Prepare Archival Records of Heritage Items (1998)</i> and <i>Photographic Recording of Heritage Items Using Film or Digital Capture (2006)</i> . A copy must be provided to Heritage NSW and the relevant Council and submitted as part of the Final Excavation Report required by Condition E62.	Section 7.5, Table 7-1 – NAHMP5	Archival recording will be undertaken by a suitably qualified heritage specialist in accordance with the relevant guidelines. A copy will be provided to Heritage NSW and the relevant Council and, will be submitted as required by DPE.

MCoA No.	Condition Requirements	Document Reference	How Addressed
Unexpected Heritage Finds			
E63	An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds (including maritime discoveries) in accordance with any guidelines and standards prepared by Heritage NSW and submitted to the Planning Secretary for information before the commencement of construction.	Section 7.2, Table 7-1 – NAHMP4 Appendix G1	<i>Standard Management Procedure: Unexpected Heritage Items</i> (Roads and Maritime, 2022), developed in accordance with Heritage NSW requirements, is provided in Appendix G1 and will be submitted to the Planning Secretary for information as part of this plan.
E64	The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction. <i>Note: Human remains that are found unexpectedly during the carrying out of work may be under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately</i>	Section 7.2, Table 7-1 – NAHMP4 Appendix G1	Management of any unexpected finds and the process for implementation of the <i>Standard Management Procedure: Unexpected Heritage Items</i> (Roads and Maritime, 2022) is outlined in Section 7. This procedure will be implemented for the duration of construction.

MCoA No.	Condition Requirements	Document Reference	How Addressed
Construction Vibration Mitigation – Heritage			
E79	The Proponent must conduct vibration testing during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.	Section 7.1 Table 7-1 – NAHMP6 Noise and Vibration Management Sub-plan (Appendix D)	Management of vibration during construction and operation is outlined in Section 7.1 below and in the Noise and Vibration Management Sub-plan.
E80	Advice from a heritage specialist must be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures.	Section 7.1 Table 7-1 – NAHMP7 Noise and Vibration Management Sub-plan (Appendix D)	This requirement forms part of the Noise and Vibration Management Sub-plan.
E81	Before conducting at-property treatment at any heritage item identified in the documents listed in Condition A1, the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse impact on the heritage significance of the item.	Section 7.3 Table 7-1 – NAHMP2 Noise and Vibration Management Sub-plan (Appendix D)	Expert advice will be obtained prior to any at-property treatment at any heritage item, as required by this condition.
E178 (h)	The Place, Design and Landscape Plan (PDLP) must be prepared by a suitably qualified and experienced person in consultation with relevant councils, the community and affected landowners and businesses. The Place, Design and Landscape Plan must include: h) details of how Aboriginal and non-Aboriginal heritage (including maritime) interpretation and public art are incorporated within the design of built features, having regard to the results of any archaeological investigations.	PDLP Table 7-1 – NAHMP1	The PDLP will be prepared in accordance with the Project Staging Report. The incorporation of Non-Aboriginal interpretation and public art will be detailed in the PDLP

Table 3-2 Revised environmental management measures relevant to this NAHMP

Ref #	Commitment	Document Reference	How Addressed
CNV6	<p>Vibration generating activities will be managed through the establishment of minimum buffer distances to achieve screening levels.</p> <p>Where vibration levels are predicted to exceed the screening levels, a more detailed assessment of the impacted structure and attended vibration monitoring will be carried out to ensure vibration levels remain below appropriate limits for that structure.</p> <p>For heritage items, the more detailed assessment will specifically consider the heritage values of the structure in consultation with a heritage.</p> <p>Any damage caused by the project will be rectified.</p>	<p>Section 7.1</p> <p>Noise and Vibration Management Sub-plan (Appendix D)</p>	<p>Vibration minimum buffer distances are detailed the Noise and Vibration Management Plan</p> <p>For heritage items where vibration levels are predicted to exceed screening levels, detailed assessment and monitoring will specifically consider the heritage values of the structure in consultation with a heritage specialist, as required by the Noise and Vibration CEMP Sub-plan.</p>
SG4	<p>Pre-construction building/structure condition surveys will be offered and prepared for properties (and heritage assets) within the zone of influence of tunnel settlement (for example within the 5 millimetre predicted surface settlement contour and within 50 metres of surface works) and within the minimum working distances for cosmetic and structural damage due to vibration. The surveys will be carried out by a suitably qualified person prior to the commencement of the tunnelling and vibration-intensive activities in the vicinity with the potential to affect the building/structure.</p> <p>Within three (3) months of the completion of construction activities that have the potential to impact on the subject surface/subsurface structure, all property owners of buildings for which a preconstruction building condition survey was carried out will be offered a second building condition survey.</p> <p>Where an offer is accepted, postconstruction building condition surveys will</p>	<p>Section 7.4</p> <p>Table 7-1 – NAHMP8 Groundwater Management Sub-plan (Appendix F)</p>	<p>Pre-construction and post-construction building/structure condition surveys will be offered and prepared in accordance with this condition. Vibration safe working distances are described in the Noise and Vibration Management Plan. Settlement zones of influence will be determined during the detailed design phase.</p>

Ref #	Commitment	Document Reference	How Addressed
	<p>be carried out by a suitably qualified person. The results of the surveys will be documented in a post-construction building condition survey report for each building surveyed.</p> <p>Copies of building condition survey reports will be provided to the owners of the buildings surveyed within one (1) month of the survey being completed.</p> <p>Any property damage caused by the project will be rectified.</p>		
NAH2	Appropriate heritage interpretation will be incorporated into the urban design for the project in accordance with the <i>NSW Heritage Manual</i> (NSW Heritage Office & NSW Department of Urban Affairs and Planning, 1996c), <i>Interpreting Heritage Places and Items: Guidelines</i> (NSW Heritage Office, 2005b) and the <i>Heritage Interpretation Policy</i> (NSW Heritage Office, 2005a).	Table 7-1 – NAHMP1, NAHMP9 PDLP (for details of heritage interpretation)	Appropriate heritage interpretation will be incorporated into the urban design for the project. The PDLP will include details of the heritage interpretation.
NAH4	Should at-property noise treatment be required at a premises that is heritage listed, this will be carried out in a manner to minimise heritage impact, and advice of a heritage conservation architect will be sought prior to undertaking the works. Any treatment will be sympathetic to the heritage values of the item, designed with heritage architect input and be reversible where feasible and reasonable.	Section 7.3 Table 7-1 – NAHMP2 Noise and Vibration Management Sub-plan	Where required, at-property noise treatment will be carried out at heritage listed premises prior to construction commencing, as detailed in the Noise and Vibration Management Sub-plan.
NAH5	<p>Archival recording will be carried out in accordance with the <i>Photographic Recording of Heritage Items Using Film or Digital Capture</i> guideline for areas/items subject to change within the following terrestrial items, in accordance with Appendix J (Technical working paper: Non-Aboriginal heritage):</p> <p>a) Item 2: The Valley Heritage Conservation Area, Rozelle and Balmain</p> <p>b) Item 4: Yurulbin Park, Birchgrove</p>	Section 7.5 Table 7-1 – NAHMP5 BP Site Archival Recording	Prior to causing change to the listed items, archival recording will be carried out for these specific heritage items in accordance with the Photographic Recording of Heritage Items Using Film or

Ref #	Commitment	Document Reference	How Addressed
	<ul style="list-style-type: none"> a) Item 7: BP site, Waverton b) Item 9: North Sydney Bus Shelters c) Item 10: St Leonards Park (including W. Tunks Memorial Fountain, War Memorial, and North Sydney Oval), North Sydney d) Item 14: Cammeray Park (including Golf Course), Cammeray e) Item 15: Cammeray Conservation Area, Cammeray. <p>Archival recording will be completed prior to any works that have the potential to impact upon the items and deposited with appropriate stakeholders as determined during detailed design (e.g., local councils).</p>		<p>Digital Capture. Refer to Section 7.5 for further details.</p> <p>Item 9: North Sydney Bus Shelters are not applicable to Stage 3B or 3C of the Project.</p>
NAH7	<p>Woodleys Shipyard</p> <p>Should heritage buildings be changed externally, such as by adding cladding or extensions, further assessment will be carried out to identify approaches to avoid heritage fabric and/or minimise impact on heritage significance. This will include consideration of how works can be carried out to facilitate subsequent adaptive reuse or to minimise incremental impacts.</p>	Table 7-1 – NAHMP11	<p>This REMM only applies to heritage buildings within Woodleys Shipyard at Berrys Bay.</p> <p>Advice from a heritage specialist will be sought to avoid heritage fabric and/or minimise impact on heritage significance for the heritage buildings at Woodleys Shipyard.</p> <p>Currently, Woodleys Shipyard shed and admin building is not part of the urban landscape scope of works for Berrys Bay foreshore park. Should it form part of the</p>

Ref #	Commitment	Document Reference	How Addressed
			scope, this REMM would apply.
NAH9	Archaeological investigations will be carried out at: a) Item 7: BP site, Waverton.	Berrys Bay Statement of Heritage Impact ARDEM BP Site Final Excavation Report	Revised construction methodology no longer requires the establishment and operation of Berrys Bay construction support site (WHT7) and therefore impacts to the historic BP site, Waverton are expected to be indirect, negligible to minor, and related to vibration and settlement only. Regardless, to deliver the Berrys Bay foreshore park archaeological investigations have been carried out and documented in the BP Site Final Excavation Report.
NAH10	If at any time during construction of the project, historical heritage materials, features and/or deposits are encountered during construction, the Roads and Maritime Services <i>Standard Management Procedure: Unexpected Heritage Items</i> (Roads and Maritime, 2022) will be followed.	Section 7.2 Table 7-1 – NAHMP4 Appendix G1	Any unexpected finds encountered during construction will be managed in accordance with the referenced document, which is included in Appendix G1.

Ref #	Commitment	Document Reference	How Addressed
NAH11	In the event that construction of the project reveals possible human skeletal material (remains), <i>Standard Management Procedures – Unexpected Heritage Items</i> (Roads and Maritime, 2015) will be implemented.	Section 7.2 Table 7-1 – NAHMP4 Appendix G1	Any unexpected finds encountered during construction will be managed in accordance with the referenced document, which is included in Appendix G1.
NAH12	Non-Aboriginal historical heritage awareness training will be provided for contractors prior to commencement of construction works to ensure understanding of potential heritage items that may be impacted during the project, and the procedure required to be carried out in the event of discovery of historical heritage materials, features or deposits, or the discovery of human remains.	Section 8.2 Table 7-1 – NAHMP3	Awareness training will be provided for contractors to ensure understanding of heritage issues and requirements.
NAH13	The heritage item (BP Site) will be rehabilitated and returned to an equivalent state prior to the operation of the tunnel will include investigating the adaptive reuse of the site for the wider community.	PDLP Heritage Interpretation Strategy Heritage Interpretation Plan	The PDLP will include appropriate details on the returning of the Berrys Bay foreshore area to an equivalent state will be subjected to the urban design for the project. A Heritage Interpretation Strategy and Heritage Interpretation Plan will be developed to ensure the PDLP is appropriately incorporating heritage elements in the final PDLP design.

4 Consultation

4.1 Consultation for Plan Preparation

This Plan has been developed and finalised in consultation with Heritage NSW, North Sydney Council, Penrith City Council, and Inner West Council in accordance with MCoA A5. Consultation with each agency, including responses received and how any issues raised were addressed in the development of this Plan have been provided to the Planning Secretary along with this Plan.

4.2 Ongoing consultation

Any ongoing consultation with agencies, where required, will be undertaken in accordance with Section 7 of this Plan. Community feedback and complaints relating to non-Aboriginal heritage will be managed in accordance with the Community Communication Strategy and Complaints Management System.

Ongoing consultation surrounding non-Aboriginal heritage management would include but would not be limited to:

- Providing the relevant councils and Heritage NSW with archival recordings undertaken for the Project (CoA E57)
- Providing relevant councils, Heritage NSW, and the Planning Secretary with final excavation reports undertaken for the Project (CoA E62)
- Offer residents pre-construction and post-construction building/structure condition surveys. Post condition surveys would be offered within three (3) months of the completion of construction activities that have the potential to impact on the subject surface/subsurface structure. Copies of building condition survey reports will be provided to the owners of the buildings surveyed within one month of the survey being completed (REMM SG4)

5 Existing environment

The following sections summarise what is known about non-Aboriginal heritage within and adjacent to the Project area. The key reference documents are Chapter 14 (Non-Aboriginal heritage), Appendix J (Technical working paper: Non-Aboriginal heritage) and Appendix K (Maritime Heritage Impact Assessment) of the EIS and Appendix I (Non-Aboriginal Heritage – Emu Plains) of the MOD2 report.

The historical context of the project area is described below in Sections 5.1 to 5.3. Section 5.5 describes heritage items and conservation areas.

The project area and relevant data is shown on the Sensitive Area Plans included in the CEMP. The locations of all non-Aboriginal heritage items and potential non-Aboriginal heritage items within the Project study area are shown in Figure 5-1 to Figure 5-3.

5.1 Rozelle to Birchgrove

The original people to occupy the Balmain area (including Rozelle) were the *Wangal*, a clan of the *Darug* tribe of the *Eora* language group, who occupied the region for about 20,000 years prior to European occupation. Following the arrival of the European settlers, the local Aboriginal population was substantially reduced as a result of an epidemic of smallpox from 1789-1790 and violent conflicts over resources between settlers, convicts, soldiers and the Aboriginal population.

The waterfront areas at Rozelle were used for the maritime industry, which was fundamental to the development of these suburbs through much of the mid-nineteenth and twentieth centuries (Tanner Architects, 2011). By the 1990s, the population had expanded as the area's industrial zones underwent extensive redevelopment to become residential zones (ABS Census 2011, 2013; Inner West Council, n.d.).

5.2 Birchgrove to Waverton

Yurulbin Point (formerly Long Nose Point) was first subject to European occupation in 1796. The waterfront areas at Birchgrove and Waverton were used for the maritime industry including shipyards, ferry service points, and mooring facilities.

The bed of the harbour where the Project main tunnel alignment crosses is largely flat and at a relatively shallow depth of approximately 15 metres below Australian Height Datum (AHD) across most of the area. A deeper patch of 20 metres below AHD occurs to the north of Yurulbin Point, Birchgrove, which is likely to be the result of tidal scouring. The bed of the harbour rises sharply close to both Balls Head, Waverton and Yurulbin Point, indicating that the steep sandstone bedrock of the headlands is not far below the bed of the harbour surface in these areas.

5.3 Waverton to Cammeray

At the time of European arrival, the North Shore area of Sydney was inhabited by the *Cammeraygal* (also known as the *Gamaraigal* and *Kameragal*) people with groups camped at Milsons Point, Manly and Lane Cove (Morris, 1986). The first record of contact with Aboriginal people in this area was on the Lane Cove River in 1788 and later in Middle Harbour.

Between the 1790s and 1831, thousands of hectares of land were granted to politicians, merchants, ex-convicts and settlers (Hoskins, 2015). The township of St Leonards (now North Sydney) was gazetted in 1838, and its town centre was established in the same year. By the mid-1880s, the township had a commercial and civic centre, a tramline and a ferry wharf at Milsons Point, which boosted development. A tramline extension was added along Falcon Street from North Sydney to Crows Nest in 1893, which was replaced by an electric tramline in 1898, attracting a larger population to the area (Godden Mackay, 1994).

The opening of the Sydney Harbour Bridge in 1932 transformed the township into a large commercial area and a popular shopping destination. It also saw a marked increase in land values. By the 1960s, many townhouses and apartments were built in an effort to house the population. During the 1970s and 1980s, commercial growth accompanied residential development, and the 1990s and 2000s saw a substantial increase in population (Masson, 2010).

The Cammeray area was slow to develop due to its steep topography and remote location, with little growth in the area until the early 1900s when the tramway was extended along Miller Street (North Sydney Council, 2012). In 1886, the Mayor of St Leonards dedicated a portion of land as a reserve, comprising present-day Cammeray Park, Cammeray Golf Course, Green Park and ANZAC Park (North Sydney Council, 2016a).

5.4 Emu Plains Construction Support Site

A search of the national, state, regional and local heritage registers for known non-Aboriginal cultural heritage items was undertaken for the Emu Plains (WHT13) construction support site and the surrounding area as part the MOD2 report.

The search identified one heritage site directly adjacent to the WHT13. The local heritage item is listed on Schedule 5 of the *Penrith Local Environmental Plan 2010* (Penrith LEP 2010) and is identified as 'Concrete House' (I58). The statutory curtilage for the item is situated on 39A-43 Mackellar Street, Emu Plains and applies to land legally defined as Lot 980 of DP810551, as determined by the Penrith LEP 2010. Refer to Figure 5-4.

A development application for the demolition of 'Concrete House' was approved by Penrith City Council on 10 November 2014 (DA14/0313.01) and it has since been demolished.

A site inspection conducted in early 2023 by Extent Heritage as part of the MOD2 report, confirmed that there are no extant built features remaining within the site and that all key elements of significance have been removed. As such the site is no longer able to demonstrate the principal characteristics of significance for which it was listed for, and subsequently there would be no impacts resulting from the establishment of the WHT13.

5.5 Berrys Bay foreshore park

A heritage assessment was undertaken for the Berrys Bay foreshore park area. The assessment included a desktop database search of the World, National, Commonwealth, State and local heritage databases. The result of the search are summarised below:

- no listings on the World, National, Commonwealth or State heritage lists
- two local listings on the North Sydney LEP 2013 and TfNSW Section 170 Heritage Register, being Woodleys Shipyard / Woodleys Boatyard (I1038 4920101) and BP Site / BP Site (Former), Waverton (I1036 4920094).
 - Woodleys Shipyard / Woodleys Boatyard includes the Woodleys shed, administration building, stub wharf, short and long jetty.
 - BP Site includes range of extant industrial relics; salvaged sandstone convict blocks reused in the bund wall, footings, pipework, terraces, concrete pavement and excavated sandstone cliffs, stone sea walls, two wharves: the western wide timber wharf and a timber T- wharf.

For context, the following additional items are noted as being adjacent and in the surrounding area of proximity to the Berrys Bay foreshore park:

- one state heritage item, being Balls Head Coal Loader Complex (SHR#02051)
- eight local listings on the North Sydney LEP 2013, two of which are also part of TfNSW Section 170 Heritage Register. This listing are associated with the Former Coal Loader, Former Quarantine Boat Depot and Balls Head Reserve.

5.6 Heritage items and conservation areas

In the EIS, a total of two hundred and forty-seven (247) items with heritage listings were identified within the wider study area for the Western Harbour Tunnel and Warringah Freeway Upgrade project.

Of these 247 items, 127 items were identified by AECOM heritage specialists in August 2021 to be within the WHT study area. This was based on a review of the heritage items listed in Table 3-2 of Appendix J (Technical working paper: Non-Aboriginal heritage) of the EIS.

In addition, one indicative place, the Sydney Harbour Landscape Area, is located within the WHT study area. This item is not listed on any of the statutory registers, and so no further assessment was carried out as part of the EIS.

The locations of heritage items relevant to the Stage 3B and 3C of the Project are shown in the figures below.

5.7 Areas of archaeological potential

Areas of non-Aboriginal archaeological potential were identified in the EIS that would be impacted by the proposed works:

- BP Site, Waverton

The change to TBM methodology in MOD2 has removed the need for Yurulbin Point (WHT4) and Berrys Bay (WHT7) construction support sites. The change in methodology means there will be no impact to Yurulbin Park non-Aboriginal archaeology.

Archaeological excavation has been undertaken for the historic BP site, Waverton. An Archaeological Research Design and Excavation Methodology (ARDEM) required under MCoA E58 was prepared prior to the excavation. A representative from CRM was the nominated Excavation Director in accordance with MCoA E59. No artefacts or relics were identified as part of the archaeological excavation and therefore the archaeological potential at the BP Site is negligible. The Final Excavation Report stated no further archaeological work is required in this place for the reasons that little of any profile survives and it is unlikely to provide useful information or evidence for its primary period of association, the twentieth century refinery. The full findings of the excavation are documented in the BP Site Final Excavation Report in accordance with MCoA E60.

There are no additional areas of archaeological significance identified in the EIS that require an ARDEM under MCoA E58 within the area associated with Stage 3B or 3C of the Project.

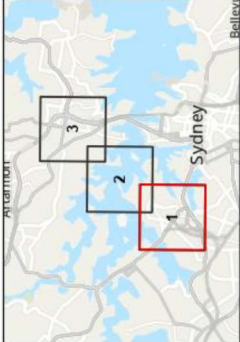
Western Harbour Tunnel - WHT

Heritage Map 1

- Legend**
- Heritage Items (Ports Authority Section 170)
 - Non-Aboriginal (EIS Figures 14-1 - 14-4)
 - s170 Areas (01/01/2018)
 - LEP Heritage Items and Conservation Areas (30/05/2017)
 - State Heritage Act
 - Conservation Area - General
 - Item - Archaeological
 - Item - General
 - Item - Landscape
 - Register of the National Estate (24/11/2015)
 - State Heritage Register Curtilages (30/05/2017)
 - WHT Alignment



Scale at A3: 1:10,000
Date Printed: 25/01/2024



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Figure 5-1 Heritage Map 1 (South)

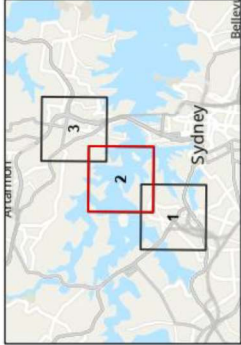
Western Harbour Tunnel - WHT

Heritage Map 2

- Legend**
- Non-Aboriginal (EIS Figures 14-1 - 14-4)
 - LEP Heritage Items and Conservation Areas (30/05/2017)
 - State Heritage Act
 - Conservation Area - General
 - Item - Archaeological
 - Item - General
 - Item - Landscape
 - Register of the National Estate (24/11/2015)
 - State Heritage Register Cuitlages (30/05/2017)
 - World Heritage Area (05/02/2017)
 - WHT Alignment



Scale at A3: 1:10,000
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Figure 5-2 Heritage Map 2 (Middle)

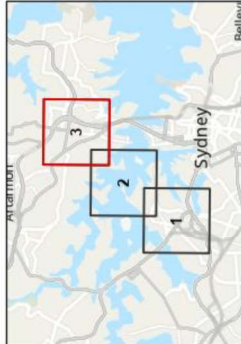
Western Harbour Tunnel - WHT

Heritage Map 3

- Legend**
- Non-Aboriginal (EIS Figures 14.1 - 14.4)
 - §170 Areas (01/07/2018)
 - Potential Non-Aboriginal Heritage Items ANZAC Park (17/08/2017)
 - Commonwealth Heritage List (15/02/2017)
 - LEP Heritage Items and Conservation Areas (30/05/2017)
 - State Heritage Act
 - Conservation Area - General
 - Item - General
 - Item - Landscape
 - National Heritage List (15/02/2017)
 - National Heritage List (24/11/2015)
 - Register of the National Estate (30/05/2017)
 - State Heritage Register Outlines (30/05/2017)
 - World Heritage Area (05/02/2017)
 - WHT Alignment



Scale at A3: 1:10,000
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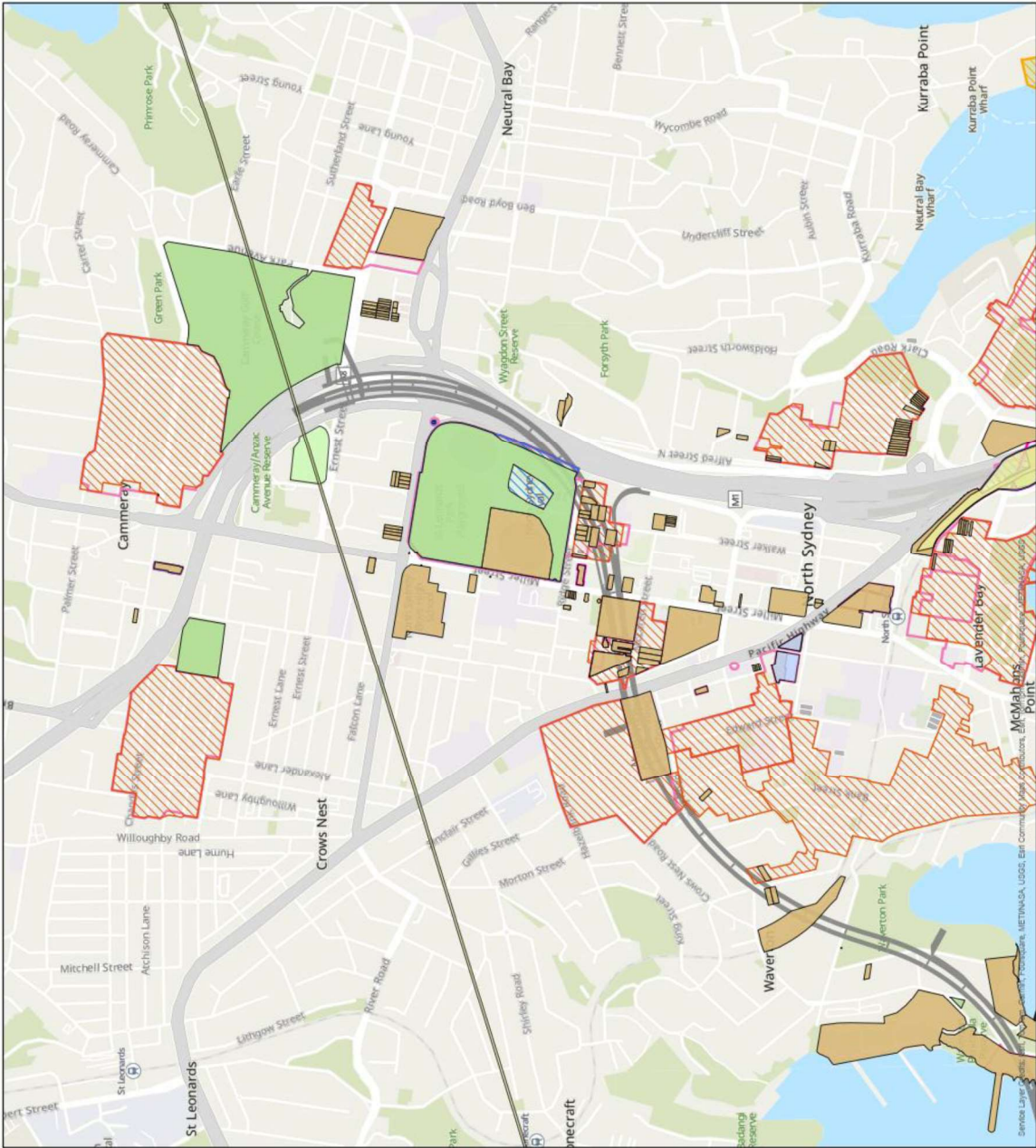


Figure 5-3 Heritage Map 3 (North)

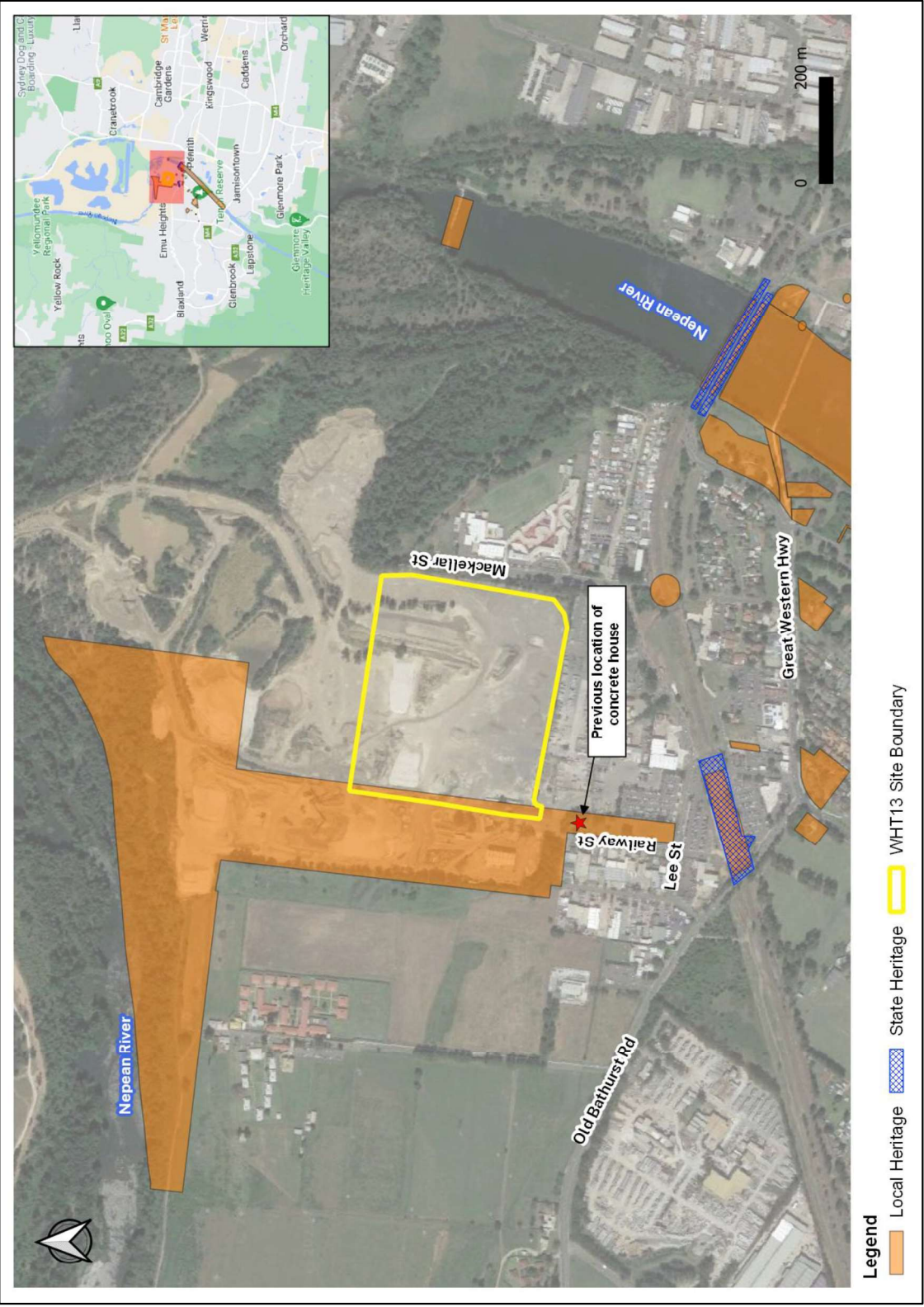
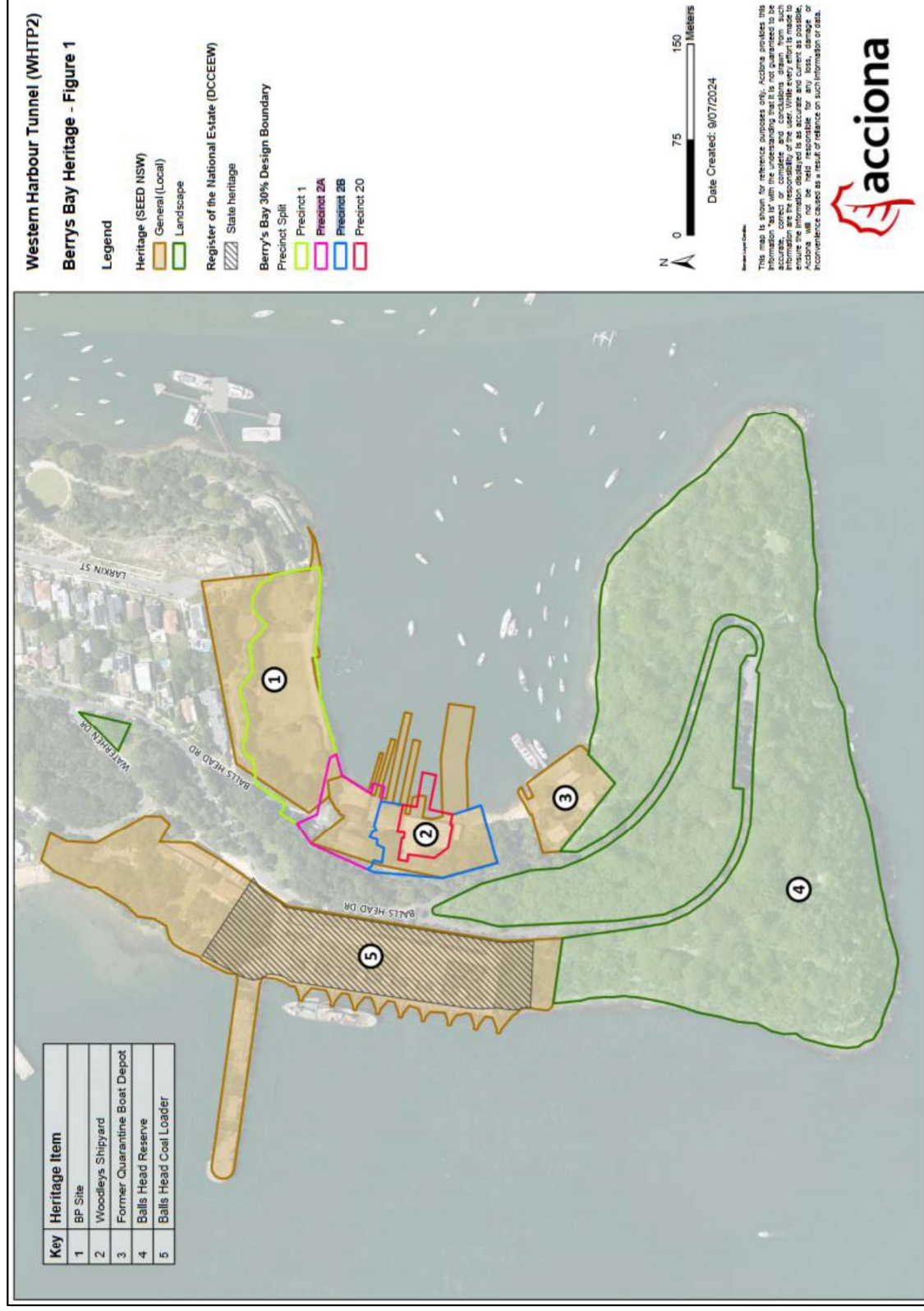


Figure 5-4 Non-Aboriginal cultural heritage near Emu Plains construction ancillary facility (WHT13)



6 Environmental aspects and impacts

6.1 Construction activities

Key aspects of the project that could result in adverse impacts to Non-Aboriginal heritage include:

- Initial clearing and/or grubbing of vegetation.
- Initial removal of topsoil.
- Construction of site compounds and spoil removal / haulage
- Mulch and / or equipment stockpile areas.
- Temporary access roads during construction
- Excavations and earthworks.
- Tunnelling (vibration, settlement and groundwater drawdown)
- Use of other vibratory equipment/ activities such as rollers and piling (driven or hammered).
- Planned salvage of non- Aboriginal heritage items.
- At property acoustic treatment of heritage listed buildings

Refer also to the Aspects and Impacts Register included in Appendix A2 of the CEMP.

6.2 Levels of impact on non-Aboriginal heritage items

The levels of impact on the heritage significance of each heritage item in the WHT study area has been assessed as major, moderate, minor or negligible, based on the definitions and framework for assessing severity of impacts from the *Actions on, or impacting upon, commonwealth land, and actions by Commonwealth agencies EPBC Act Significant Impact guidelines 1.2* (The Commonwealth of Australia, 2013). The definition of levels of impacts to non-Aboriginal heritage items associated with the construction of the project are outlined in Table 6-1.

Table 6-1 Definitions of levels of impact

Two or more characteristics	Scale	Intensity	Duration/frequency
Major	Medium – large	Moderate – high	Permanent/irreversible
Moderate	Small- medium	Moderate	Medium – long term
Minor	Small/localised	Low	Short term/reversible
Negligible	Little or no physical impact; or little or no impact on heritage significance from physical impacts; or potential physical impacts can be prevented through implementation of mitigation measures (e.g. reduction of vibration).		

6.3 Potential Non-Aboriginal heritage impacts arising from construction

Potential impacts associated with construction of the project are discussed in Section 14.4 of Chapter 14 (Non-Aboriginal heritage) of the EIS with those relevant to Stage 3B and 3C of the project summarised below.

In the absence of appropriate management measures provided in Section 7 and Table 7-1, there is the potential for impacts on non-Aboriginal heritage items identified in Section 5 to occur within the Project area.

Of the 127 non-Aboriginal heritage items or collections identified within the WHT study area, the project would result in no impact or a negligible impact on 118 items, due to either the low impact activities proposed or the distances between these items and the project construction works. Impacts on these 118 items would be limited to temporary noise, vibration and/or visual impacts during construction, and managed through the implementation of minimum working distances for vibration intensive construction activities and other standard construction management measures.

The heritage items or collections that are located within or adjacent to the project corridor are shown on Figure 5-1 to Figure 5-5. Of these, the following items are considered not applicable to the Stage 3B and 3C scope of works:

- Glebe Island Bridge
- North Sydney Sewer Vent
- Railway electricity tunnel under Sydney Harbour, Birchgrove and Greenwich
- North Sydney Bus Shelters

The remaining items to be addressed within this document are further identified and summarised in Table 6-2 along with the potential impacts and impact rating described in the EIS. These items are also shown in Figure 6-1 to Figure 6-4.

Table 6-2 Potential impacts on non-Aboriginal heritage items

Item name	Significance	Impact type	Impact rating
Potential impacts associated with the mainline tunnel works			
The Valley heritage conservation area	Local	Direct impacts: <ul style="list-style-type: none"> No direct impacts 	Minor The potential impacts under the Stage 3B and 3C scope would potentially be from operation of construction vehicles and equipment in close proximity to the heritage boundary. With the implementation of the management measures described in Section 7, the level of impact on the heritage item would be negligible to minor.
		Potential direct impacts: <ul style="list-style-type: none"> Potential physical impacts to the conservation area due to operation of construction vehicles and equipment in close proximity to the heritage boundary. 	
		Indirect impacts: <ul style="list-style-type: none"> No indirect impacts 	
Yurulbin Park, Birchgrove	Local	Direct impacts: <ul style="list-style-type: none"> No direct impacts 	Negligible to Minor The potential impacts under the Stage 3B and 3C scope would be indirect from potential settlement. With the implementation of the management measures described in Section 7, the level of impact on the heritage item would be negligible to minor. The EIS impact assessment of Major has been reduced to negligible or minor through removal of the Yurulbin Point
		Potential direct impacts: <ul style="list-style-type: none"> No potential direct impacts 	
		Indirect impacts: <ul style="list-style-type: none"> The impacts due to vibration are considered to be negligible or none. Settlement: The degree of severity to structures within the heritage item is 'slight'. 	

Item name	Significance	Impact type	Impact rating
			(WHT4) construction support site and the use of TBM.
Former coal loader, Waverton	Local	Direct impacts: <ul style="list-style-type: none"> No direct impacts 	Negligible to Minor The potential impacts under the Stage 3B and 3C scope would be indirect from potential vibration or settlement. With the implementation of the management measures described in Section 7, the level of impact on the heritage item would be negligible to minor.
		Potential direct impacts: <ul style="list-style-type: none"> No potential direct impacts 	
		Indirect impacts: <ul style="list-style-type: none"> The impacts due to vibration are considered to be negligible to minor. Settlement: The degree of severity to structures within the heritage item is 'slight'. 	
Former Woodleys Shipyard (including NSW Torpedo Corps Slipway)	Local	Direct impacts: <ul style="list-style-type: none"> No direct impacts 	Negligible to Minor The potential impacts under the Stage 3B and 3C scope would be indirect from potential settlement. With the implementation of the management measures described in Section 7, the level of impact on the heritage item would be negligible to minor. It is noted that the EIS has assigned an impact rating of Minor. However, given the change in construction methodology approved as part of the MOD2
		Potential direct impacts: <ul style="list-style-type: none"> No potential direct impacts 	
		Indirect impacts: <ul style="list-style-type: none"> The impacts due to vibration are considered to be negligible or none. Settlement: The degree of severity to structures within the heritage item is 'slight'. 	

Item name	Significance	Impact type	Impact rating
			<p>report and Berrys Bay (WHT7) construction support site is no longer proposed to be established or operated, the impact rating is lower than Minor (i.e. Negligible to Minor).</p> <p>Refer to the table below for impacts rating associated with Berrys Bay foreshore parkland works.</p>
BP site, Waverton	Local	Direct impacts: <ul style="list-style-type: none"> No direct impacts 	<p>Negligible to Minor</p> <p>The potential impacts under the Stage 3B and 3C scope would be indirect from potential settlement.</p> <p>With the implementation of the management measures described in Section 7, the level of impact on the heritage item would be negligible to minor.</p> <p>It is noted that the EIS has assigned an impact rating of Minor. However, given the change in construction methodology approved as part of the MOD2 report and Berrys Bay (WHT7) construction support site is no longer proposed to be established or operated, the impact rating is</p>
		Potential direct impacts: <ul style="list-style-type: none"> No potential direct impacts 	
		Indirect impacts: <ul style="list-style-type: none"> The impacts due to vibration are considered to be negligible or none. Settlement: The degree of severity to structures within the heritage item is 'slight'. 	

Item name	Significance	Impact type	Impact rating
			<p>lower than Minor (i.e. Negligible to Minor).</p> <p>Refer to the table below for impacts rating associated with Berrys Bay foreshore parkland works.</p>
<p>St Leonards Park</p> <p>Including:</p> <ul style="list-style-type: none"> W. Tunks Memorial Fountain, War Memorial, and North Sydney Oval), North Sydney 	<p>State</p> <p>Local</p>	<p>Direct impacts:</p> <ul style="list-style-type: none"> Physical impacts to the heritage item due to the temporary establishment and operation of the Ridge Street north construction support site (WHT9) Addition of operational infrastructure within the heritage boundary <p>Potential direct impacts:</p> <ul style="list-style-type: none"> Physical impacts to the heritage item due to operation of construction vehicles and equipment within and in close proximity to the heritage boundary <p>Indirect impacts:</p> <ul style="list-style-type: none"> Temporary and permanent visual impacts due to the construction of permanent operational infrastructure within and in the vicinity of the heritage boundary Temporary vibration impacts due to construction activities within and in the vicinity of the heritage boundary Slight permanent settlement and ground movement impacts to the heritage item caused by Tunnel excavation 	<p>Minor</p> <p>The individual local heritage items within St Leonards Park (which includes W. Tunks Memorial Fountain, War Memorial, and North Sydney Oval) will not be impacted for either temporary or permanent works, but St Leonards Park (itself a state heritage item) will.</p> <p>The proposed works would be of small scale and of low intensity. While impacts associated with the establishment and operation of Ridge Street north construction support site (WHT9) would be temporary, those associated with road upgrade works to the Warringah Freeway would be permanent and irreversible however all works would avoid physical impacts to the key heritage components of the heritage item: North Sydney Oval</p>

Item name	Significance	Impact type	Impact rating
			<p>complex, the Music Shell, the W. Tunks Memorial Fountain, and the North Sydney Leagues Bowling Club.</p> <p>Opportunities to minimise impacts to the park would be ongoing during detailed design which would continue during construction. Potential heritage interpretation works would also be addressed as part of the PDLP.</p>
Cammeray Park (including Golf Course), Cammeray	Local	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to the construction of permanent operational infrastructure within the heritage boundary. 	Moderate The proposed works would be of small-medium scale and of moderate intensity, with the changes to the heritage item being permanent and irreversible. The heritage item would lose a large portion of its significance as a relatively intact open space. With the implementation of the management measures described in Section 7 of this Plan, the level of impact on the heritage item would be moderate.
		Potentially direct impacts: <ul style="list-style-type: none"> Potential physical impacts to the heritage item due to operation of construction vehicles and equipment within and in close proximity to the heritage boundary. 	
		Indirect Impacts: <ul style="list-style-type: none"> Temporary and permanent visual impacts due to the construction of permanent operational infrastructure within the heritage boundary Permanent social impacts due to the repurposing of a large section of the heritage item for permanent operational infrastructure Temporary vibration impacts due to construction activities within the heritage boundary 	

Item name	Significance	Impact type	Impact rating
		<ul style="list-style-type: none"> Slight permanent settlement and ground movement impacts to the heritage item caused by tunnel excavation. 	
Cammeray Conservation Area, Cammeray	Local	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to the demolition of three buildings within the heritage boundary (less than two per cent of the entire stock of contributory buildings within the Heritage Conservation Area). 	Minor The proposed works would be of small / localised scale and low intensity, but with the direct physical impacts to the heritage item being permanent and irreversible. With the implementation of the management measures described in Section 7, the level of impact on the heritage item would be negligible to minor.
		Potential direct impacts: <ul style="list-style-type: none"> Potential physical impacts to the heritage item due to operation of construction vehicles and equipment within and in close proximity to the heritage boundary. 	
		Indirect impacts: <ul style="list-style-type: none"> Temporary and permanent visual impacts due to the removal of heritage fabric and the construction of permanent operational infrastructure within and adjacent to the heritage boundary Temporary vibration impacts due to construction activities within and adjacent to the heritage boundary. 	
Heritage items situated above the tunnel alignment between Cammeray Golf Course	Local	Direct impacts: <ul style="list-style-type: none"> No direct impacts 	Negligible With the implementation of the management measures described in Section 7 of this Plan, the level of impact on the heritage items will be negligible.
		Potential direct impacts: <ul style="list-style-type: none"> No potential direct impacts 	
		Indirect impacts:	

Item name	Significance	Impact type	Impact rating
to Berrys Bay		<ul style="list-style-type: none"> Slight or very slight permanent settlement and ground movement impacts to heritage items within the conservation area caused by tunnel excavation 	
Heritage items in Rozelle Precinct (listing number, I1448, I1436, I1447, I1412, I1407, I1408, I1409, I1410, I1411, and I1430)	Local	<p>Indirect impacts:</p> <ul style="list-style-type: none"> Slight or very slight permanent settlement and ground movement impacts to heritage items within the conservation area caused by tunnel excavation 	<p>Negligible</p> <p>A heritage assessment was undertaken to understand the impacts associated with the proposed 33kV utility installation works on these heritage items. The assessment have been determined as having no impact on heritage values and no further notification or approval by Inner West Council or Heritage NSW is required at this time.</p> <p>With the implementation of the management measures described in Section 7 of this Plan, the level of impact on the heritage items will be negligible.</p>
Heritage conservation areas in Rozelle Precinct (including The Valley, Brennans	Local	<p>Indirect impacts:</p> <ul style="list-style-type: none"> Slight or very slight permanent settlement and ground movement impacts to heritage items within the conservation area caused by tunnel excavation 	<p>Negligible</p> <p>A heritage assessment was undertaken to understand the impacts associated with the proposed 33kV utility installation works on these heritage items. The assessment have been determined as having no impact on heritage</p>

Item name	Significance	Impact type	Impact rating
Estate and Easton Park)			values and no further notification or approval by Inner West Council or Heritage NSW is required at this time. With the implementation of the management measures described in Section 7 of this Plan, the level of impact on the heritage items will be negligible.

Item name	Significance	Impact type	Impact rating
Potential impacts associated with the Berrys Bay foreshore park			
Woodleys Shed ²	Moderate/Low Major elements have been added to the building that obscure the early use of the place	Direct impacts: <ul style="list-style-type: none"> Removal of adjoining structures (slipway office and annex), some impact to external fabric to enable an adjacent boardwalk and jetty, as well as changes to the service vehicle access 	Minor (direct and indirect) Minor impacts are also expected from the alteration of a significant item's setting and from the removal of later intrusive structures
Slipway office	Low	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to demolition 	Moderate to minor (direct and indirect)
Southern Annex (aka Engineering Workshop)	Low / None	Direct impacts:	Moderate to minor (direct and indirect)

Item name	Significance	Impact type	Impact rating
		<ul style="list-style-type: none"> Planned physical impacts to the heritage item due to demolition 	
Toilet Block	None	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to demolition 	None
Marine Workshop	Low	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to demolition 	Moderate to minor (direct and indirect)
Slipway No.2 Winch	Moderate	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to relocation 	Moderate direct and indirect Minor impacts are also expected from the alteration of a significant item's setting and from the removal of later intrusive structures
Winch and Winch House	Moderate	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to the relocation of the winch and demolition of the winch house 	Moderate direct and indirect Minor impacts are also expected from the alteration of a significant item's setting and from the removal of later intrusive structures
Slipway No.2	Moderate/Low Major elements that contribute to the slipway's heritage value such	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to modification to the support for steel mesh walkway 	Minor

Item name	Significance	Impact type	Impact rating
	as timber and steel fixings have been modified and deteriorated		
Slipway No.3	Moderate/Low - Major elements that contribute to the slipway's heritage value such as timber and steel fixings have been modified and deteriorated	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to modification to the support for steel mesh walkway 	Minor
Slipway No.4	Moderate	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to modification (regrading/resurfacing) 	Minor
Southern sea wall	Moderate/Low - Major elements that contribute to the sea wall's heritage value have deteriorated	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to repair 	Minor As much of the element's integrity is low
Northern sea wall	Moderate/Low - Major elements that contribute to the sea wall's heritage value have deteriorated	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to repair 	Minor As much of the element's integrity is low
Bund wall	Moderate	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to modification (new openings) 	Moderate A structural assessment would be required for the Bund Wall to ensure the changes to its fabric could be undertaken with minimal damage and that it would retain its overall integrity.

Item name	Significance	Impact type	Impact rating
Funicular railway (or tramway)	Low	<ul style="list-style-type: none"> Retention and possible interpretative opportunity 	Minor
BP industrial items (eastern)	Moderate	<ul style="list-style-type: none"> Retention – no impact 	None
BP industrial items (western)	Moderate	<ul style="list-style-type: none"> Retention - subject to adaptive change 	Minor
Sandstone block wall	Low	Direct impacts: <ul style="list-style-type: none"> Planned physical impacts to the heritage item due to demolition (reuse of material) 	Moderate (direct)
Rock cuttings and natural rock escarpments	Moderate	<ul style="list-style-type: none"> Retention 	None
Landscape setting	Moderate	<ul style="list-style-type: none"> Retention 	None
Note: ¹ Western Harbour Tunnel and Warringah Freeway Upgrade Environmental Impact Statement Chapter 14 (January 2020) ² Heritage assessment have concluded further detailed heritage advice and assessment is required for future detailed design for Woodleys Shed, which included a fabric analysis of Woodleys Shed to establish the condition and structural integrity of each element, the significance of different components and spaces and confirm the presence of moveable heritage, follow by a re-use strategy to outline the potential options, opportunities and constraints for Woodleys Shed.			

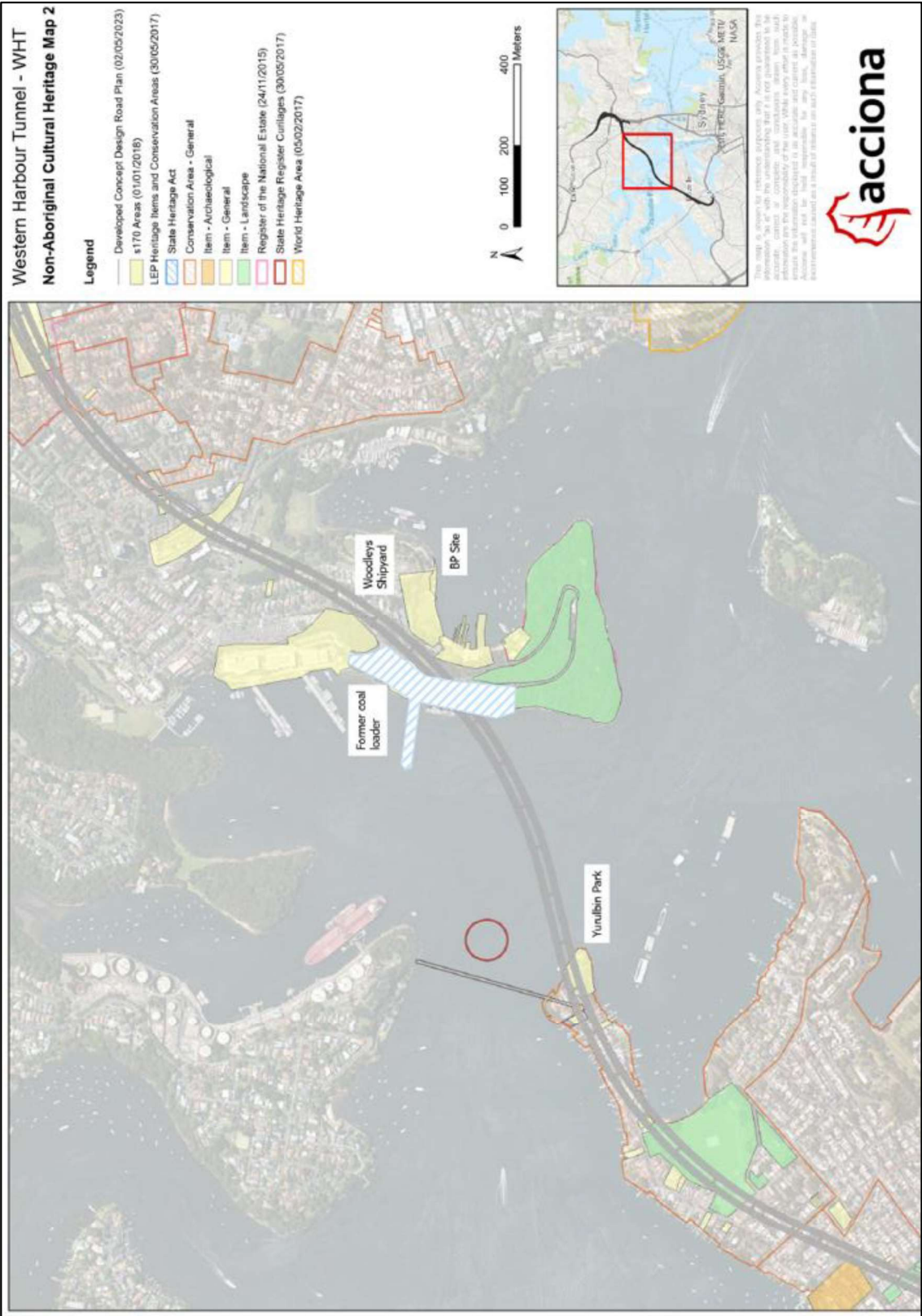
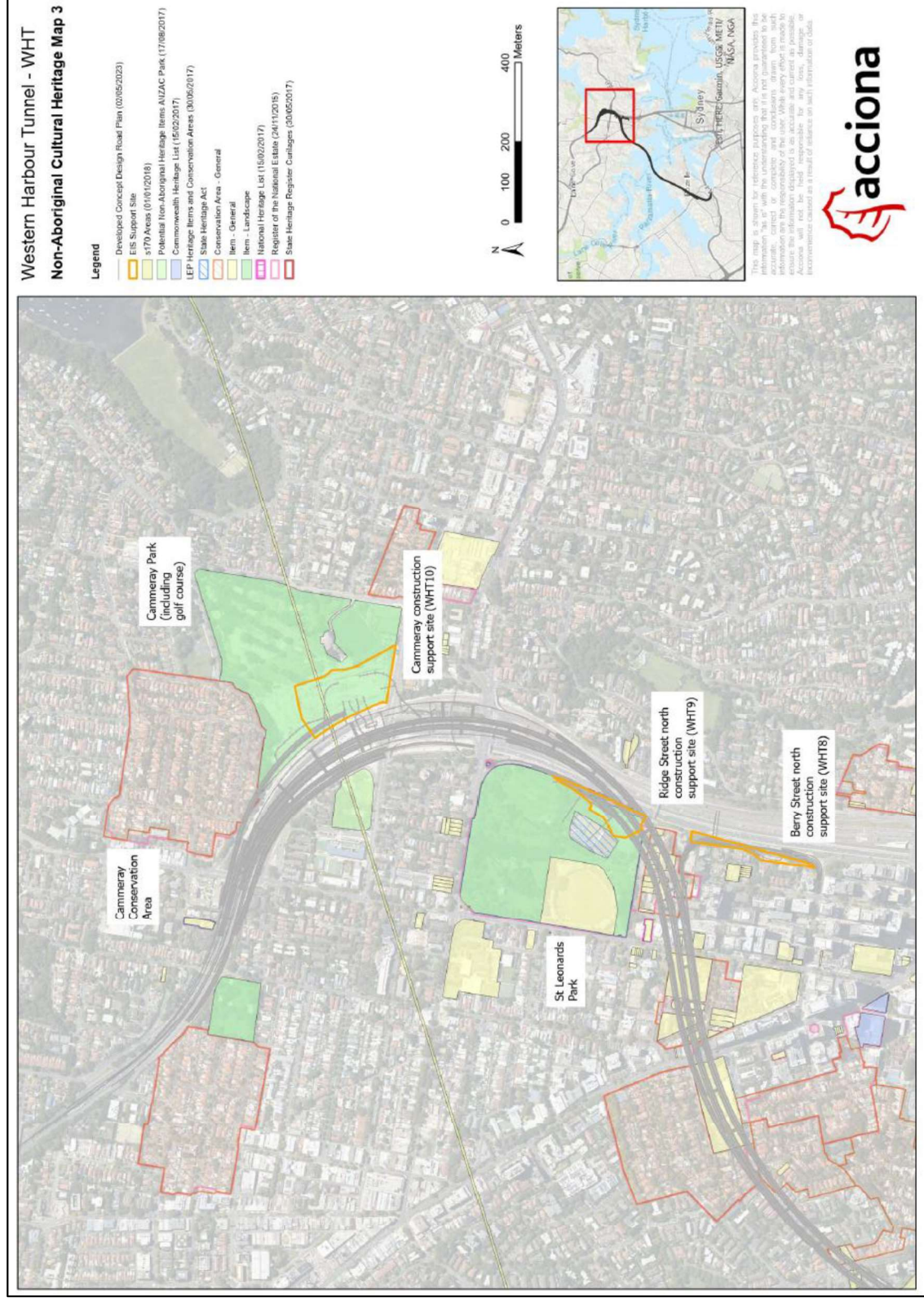


Figure 6-2: Non-Aboriginal cultural heritage items (middle)



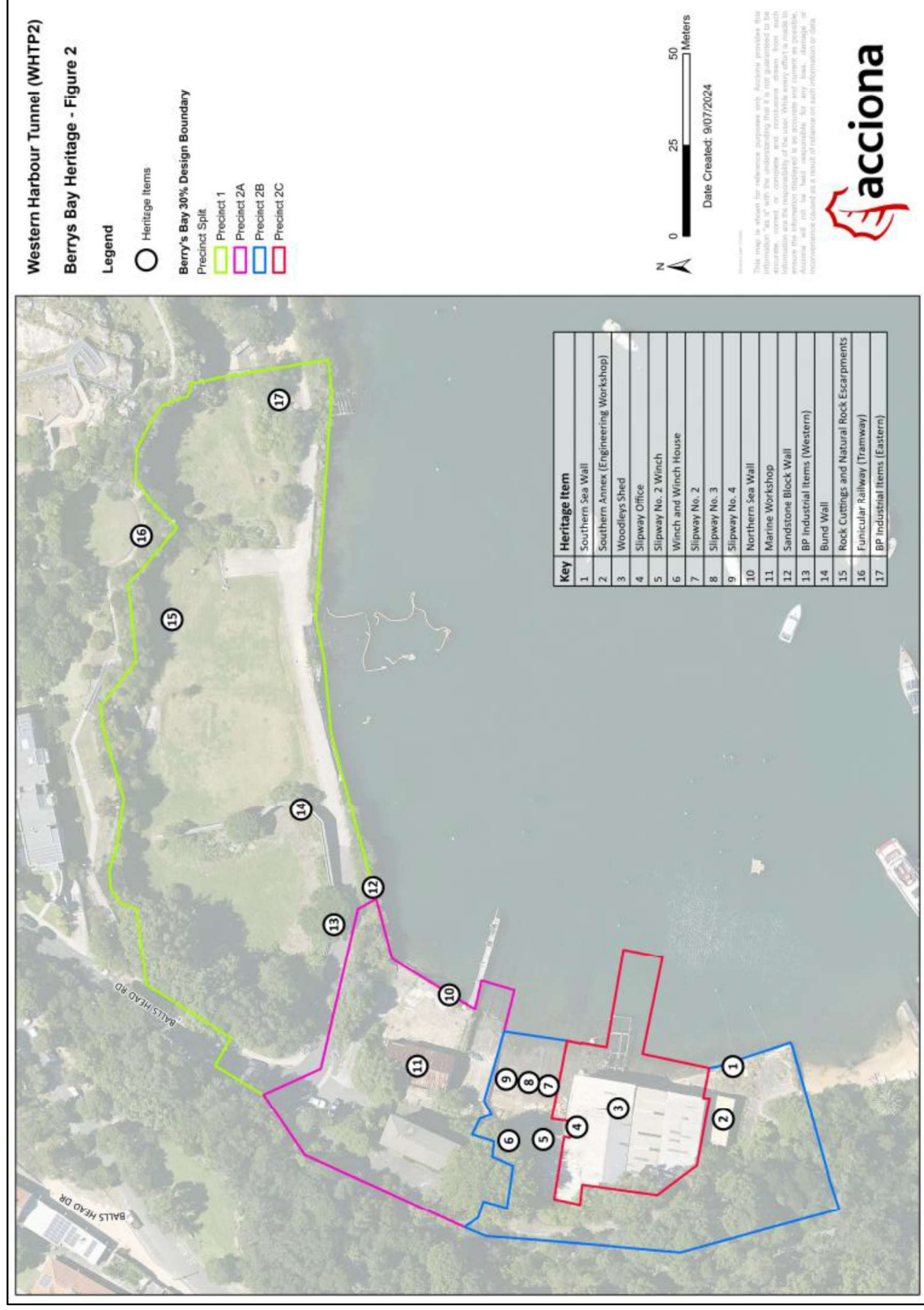


Figure 6-4: Non-Aboriginal cultural heritage items (Berrys Bay)

6.4 Cumulative impacts

Potential cumulative impacts associated with the construction of the project (being both Western Harbour Tunnel and Warringah Freeway Upgrade) were presented and assessed in Chapter 27 (Cumulative impacts) of the EIS.

Projects and Strategic Plans assessed for cumulative impacts in the WHT study area (including the Rozelle, White Bay, Birchgrove, Waverton and North Sydney areas) included:

Projects

- Western Harbour Tunnel and Beaches Link program of works
- Sydney Metro City & Southwest (Chatswood to Sydenham)
- M4-M5 Link
- Sydney Metro West
- Wenona School New Education Building
- Shore School Physical Education Centre
- Commercial and hotel development on Berry and Walker Streets, North Sydney
- St Aloysius College Redevelopment
- Loreto Kirribilli Staged Redevelopment
- Glebe Island Concrete Batching Plant
- Glebe Island Multi-User Facility
- The New Sydney Fish Market (Stages 1 and 2)

Strategic Plans

- Berrys Bay Master Plan
- The Bays Precinct Urban Transformation Plan
- Waverton Peninsula Strategic Master Plan
- Ward Street Precinct Master Plan
- St Leonards Park Landscape Master Plan.

The assessment concluded that in most locations associated with the construction of the WHT project, cumulative impacts to non-Aboriginal Heritage were negligible. The Sydney Metro City and Southwest project however was found to have minor temporary impacts to heritage items in the vicinity of North Sydney.

7 Environmental management and mitigation measures

Construction associated with the project has the potential to impact non-Aboriginal heritage items within and adjacent to the construction footprint. In order to avoid, mitigate and/or minimise these potential impacts, a range of environmental requirements and control measures are identified in the various environmental documents, including the EIS and other TfNSW guidance documents. These specific measures and requirements, along with additional measures identified as best practice, are outlined in Table 7-1.

This section has been developed in consideration of the SMART principles - Specific, Measurable, Achievable, Relevant and Time-based.

7.1 Management of vibration impacts

Vibration impacts for non-Aboriginal heritage items will be managed in accordance with the Noise and Vibration Management Sub-plan (refer to Section 1.4 of this Plan regarding interface with other CEMP Sub-Plan documents).

In order to screen for heritage impact, a conservative vibration damage screening level of 2.5 millimetres per second would be adopted for all heritage items identified through engineering assessment as being structurally unsound.

A preliminary assessment of vibration from the mainline tunnels and cross passages at the base of heritage items in the vicinity has been carried out from the information currently available which indicates that with the highest predicted vibration level of around 1.3mm/s from rock hammering, no heritage structures identified adjacent to the alignment would experience vibration levels above the PPV 2.5mm/s threshold.

Vibration generating activities will be managed through the establishment of minimum buffer distances to achieve screening levels. Where vibration levels are predicted to exceed the screening levels, a more detailed assessment of the impacted structure and attended vibration monitoring will be carried out to ensure vibration levels remain below appropriate limits for that structure. For heritage items, the more detailed assessment will specifically consider the heritage values of the structure in consultation with a heritage specialist to ensure sensitive heritage fabric is adequately monitored and managed. Any damage caused by the project will be rectified (REMM CNV6).

Vibration testing will be carried out during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and attended monitoring shows that the preferred values for vibration are to be exceeded, the construction methodology will be reviewed and, if necessary, additional mitigation measures will be implemented (MCoA E79).

Advice from a heritage specialist will be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures (MCoA E80).

Mitigation measures pertaining to vibration management are included in the Noise and Vibration Management Sub-Plan and the Noise and Vibration Monitoring Program.

7.2 Unexpected Heritage Finds and Human Remains Procedure

An Unexpected Heritage Finds and Humans Remains Procedure, developed in accordance with Heritage NSW requirements, is provided in Appendix G1 (*Roads and Maritime Standard Management Procedure – Unexpected Heritage Items* (Roads and Maritime, 2022)) and will be:

- submitted to the Planning Secretary for information before the commencement of construction as part of this plan (MCoA E63, REMMs NAH10, NAH11)

- implemented for the duration of construction (MCoA E64) should Heritage Items and/or possible human skeletal material be encountered

The Unexpected Heritage Finds and Human Remains Procedure has been included to mitigate the residual risk of encountering archaeological deposits during works, and specifies the types of archaeological remains (including skeletal material) that will trigger stop work procedures and the chain of notification and reporting.

It is noted that if human remains are found unexpectedly during the carrying out of work this may be under the jurisdiction of the NSW State Coroner and will be reported to the NSW Police immediately.

Unexpected finds identified during works will be managed through the eight-step process shown below in Figure 7-1 and outlined in further detail in Appendix G1. Relevant contact details for Project contacts are listed in the CEMP.

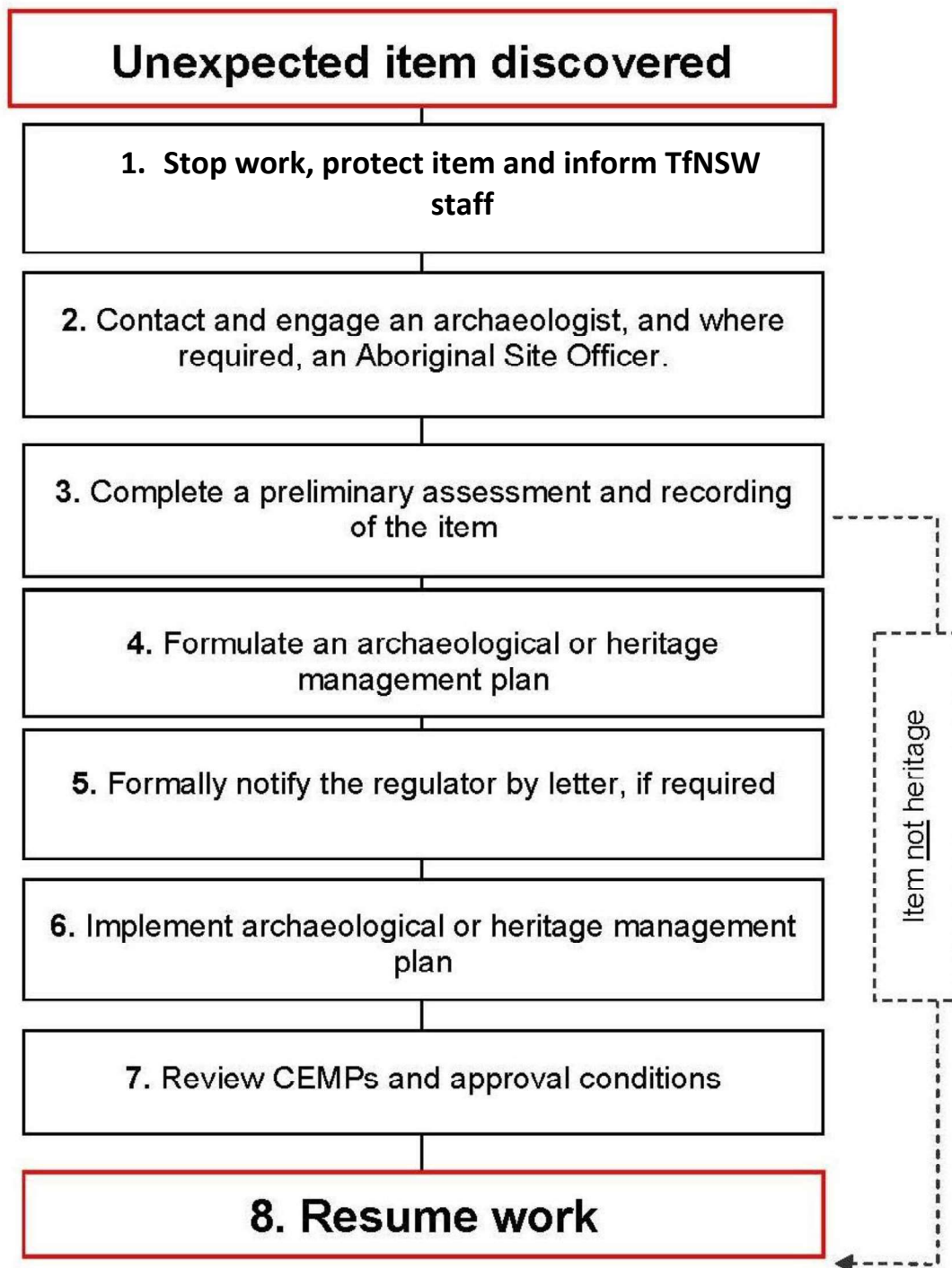


Figure 7-1 Unexpected heritage items management flowchart

7.3 At-property treatment

Should at-property noise treatment be offered to address the requirements of MCoA and the premises are heritage listed for the purpose of MCoA E81, then any at-property noise treatment will require engagement of a suitably qualified and experienced built heritage expert. The expert's advice will be implemented to ensure the works does not have an adverse impact on the heritage significance of the item.

Any treatment will be sympathetic to the heritage values of the item and will be carried out in accordance with Burra Charter principles of reversibility and minimising unnecessary impact, where reasonable and feasible. Consultation with affected property owners will be undertaken in accordance with the project's Community Communications Strategy.

7.4 Settlement

Pre-construction building/structure condition surveys will be offered and prepared for properties (and heritage assets) within the zone of influence of tunnel settlement (for example, within the five-millimetre predicted surface settlement contour and within 50 metres of surface works) and within minimum working distances for cosmetic and structural damage due to vibration. The surveys will be carried out by a suitably qualified person prior to the commencement of the tunnelling and vibration-intensive activities in the vicinity with the potential to affect the building/structure (REMM SG4).

Where pre-construction surveys have been undertaken, subsequent post-construction surveys must be undertaken to assess damage to the surface and sub-surface structures that may have resulted from construction within three months of landowner(s) requests.

These requirements (CoA E107 and E108) and others pertaining to condition surveys are addressed further in the CEMP Groundwater Management Sub-Pan.

7.5 Archival recording

Archival recording must be undertaken prior to any works that have the potential to impact upon the following heritage items:

- Item 7: BP site, Waverton

Archival recording has already been undertaken by other contractors for the following heritage items

- Item 4: Yurulbin Park, Birchgrove
- Item 9: North Sydney Bus Shelters
- Item 10: St Leonards Park (including W. Tunks Memorial Fountain, War Memorial, and North Sydney Oval), North Sydney
- Item 11: North Sydney Sewer Vent, North Sydney
- Item 14: Cammeray Park (including Golf Course), Cammeray
- Item 15: Cammeray Conservation Area, Cammeray
- Balls Head Coal Loader Complex, Waverton

All archival recording, including that deemed 'additional', will be carried out in accordance with the *Photographic Recording of Heritage Items Using Film or Digital Capture* guideline by a suitably qualified heritage specialist prior to any works that have the potential to cause impact.

A copy of the recordings will be provided to Heritage NSW and the relevant Council and submitted as part of the Final Excavation Report (MCoA E57).

7.6 Archaeological excavation

Archaeological excavation has been undertaken for the historic BP site, Waverton. An Archaeological Research Design and Excavation Methodology (ARDEM) required under MCoA E58 was prepared prior to the excavation. Representative from CRM was the nominated Excavation Director in accordance with MCoA E59. The findings of the excavation are documented in the BP Site Final Excavation Report in accordance with MCoA E60.

There are no additional areas of archaeological significance identified in the EIS that require an ARDEM under MCoA E58 within the area associated with Stage 3B or 3C of the Project.

7.7 Salvage of heritage fabric

Opportunities for protecting and reusing salvaged heritage infrastructure from the former Woodleys Shipyard and BP Sites must be undertaken prior to any works that have the potential to impact upon these items.

The use of the items in the future landscaping of Berrys Bay will be detailed in the Place, Design and Landscape Plan (MCoA E52). A site inspection to determine salvageable material will be attended by a suitably qualified and experienced built heritage expert.

7.8 Management and mitigation measures

Management and mitigation measures relevant to the Project are outlined in Table 7-1. These will be implemented to minimise impacts to non-Aboriginal heritage and ensure all commitments and requirements of the project approval are met. These specific management and mitigation measures have been developed to address the requirements of applicable legislation, the MCoA and commitments of the REMMs.

Table 7-1 Non-Aboriginal heritage management and mitigation measures

ID	Measure/Requirement	Resources needed	When to implement	Responsibility	Reference	Evidence
NAHMP1.	Incorporating appropriate heritage interpretation into the urban design for the project, applying NSW Heritage Manual (NSW Heritage Office & NSW Department of Urban Affairs and Planning, 1996c), Interpreting Heritage Places and Items: Guidelines (NSW Heritage Office, 2005b) and the Heritage Interpretation Policy (NSW Heritage Office, 2005a).	PDLP Design Review Panel	Detailed design	Design Manager	E178 (h) REMM NAH2	PDLP
NAHMP2.	At-property noise treatment, if required at a premises that is heritage listed, will be carried out in a manner to minimise heritage impact, and advice of a heritage conservation architect will be sought prior to undertaking the works. Any treatment will be sympathetic to the heritage values of the item, designed with heritage architect input and be reversible where feasible and reasonable.	A suitably qualified and experienced built heritage expert	Prior to works requiring at-property noise treatment in accordance with MCoA E81	Environmental Manager	MCoA E81 REMM NAH4	Reporting
NAHMP3.	Non-Aboriginal historical heritage awareness training will be provided for contractors prior to commencement of construction works to ensure understanding of potential heritage items that may be impacted during the project, and the procedure required to be carried out in the event of discovery of unexpected historical	Induction material Sensitive Area Plans	Construction	Environmental Manager	REMM NAH12	Induction records

ID	Measure/Requirement	Resources needed	When to implement	Responsibility	Reference	Evidence
	heritage materials, features or deposits, or the discovery of human remains.					
NAHMP4.	If at any time during construction of the project, Heritage items and/or possible human skeletal material are encountered during construction, the <i>Roads and Maritime Services Standard Management Procedure: Unexpected Heritage Items</i> (Roads and Maritime, 2022) will be followed.	Unexpected find procedures	Construction	Environmental Manager Site Supervisor	MCoA E63, E64 REMM NAH10, NAH11	Reporting / Records of unexpected finds
NAHMP5.	Archival recording will be undertaken prior to potentially impacting works, as described in Section 7.5.	Suitably qualified heritage specialist	Pre-construction	Environmental Manager	MCoA E56 and E57 REMM NAH5	Reporting
NAHMP6.	Vibration monitoring as detailed in the Noise and Vibration Management Sub-plan and the Noise and Vibration Monitoring Program will be undertaken prior to and during potentially impacting activities, as described in Section 7.1. Adjustment of activities must be undertaken where vibration limits are predicted to be or are identified as exceeding relevant criteria.	Vibration monitoring	During Construction	Environmental Manager	MCoA E79	Monitoring reports

ID	Measure/Requirement	Resources needed	When to implement	Responsibility	Reference	Evidence
NAHMP7.	Advice from a heritage specialist will be sought on methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures	Suitably qualified heritage specialist	During Construction	Environmental Manager	MCoA E80	Record of advice received
NAHMP8.	Building conditions surveys must be offered as described in Section 7.4	Suitably qualified person	Prior to construction	Environmental Manager	REMM SG4	Building inspection reports
NAHMP9.	St Leonards Park is to be rehabilitated and reinstated as soon as practicable upon the completion of construction works.	Place, Design and Landscape Plan	During construction	Design Manager Environmental Manager	Best Practice	Inspection reports
NAHMP10.	Reduce vegetation clearing/trimming for trees along the western boundary (adjacent to the bowling club), and at the site entrance, as far as reasonably practicable, and protect this vegetation during construction.	Temporary works design Tree protection	During construction	Design Manager Environmental Manager Site Supervisor	Best Practice	Inspection reports PDLP
NAHMP11.	Advice from a heritage specialist will be sought for approaches to avoid heritage fabric and/or minimise impact on heritage significance for the heritage buildings at Woodleys Shipyard.	Suitably qualified heritage specialist	During Construction	Environmental Manager	REMM NAH7	Record of advice received
NAHMP12.	Salvage appropriate heritage infrastructure from the former Woodleys Shipyard and BP Sites for protection or reuse in future landscaping of Berrys Bay will be detailed in	Suitably qualified	Prior to construction	Design Manager Environmental Manager	MCoA E52	PDLP

ID	Measure/Requirement	Resources needed	When to implement	Responsibility	Reference	Evidence
	the Place, Design and Landscape Plan (MCoA E52).	heritage specialist				
NAHIMP13.	Additional advice from a heritage specialist will be sought to inform future design and construction stages of the Berrys Bay foreshore parklands as required such as during relocation or adaptive reuse of heritage items.	Suitably qualified heritage specialist	During Construction	Environmental Manager	Good practice	Record of advice received
NAHIMP14.	Advice from structural engineering on the structural safety and integrity of the heritage items for any proposed modification to the Bund Wall. Advice from heritage specialist to complement the structural engineering advice and to ensure any proposed changes are sympathetic and acceptable from a heritage perspective.	Suitably qualified heritage and structural specialists	During Construction	Environmental Manager	Good practice	Record of advice received
NAHIMP15.	A heritage interpretation plan will be prepared to interpretation strategy, management and implementation for the Berrys Bay foreshore parkland and its heritage components.	Suitably qualified heritage specialist	During Construction	Environmental Manager	REMM NAH2	Heritage interpretation plan

8 Compliance Management

Compliance with this NAHMP will be measured against the targets outlined in Section 2.3 of this Plan through ongoing monitoring throughout the construction of the Project.

8.1 Roles and responsibilities

The ACCIONA Project Team's organisational structure and overall roles and responsibilities as well as the Environmental Representative and required specialists are outlined in Section 5.7 and Section 5.8 of the CEMP. Specific responsibilities for the implementation of environmental controls are detailed in Section 7 of this Plan.

8.2 Training

All personnel, including employees, contractors and utility staff working on site will undergo site induction training relating to non-Aboriginal heritage management issues. The induction training will address site and/or construction activity specific impacts relating to non-Aboriginal heritage management including:

- The requirements of this Plan
- Relevant legislation and guidelines
- Location of known heritage items, areas of potential archaeology (if applicable), significant fabric and curtilage within and in the vicinity of the works areas
- The relevant management and mitigation measures
- Making the personnel working on site aware of and explaining the procedures to follow in the event of any unexpected heritage finds or the discovery of human remains during construction works (Appendix G1 - *Roads and Maritime Standard Management Procedure: Unexpected Heritage Items* (March 2022))
- Outline responsibilities and obligations under the *Heritage Act 1977* pertaining to the non-Aboriginal heritage provisions.

Further details regarding staff induction and training are outlined in Section 5.9 of the CEMP.

8.3 Monitoring and inspections

Inspections of sensitive areas and activities with the potential to impact Non-Aboriginal Heritage will occur for the duration of the project. General requirements and responsibilities in relation to monitoring and inspections are documented in Section 5.12 of the CEMP.

Monitoring and inspection requirements relevant to this Plan are listed below:

- Erection and inspection (as part of weekly environmental inspections) of no go/perimeter fencing around heritage structures immediately adjacent to the works (currently no heritage items requiring protection are identified)
- Heritage protection for specific items as required
- Any specific requirements for individual heritage item management that are identified by the heritage specialist.

Refer to the CNVMP and Noise and Vibration Monitoring Program in relation to Vibration monitoring for Heritage structures.

Refer to the GWMP for details surrounding settlement impacts.

8.4 Auditing

Audits (both internal and external) will be undertaken to assess the effectiveness of environmental controls, compliance with this Plan, MCoA and other relevant approvals, licences and guidelines.

Audit requirements are detailed in Section 5.13 of the CEMP.

8.5 Incidents and Non-compliances

All incidents will be managed in accordance with Section 5.11 of the CEMP.

All non-compliances will be managed in accordance with Section 5.15 of the CEMP.

8.6 Reporting

Reporting requirements and responsibilities are documented in Section 5.14 of the CEMP.

Specific reporting requirements associated with this NAHMP include:

- When preconstruction building/structure condition surveys are undertaken
- When at-property noise treatment works are undertaken at heritage premises
- When unexpected finds are encountered (either heritage items and/or possible human skeletal material)
- For archival recording required as described in 7.5
- Any reporting triggered for archaeological excavations as described in Section 7.6.

Incident response reporting will be carried out in accordance with Section 5.11 of the CEMP.

9 Review and improvement

9.1 Continuous improvement

As outlined in Section 5.17 of the CEMP, management reviews will be undertaken as part of the continual improvement process. The reviews will be initiated by the Environmental Manager and include relevant project team members and stakeholders. Continuous improvement of this Plan and of monitoring requirements detailed in Section 8.3 of this Plan will be achieved by the ongoing evaluation of environmental management performance against planning approval requirements, environmental policies, objectives and targets for the purpose of identifying opportunities for improvement.

The continuous improvement process will be designed to:

- Identify areas of opportunity for improvement of environmental management and performance
- Determine the cause or causes of non-conformances and deficiencies
- Develop and implement a plan of corrective and preventative action to address any non-conformances and deficiencies
- Verify the effectiveness of the corrective and preventative actions
- Document any changes in procedures resulting from process improvement
- Make comparisons with objectives and targets outlined in Section 2.2 and 2.3.

9.2 Plan update and amendment

The auditing and review processes described in Section 5.13 to Section 5.17 of the CEMP may result in the need to update or revise this Plan. This will occur whenever there is a change to the construction scope or methodology that may increase the potential impacts upon non-Aboriginal heritage or to address relevant updates to a related Sub-plan or monitoring program (as identified in Table 1-1).

Only the Environment Manager can amend this NAHMP. Any update of this Plan will require the endorsement of the TfNSW representative, the Environmental Representative and, depending on the change, to follow the process outlined in Section 6 of the CEMP, which must be followed where approval from the Planning Secretary is required prior to implementation of the update is required.

Appendix G1 - Roads and Maritime Standard Management Procedure: Unexpected Heritage Items 2022

Unexpected heritage items procedure

July 2022



Acknowledgement of Country

Transport for NSW acknowledges the traditional custodians of the land on which we work and live.

We pay our respects to Elders past and present and celebrate the diversity of Aboriginal people and their ongoing cultures and connections to the lands and waters of NSW.

Many of the transport routes we use today – from rail lines, to roads, to water crossings – follow the traditional Songlines, trade routes and ceremonial paths in Country that our nation's First Peoples followed for tens of thousands of years.

Transport for NSW is committed to honouring Aboriginal peoples' cultural and spiritual connections to the land, waters and seas and their rich contribution to society.



Document control

Author/s	Environment and Sustainability team
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Branch	Environment and Sustainability
Division	Safety, Environment and Regulation
Review date	July 2023
Superseded documents	PN 285 P02 Unexpected heritage items

Versions

Version	Date	Amendment notes
1.0	Nov 2011	First issue
1.1	Jul 2012	Amended to reflect that (a) unexpected finds do not include items covered by a relevant approval; (b) Aboriginal people must be consulted where an unexpected find is likely to be an Aboriginal object; (c) the Department of Planning and Environment must be notified in accordance with Step 5 of this procedure for Part 3A and Part 5.1 projects.
1.2	Oct 2013	Amended to clarify that the procedure applies to all types of unexpected heritage items, not just archaeological items. The procedure introduces the term 'Historic Items' to cover both 'archaeological relics' and 'other historic items' such as works, structures, buildings and movable objects. The title of the document has been amended to better reflect this clarification.
1.3	Mar 2015	The procedure was streamlined to address all project types including maintenance works. The separate maintenance procedure (formerly Appendix B) was removed. Names and titles updated throughout.
1.4	May 2022	Rebranded from Roads and Maritime to Transport for NSW. Minor updates for example to accommodate government department name changes, legislation updates, combining contacts from appendix d with former Section 5 as the new Section 7; adjustment of roles and titles following organisational change; clarification of who the procedure applies to in section 2.

Contacts and further information



Email: environmentandsustainability@transport.nsw.gov.au

Internal Transport users: [Environmental planning and assessment \(sharepoint.com\)](#)

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1. Purpose

This procedure has been developed to:

- Provide a consistent method for managing unexpected heritage items (both Aboriginal and non-Aboriginal) that are discovered during activities undertaken by Transport for NSW (Transport) or contractors on behalf of Transport.
- Address Transport's obligations under the *Heritage Act 1977* (NSW), *National Parks and Wildlife Act 1974* (NSW), *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) and the *Coroner's Act 2009* (NSW).

2. Scope

This procedure assumes that an appropriate level of Aboriginal and non-Aboriginal heritage assessment has been completed before work commences on site. In some cases, such as exempt development, detailed heritage assessment may not be required. Despite appropriate and adequate investigation, unexpected heritage items may still be discovered during maintenance and construction works. When this happens, this procedure must be followed. This procedure provides direction on when to stop work, where to seek technical advice and how to notify the regulator and following Transport for NSW (Transport) internal reporting, if required.

Important: This procedure applies to all Transport construction and maintenance activities.

However, when working for Sydney Trains, Rail Delivery and Sydney Metro divisions within Transport please refer to their separate unexpected finds procedures that will apply.

This procedure applies to:

- The discovery of any unexpected heritage item (usually during construction), where Transport does not have approval to disturb the item or where safeguards for managing the disturbance (apart from this procedure) are not contained in the environmental impact assessment.
- All Transport projects that are approved or determined under, Part 4 (Division 4.7), Part 5 or Division 5.2 of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act), or any development that is exempt under the Act.

This procedure applies to staff performing work for Transport. 'Staff' includes all permanent, temporary and casual staff, staff seconded from another organisation and contingent workers including labour hire, professional services contractors and consultants.

This procedure does not apply to:

- The legal discovery and disturbance of heritage items as a result of investigations being undertaken in accordance with Heritage NSW, Department of Planning and Environment *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (2010)*; an Aboriginal Heritage Impact Permit (AHIP) issued under the *National Parks and Wildlife Act 1974* (NSW); or an approval issued under the Heritage Act¹.
- The legal discovery and disturbance of heritage items as a result of investigations (or other activities) that are required to be carried out for the purpose of complying with any environmental assessment requirements under Part 4, including Division 4.7, or Part 5, including Division 5.2 of the EP&A Act.

¹ Transport heritage obligations are incorporated into the conditions of heritage approvals

- The legal discovery and disturbance of heritage items as a result of construction related activities, where the disturbance is permissible in accordance with an AHIP²; an approval issued under the *Heritage Act 1977* (NSW); the Minister for Planning's conditions of project approval; or safeguards (apart from this procedure) that are contained in the relevant environmental impact assessment.

All construction environment management plans (CEMPs) must make reference to and/or include this procedure (often included as a heritage sub-plan). Where approved CEMPs exist they must be followed in the first instance. Where there is a difference between approved CEMPs and this procedure, the approved CEMP must be followed. Where an approved CEMP does not provide sufficient detail on particular issues, this procedure should be used as additional guidance. When in doubt always seek environment and legal advice on varying approved CEMPs.

² The Procedure for Aboriginal cultural heritage consultation and investigation (2011) recommends that applicable Part 4 and Part 5 projects that are likely to impact Aboriginal objects during construction seek a whole-of-project AHIP. This type of AHIP generally allows a project to impact known and potential Aboriginal objects within the entire project area, without the need to stop works. It should be noted that an AHIP may exclude impact to certain objects and areas, such as burials or ceremonial sites. In such cases, the project must follow this procedure.

3. Types of unexpected heritage items and their legal protection

The roles of project, field and environmental staff are critical to the early identification and protection of unexpected heritage items. Appendix A illustrates the wide range of heritage discoveries found on Transport projects and provides a useful photographic guide. Subsequent confirmation of heritage discoveries must then be identified and assessed by technical specialists (usually an archaeologist).

An 'unexpected heritage item' means any unanticipated discovery of an actual or potential heritage item, for which Transport does not have approval to disturb³ or does not have a safeguard in place (apart from this procedure) to manage the disturbance.

These discoveries are categorised as either:

- a) Aboriginal objects.
- b) Historic (non-Aboriginal) heritage items.
- c) Human skeletal remains.

The relevant legislation that applies to each of these categories is described below.

3.1 Aboriginal Objects

The *National Park and Wildlife Act 1974* (NSW) protects Aboriginal objects which are defined 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"*⁴.

Examples of Aboriginal objects include stone tool artefacts, shell middens, axe grinding grooves, pigment or engraved rock art, burials and scarred trees.

Important: All Aboriginal objects, regardless of significance, are protected under law.

If any impact is expected to an Aboriginal object, an Aboriginal Heritage Impact Permit (AHIP) is usually required from Heritage NSW⁵ and when a person becomes aware of an Aboriginal object they must notify the Department of Premier and Cabinet Secretary about its location⁶. Assistance on how to do this is provided in Section 6 (step 5).

3.2 Historic heritage items

Historic (non-Aboriginal) heritage items may include:

- Archaeological 'relics'.
- Other historic items (i.e., works, structures, buildings or movable objects).

³ Disturbance is considered to be any physical interference with the item EP&A Act that results in it being destroyed, defaced, damaged, harmed, impacted or altered in any way (this includes archaeological investigation activities).

⁴ Section 5(1) *National Park and Wildlife Act 1974* (NSW).

⁵ Except when, Division 4.7 of Part 4 or Division 5.2 of Part 5 applies.

⁶ This is required under s89(A) of the *National Park and Wildlife Act 1974* (NSW) and applies to all projects assessed under Division 4.7, Part 4, and Division 5.2 Part 5 of the EP&A Act, including exempt development.

3.2.1 Archaeological relics

The *Heritage Act 1977* (NSW) protects relics which are defined as:

“any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and is of State or local heritage significance”⁷

Relics are archaeological items of local or state significance which may relate to past domestic, industrial or agricultural activities in NSW, and can include bottles, remnants of clothing, pottery, building materials and general refuse.

Important: All relics are subject to statutory controls and protection.

If a relic is likely to be disturbed, a heritage approval is usually required from the Heritage Council of NSW⁸. When a person discovers a relic, they must notify the Heritage Council of NSW of its location⁹. Advice on how to do this is provided in Section 6 (Step 5).

3.2.2 Other historic items

Some historic heritage items are not considered to be ‘relics’, but are instead referred to as works, buildings, structures or movable objects. Examples of these items that Transport may encounter include culverts, historic road formations, historic pavements, buried roads, retaining walls, tramlines, cisterns, fences, sheds, buildings and conduits. Although an approval under the *Heritage Act 1977* (NSW) (Heritage Act) may not be required to disturb these items, their discovery must be managed in accordance with this procedure.

As a general rule, an archaeological relic requires discovery or examination through the act of excavation. An archaeological excavation permit under section 140 of the Heritage Act is required to do this. In contrast, ‘other historic items’ either exist above the ground’s surface (e.g., a shed), or they are designed to operate and exist beneath the ground’s surface (e.g., a culvert).

Despite this difference, it should be remembered that relics can often be associated with ‘other heritage items’ such as archaeological deposits within cisterns and underfloor deposits under buildings.

3.3 Human skeletal remains

Human skeletal remains can be classed as:

- Reportable deaths.
- Aboriginal objects.
- Relics.

Where it is suspected that less than 100 years has elapsed since death, human skeletal remains come under the jurisdiction of the State Coroner and the *Coroners Act 2009* (NSW). Under s 35(2) of that Act, a person must report the death to a police officer, a coroner or an assistant coroner as soon as possible. This applies to all human remains less than 100 years old¹⁰ regardless of ancestry. Public health controls may also apply.

Where remains are suspected of being more than 100 years old, they are considered to be either Aboriginal objects or non-Aboriginal relics depending on the ancestry of the individual. Aboriginal human remains are

⁷ Section 4(1) *Heritage Act 1977* (NSW).

⁸ Except when Division 4.7 of Part 4 or Division 5.2 of Part 5 of the EP&A Act applies.

⁹ This is required under s146 of the Heritage Act and applies to all projects assessed under, Part 4, including Division 4.7, Part 5 and including Division 5.2 of the EP&A Act, including exempt development.

¹⁰ Under s 19 of the Coroners Act 2009, the coroner has no jurisdiction to conduct an inquest into reportable death unless it appears to the coroner that (or that there is reasonable cause to suspect that) the death or suspected death occurred within the last 100 years.

protected under the *National Parks and Wildlife Act 1974*, while non-Aboriginal remains are protected under the *Heritage Act 1977* (NSW).

The approval and notification requirements of these Acts are described above in Sections 3.1 and 3.2. Additionally, the discovery of Aboriginal human remains also triggers notification requirements to the Commonwealth Minister for the Environment under s 20(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

Important: All human skeletal remains are subject to statutory controls and protections.

All bones must be treated as potential human skeletal remains and work around them must stop while they are protected and investigated urgently.

Guidance on what to do when suspected human remains are found is in Appendix E.

4. Procedure overview

On discovering something that could be an unexpected heritage item ('the item'), the following procedure must be followed. There are eight steps in the procedure. These steps are summarised in Figure 1 below and explained in detail in Section 6.

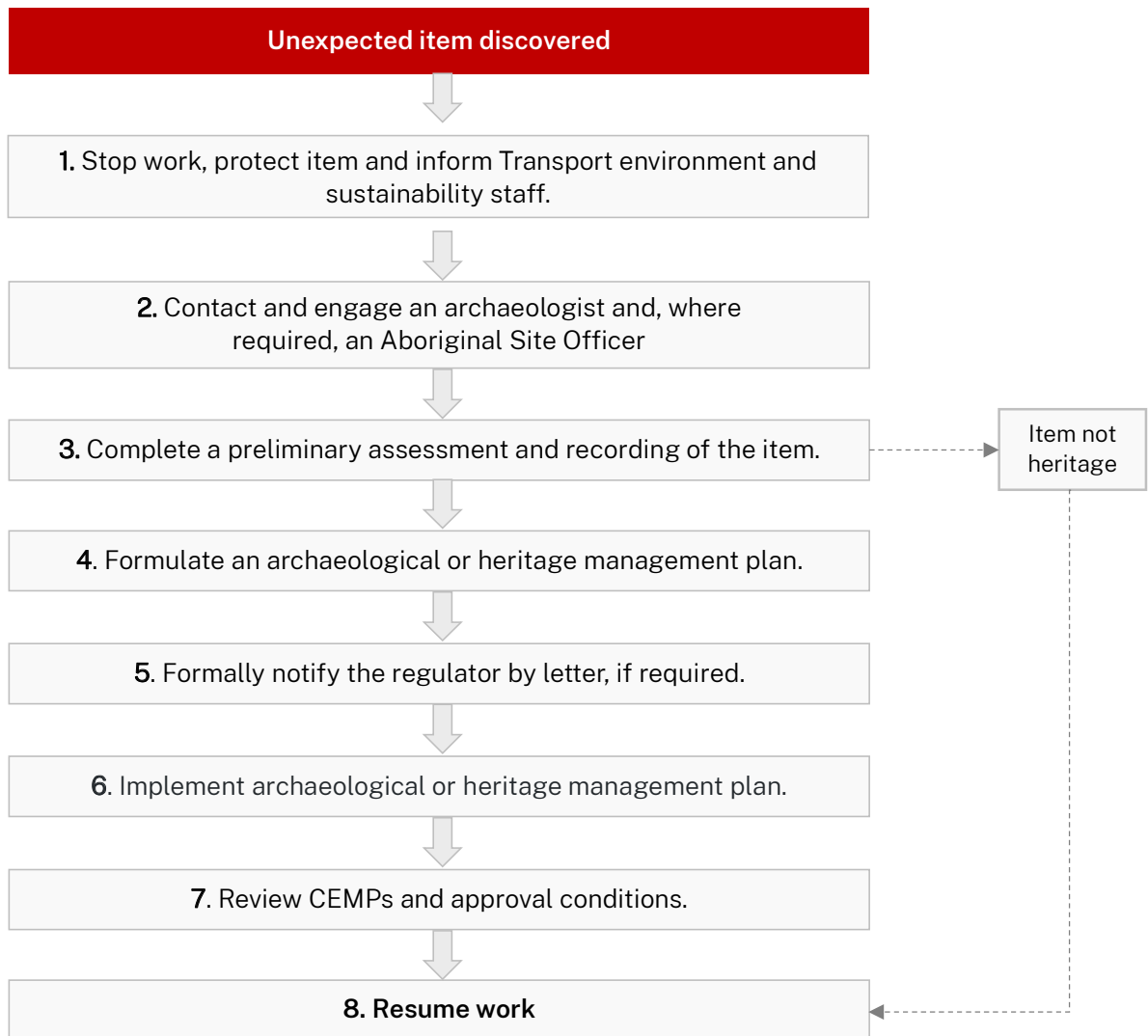


Figure 1: Overview of steps to be undertaken on the discovery of an unexpected heritage item.

Important:

Transport may have approval or specific safeguards in place (apart from this procedure) to impact on certain heritage items during construction. If you discover a heritage item and you are unsure whether an approval or safeguard is in place, **STOP** works and follow this procedure.

5. Related information

5.1 Related Transport policies and framework

- [Transport Environment and Sustainability Policy](#)
- [Environment & Sustainability Management Framework](#)
- Cultural heritage policy

5.2 This procedure should be read in conjunction with:

- Procedure for Aboriginal Cultural Heritage Consultation and Investigation
- EMF-HE-GD-0077 Cultural heritage guidelines
- Environmental Impact Assessment Procedure for Routine and Minor Works EMF-PA-PR-0081
- Environmental Impact Assessment Procedure for Bushfire Hazard Reduction - EIA-P06
- Environmental Impact Assessment Procedure for Review of Environmental Factors EMF-PA-PR-0070
- Environmental Impact Assessment Procedure for State Significant Infrastructure EMF-PA-PR-0072
- EMF-EM-PR-0001 Environmental Incident Procedure

Important:

If you are working under a contract that predates 19 July 2021 under legacy Roads and Maritime work, please contact the Assurance and performance improvement team via nevops@transport.nsw.gov.au

5.3 Other relevant reading material

- NSW Heritage Office (1998), Skeletal remains: guidelines for the management of human skeletal remains.
- Department of Environment and Conservation NSW (2006), Manual for the identification of Aboriginal remains.

6. Unexpected heritage items procedure

6.1 Specific tasks to be implemented following discovery of an unexpected heritage item.

Aboriginal Cultural Heritage Officer (ACHO); Aboriginal Sites Officer (ASO); Archaeologist (A); Project Manager (PM); Environment and sustainability Staff (RS); Registered Aboriginal Parties (RAPs); Senior Specialist (Heritage) (SS(H)); Team leader – Roads and Maintenance or equivalent (TL -RM); Works supervisor – Roads and Maintenance (WS -RM).

Step	Task	Responsibility	Guidance and tools
1	Stop work, protect item and inform Transport environment and sustainability staff		
1.1	Stop all work in the immediate area of the item and notify the Project Manager or Team Leader-RM. (For maintenance activities, the Team Leader is to also notify the Works Supervisor-RM).	All	Appendix A (Identifying unexpected heritage items)
1.2	Establish a 'no-go zone' around the item. Use high-visibility fencing where practical.	PM or TL-RM	
1.3	Inform all site personnel about the no-go zone. No further interference, including works, ground disturbance, touching or moving the item must occur within the no-go zone.	PM or TL-RM	
1.4	Inspect, document and photograph the item using 'Unexpected Heritage Item Recording Form (Appendix B).	PM or TL-RM	Appendix B (Unexpected Heritage Item Recording Form) Appendix C (Photographing Unexpected Heritage items)
1.5	Is the item likely to be bone? If yes , follow the steps in Appendix E. Where it is obvious that the bones are human remains, you must notify the local police by telephone immediately. They may take command of all or part of the site. If no , continue to next step.		Appendix E (Uncovering bones)
1.6	Is the item likely to be: a) A relic? (A relic is evidence of past human activity which has local or state heritage significance. It may include items such as bottles, utensils, remnants of clothing, rockery, personal effects, tools, machinery and domestic or industrial refuse) and/or b) An Aboriginal object? (An Aboriginal object may include a shell midden, stone tools, bones, rock art or a scarred tree).		Appendix A (Identifying heritage items)

	<p>If yes, proceed directly to Step 1.8</p> <p>If no, proceed to next step.</p>		
1.7	<p>Is the item likely to be a 'work', building or standing structure? (This may include tram tracks, kerbing, historic road pavement, fences, sheds or building foundations).</p> <p>If yes, can works avoid further disturbance to the item? (E.g., if historic road base/tram tracks have been exposed, can they be left in place?) If yes, works may proceed without further disturbance to the item. Complete Step 1.8 within 24 hours.</p> <p>If works cannot avoid further disturbance to the item, works must not recommence at this time. Complete the remaining steps in this procedure.</p>		Appendix A (Identifying heritage items)
1.8	Inform relevant Transport Environment and Sustainability staff of item by providing them with the completed Appendix B.	PM or WS-RM (ES)	Section 7 (Seeking advice)
1.9	<p>Environment and Sustainability staff to advise Project Manager or Works Supervisor whether Transport has an approval or safeguard in place (apart from this procedure) to impact on the 'item'. (An approval may include an approval under the Heritage Act, the National Parks and Wildlife Act or the Environmental Planning and Assessment Act).</p> <p>Does Transport have an approval, permit or appropriate safeguard in place to impact on the item?</p> <p>If yes, work may recommence in accordance with the approval, permit or safeguard. There is no further requirement to follow this procedure.</p> <p>If no, continue to next step.</p>		
1.10	Liaise with Traffic Management Centre where the delay is likely to affect traffic flow.	PM or WS-RM	
1.11	Report the item as a 'Reportable Event' in accordance with the Transport <i>Environmental Incident Procedure (EMF-EM-PR-0001)</i> . Implement any additional reporting requirements related to the project's approval and CEMP, where relevant.	PM or WS-RM	Environmental Incident Procedure EMF-EM-PR-0001

Step	Task	Responsibility	Guidance and tools
2	Contact and engage an archaeologist and, where required, an Aboriginal site officer		
2.1	<p>Contact the project (on-call) archaeologist to discuss the location and extent of the item and to arrange a site inspection, if required. The project CEMP may contain contact details of the project archaeologist.</p> <p>OR</p> <p>Where there is no project archaeologist engaged for the works, engage a suitably-qualified and experienced archaeological consultant to assess the find. A list of heritage consultants is available on the Transport contractor panels on the Buy NSW (NSW government) homepage.</p> <p>Environment and sustainability staff and Transport heritage staff can also advise on appropriate consultants.</p>	PM or WS-RM (A; ES; SS(H))	<p>Section 7 (Seeking advice)</p> <p>Buy NSW (NSW government)</p>
2.2	Where the item is likely to be an Aboriginal object, speak with your Aboriginal Cultural Heritage Officer to arrange for an Aboriginal Sites Officer to assess the find. Generally, an Aboriginal Sites Officer would be from the relevant local Aboriginal land council. If an alternative contact person (i.e., a RAP) has been nominated as a result of previous consultation, then that person is to be contacted.	PM or WS-RM (ACHO; ASO)	
2.3	If requested, provide photographs of the item taken at Step 1.4 to the archaeologist, and Aboriginal Sites Officer if relevant.	PM or WS-RM (ES)	Appendix C (Photographing Unexpected Heritage items)
3	Preliminary assessment and recording of the find		
3.1	In a minority of cases, the archaeologist (and Aboriginal Sites Officer, if relevant) may determine from the photographs that no site inspection is required because no archaeological constraint exists for the project (e.g., the item is not a 'relic', a 'heritage item' or an 'Aboriginal object'). Any such advice should be provided in writing (e.g., via email) and confirmed by the Project Manager or Works Supervisor -RM.	A/PM/ASO/WS-RM	Proceed to Step 8
3.2	Arrange site access for the archaeologist (and Aboriginal Sites Officer, if relevant) to inspect the item as soon as practicable. In most cases, a site inspection is required to conduct a preliminary assessment.	PM or WS-RM	
3.3	Subject to the archaeologist's assessment (and the Aboriginal Sites Officer's assessment, if relevant), work may recommence at a set distance from the item. This is to protect any other archaeological material that may exist in the vicinity, which has not yet been uncovered. Existing protective fencing established in Step 1.2 may need to be adjusted to reflect the extent of the newly assessed protective area. No works are to take place within this area once established.	A/PM/ASO/WS-RM	
3.4	The archaeologist (and Aboriginal Sites Officer, if relevant) may provide advice after the site inspection and preliminary assessment that no archaeological constraint exists for the project (e.g., the item is not a 'relic', a 'heritage item' or an 'Aboriginal object'). Any such advice should be provided in writing (e.g., via email) and confirmed by the Project Manager or Works Supervisor -RM.	A/PM/ASO/WS-RM	Proceed to Step 8

3.5	Where required, seek additional specialist technical advice (such as a forensic or physical anthropologist to identify skeletal remains). Environment and sustainability staff and/or Transport heritage staff can provide contacts for such specialist consultants.	ES/SS(H)	Appendix D (Key environmental contacts)
3.6	Where the item has been identified as a 'relic,' 'heritage item' or an 'Aboriginal object' the archaeologist should formally record the item.	A	
3.7	The regulator can be notified informally by telephone at this stage by the archaeologist, Project Manager (or delegate) or Works Supervisor -RM. Any verbal conversations with regulators must be noted on the project file for future reference.	PM/A/WS-RM	
4	Prepare an archaeological or heritage management plan		
4.1	<p>The archaeologist must prepare an archaeological or heritage management plan (with input from the Aboriginal Sites Officer, where relevant) shortly after the site inspection. This plan is a brief overview of the following:</p> <ul style="list-style-type: none"> (a) description of the feature (b) historic context if data is easily accessible (c) likely significance (d) heritage approval and regulatory notification requirements (e) heritage reporting requirements (f) stakeholder consultation requirements (g) relevance to other project approvals and management plans etc. 	A/ASO	Appendix F (Archaeological/Heritage Advice Checklist)
4.2	In preparing the plan, the archaeologist with the assistance of environment and sustainability staff must review the CEMP, any heritage sub-plans, any conditions of heritage approvals, conditions of project approval (and or Minister's Conditions of Approval) and heritage assessment documentation (e.g., Aboriginal Cultural Heritage Assessment Report). This will outline if the unexpected item is consistent with previous heritage/project approval(s) and/or previously agreed management strategies. The Project Manager and environment and sustainability staff must provide all relevant documents to the archaeologist to assist with this. Discussions should occur with design engineers to consider if re-design options exist and are appropriate.	A/ES/PM	Appendix F (Archaeological/Heritage Advice Checklist)
4.3	The archaeologist must submit this plan as a letter, brief report or email to the Project Manager outlining all relevant archaeological or heritage issues. This plan should be submitted to the Project Manager as soon as practicable. Given that the archaeological management plan is an overview of all the necessary requirements (and the urgency of the situation), it should take no longer than two working days to submit to the Project Manager.	A	
4.4	The Project Manager or Works Supervisor must review the archaeological or heritage management plan to ensure all requirements can reasonably be implemented. Seek additional advice from environment and sustainability staff and Transport heritage staff, if required.	PM/ES/SS(H)/ WS-RM	

Step	Task	Responsibility	Guidance and tools
5	Notify the regulator, if required.		
5.1	Review the archaeological or heritage management plan to confirm if regulator notification is required. Is notification required? If no , proceed directly to Step 6 If yes , proceed to next step.	PM/ES/SS(H)/WS-RM	
5.2	If notification is required, complete the template notification letter.	PM or WS-RM	Appendix G (Letter notification template)
5.3	Forward the draft notification letter, archaeological or heritage management plan and the site recording form to r environment and sustainability staff and Senior Specialist (Heritage) for review, and consider any suggested amendments.	PM/ES/SS(H)/WS-RM	
5.4	Forward the signed notification letter to the relevant regulator (i.e., notification of relics must be given to the Heritage NSW,) while notification for Aboriginal objects must be given to the relevant Aboriginal section of Heritage NSW. Informal notification (via a phone call or email) to the regulator prior to sending the letter is appropriate. The archaeological management plan and the completed site recording form must be submitted with the notification letter. For Division 4.7 (SSD) and Division 5.2 (SSI) EP&A Act projects, the Department of Planning and Environment must also be notified.	PM or WS-RM	Appendix D (Key environmental contacts)
5.5	A copy of the final signed notification letter, archaeological or heritage management plan and the site recording form should be kept on file by the Project Manager or Works Supervisor-RMD and a copy sent to the Senior Environmental Specialist (Heritage).	PM or WS-RM	
6			
6.1	Modify the archaeological or heritage management plan to take into account any additional advice resulting from notification and discussions with the regulator.	A/PM or WS-RM (ES)	
6.2	Implement the archaeological or heritage management plan. Where impact is expected, this would include such things as a formal assessment of significance and heritage impact assessment, preparation of excavation or recording methodologies, consultation with registered Aboriginal parties, obtaining heritage approvals etc., if required.	PM or WS-RM (RAPs and ES)	PACHCI Stage 3
6.3	Where heritage approval is required contact environment and sustainability staff for further advice and support material. Please note time constraints associated with heritage approval preparation and processing. Project scheduling may need to be revised where extensive delays are expected.	PM/ES/WS-RM	
6.4	For Division 4.7 (SSD) and Division 5.2 (SSI) EP&A Act projects, assess whether heritage impact is consistent with the project approval or if project approval modification is required from the Department of Planning and Environment. Seek advice from environment and sustainability staff and Environment and Sustainability specialist staff if unsure.	PM/ES	

6.5	Where statutory approvals (or project approval modification) are required, impact upon relics and/or Aboriginal objects must not occur until heritage approvals are issued by the appropriate regulator.	PM or WS-RM	
6.6	Where statutory approval (or Division 4.7 (SSD)/ Division 5.2 (SSI) of the EP&A Act project modification) is not required and where recording is recommended by the archaeologist, sufficient time must be allowed for this to occur.	PM or WS-RM	
6.7	Ensure short term and permanent storage locations are identified for archaeological material or other heritage material is removed from site, where required. Interested third parties (e.g., museums or local councils) should be consulted on this issue. Contact environment and sustainability staff and Senior Specialist (Heritage) for advice on this matter, if required.	PM or WS-RM	
7	Review CEMPs and approval conditions		
7.1	Check whether written notification is required to be sent to the regulator before recommencing work. Where this is not explicit in heritage approval conditions, expectations should be clarified directly with the regulator	PM	
7.2	Update the CEMP, site mapping and project delivery program as appropriate with any project changes resulting from final heritage management (e.g., retention of heritage item, salvage of item). Updated CEMPs must incorporate additional conditions arising from any heritage approvals, and Aboriginal community consultation if relevant. Include any changes to CEMP in site induction material and update site workers during toolbox talks.	PM	
8	To resume work		
8.1	Seek written clearance to resume project work from environment and sustainability staff and the archaeologist (and regulator, if required). Clearance would only be given once all archaeological excavation and/or heritage recommendations (where required) are complete. Resumption of project work must be in accordance with all relevant project/heritage approvals/determinations.	ES/A/PM/WS-RM	
8.2	If required, ensure archaeological excavation/heritage reporting and other heritage approval conditions are completed in the required timeframes. This includes artefact retention repositories, conservation and/or disposal strategies.	PM/A/WS-RM	
8.3	Forward all heritage/archaeological assessments, heritage location data and its ownership status to the Senior Specialist (Heritage). They will ensure all heritage items in Transport's ownership and/or control are considered for the Transport S170 Heritage and Conservation Register.	PM/SS(H)/ WS-RM	
8.4	If additional unexpected items are discovered this procedure must begin again from Step 1.	PM/TL-RM	

7. Seeking advice

Advice on this procedure should be sought from Transport's Environment and Sustainability heritage staff (see contact details below). Contractors and alliance partners should ensure their own project environment managers are aware of and understand this procedure. Environment and sustainability staff can assist non-Transport project environment managers with enquires concerning this procedure.

Important: Transport staff and contractors must not seek advice on this procedure directly from Heritage NSW without first seeking advice from Environment and Sustainability heritage staff or environment and sustainability staff.

Technical archaeological or heritage advice regarding an unexpected heritage item should be sought from the contracted archaeologist. Technical specialist advice can also be sought from heritage staff within Environment and Sustainability to assist with the preliminary archaeological identification and technical reviews of heritage/archaeological reports.

Key environmental contacts

Region	Role	Phone
Northern region (including the Hunter)	David Nalder - Snr Manager, Aboriginal Engagement (North)	0447 717 866
South and West region	Bobbi Brodie - Snr Manager, Aboriginal Engagement South & West	0429 684 583
Sydney region	Jodie Towney - Snr Aboriginal Engagement Specialist (Sydney)	0476 823 146
Environment and Sustainability	Denis Gojak - Senior Specialist (Heritage) Denis.gojak@transport.nsw.gov.au Please cc the following email: es_heritage@transport.nsw.gov.au	8843 3053 0400 474 405

Heritage regulators

Department/Office	Contact	Phone
Heritage NSW, Department of Planning and Environment	Heritage NSW	(02) 9873 8500
Department of Agriculture, Water and the Environment (DAWE) (Commonwealth)	DAWE	(02) 6272 3933

Project-specific contacts

Position	Name	Phone
Project Manager		
Site/Alliance Environment Manager		
Environmental Officer		
Aboriginal Cultural Heritage Officer		
Consultant Archaeologist		
Local Police Station		
Environment Line		131 555

8. Definitions

<INSTRUCTION: Do not include words or terms that have a commonly understood meaning -delete message.>

Term	Definition
Archaeologist	Archaeologist
ACHO	Aboriginal Cultural Heritage Officer
AHIP	Aboriginal Heritage Impact Permit
ASO	Aboriginal Site Officer
CEMP	Construction Environment Management Plan
HNSW	Heritage NSW, Department of Planning and Environment
PACHCI	Procedure for Aboriginal Cultural Heritage Consultation and Investigation
PM	Project Manager
RAP	Registered Aboriginal Parties
E&S	Environment and Sustainability (branch)
SS(H)	Senior Specialist (Heritage)
TL-RM	Team Leader –Roads and Maintenance or equivalent role
Transport	Transport for NSW
WS-RM	Works Supervisor –Roads and Maintenance or equivalent role

9. Accountabilities

Role	Responsibility
Aboriginal Cultural Heritage Officer (ACHO)	Provides Aboriginal cultural heritage advice to project teams. Acts as Aboriginal community liaison for projects on cultural heritage matters. Engages and consults with the Aboriginal community as per the <i>Transport Procedure for Aboriginal Cultural Heritage Consultation and Investigation</i> .
Aboriginal Sites Officer (ASO)	Is an appropriately trained and skilled Aboriginal person whose role is to identify and assess Aboriginal objects and cultural values. For details on engaging Aboriginal Sites Officers, refer to <i>Transport Procedure for Aboriginal Cultural Heritage Consultation and Investigation</i> .
Archaeologist (A)	Professional consultant, contracted on a case-by-case basis to provide heritage and archaeological advice and technical services (such as reports, heritage approval documentation, etc.). Major projects with complex heritage issues often have an on-call project archaeologist.
Project Management (PM)	Ensures all aspects of this procedure are implemented. The PM can delegate specific tasks to a construction environment manager, Transport site representatives or environment and sustainability staff, where appropriate.
Environment and sustainability staff (ES)	Provide advice on this procedure to project teams. Ensuring this procedure is implemented consistently by supporting the PM. Supporting project teams during the uncovering of unexpected finds. Reviewing archaeological management plans and liaising with heritage staff and archaeological consultants as needed.
Registered Aboriginal Parties (RAPs)	RAPs are Aboriginal people who have registered with Transport to be consulted about a proposed project or activity in accordance with OEH's Aboriginal cultural heritage consultation requirements for proponents (2010).
Senior Specialist (Heritage)	Provides technical assistance on this procedure and archaeological technical matters, as required. Reviewing the archaeological management plans and facilitating heritage approval applications, where required. Assists with regulator engagement, where required.
Team Leader - Roads and Maintenance (TL-RM)	Ensures Maintenance staff stop work in the vicinity of an unexpected heritage item. Completes <i>Unexpected Heritage Item Recording Form in Appendix B</i> and notifies WS-RM.
Technical Specialist	Professional consultant contracted to provide specific technical advice that relates to the specific type of unexpected heritage find (for example a forensic or physical anthropologist who can identify and analyse human skeletal remains).
Works Supervisor - Roads and Maintenance (WS-M)	Ensures Roads and Maintenance staff are aware of this procedure. Supports the Team Leader - Roads and Maintenance during the implementation of this procedure and ensures reporting of unexpected heritage items through environment management systems.

Appendix A: Identifying unexpected heritage items

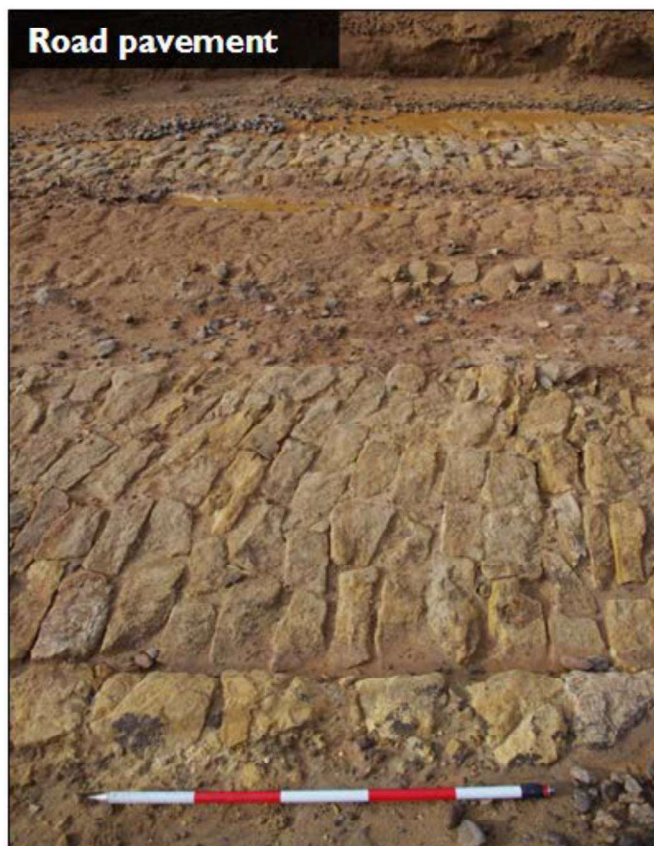
The following images can be used to assist in the preliminary identification of potential unexpected items (both Aboriginal and non-Aboriginal) during construction and maintenance works. Please note this is not a comprehensive typology.



Figures: Top left hand picture continuing clockwise: stock camp remnants (Hume Highway Bypass at Tarcutta); linear archaeological feature with post holes (Hume Highway Duplication), animal bones (Hume Highway Bypass at Woomargama); cut wooden stake; glass jars, bottles, spoon and fork recovered from refuse pit associated with a Newcastle Hotel (Pacific Highway, Adamstown Heights, Newcastle area).



Figures: Top left hand picture continuing clockwise: woodstave water pipe with tar and wire sealing (Horsley drive); tram tracks (Sydney); brick lined cistern (Clyde); retaining wall (Great Western Highway, Leura).



Figures: Top left-hand picture continuing clockwise: road pavement (Great Western Highway, Lawson); sandstone kerbing (Parramatta Road, Mays Hill); Telford sandstone road base (Great Western Highway, Leura); ceramic conduit and sandstone culvert headwall (Blue Mountains, NSW); corduroy timber road base (Entrance Road, Wamberal).



Alignment pin



Survey tree



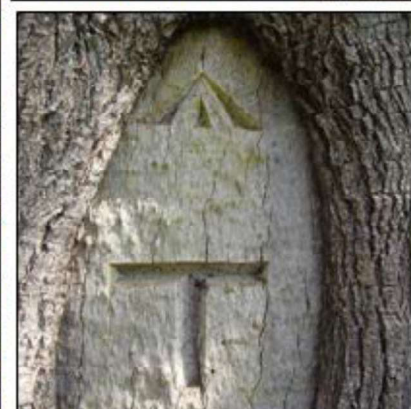
Alignment stone



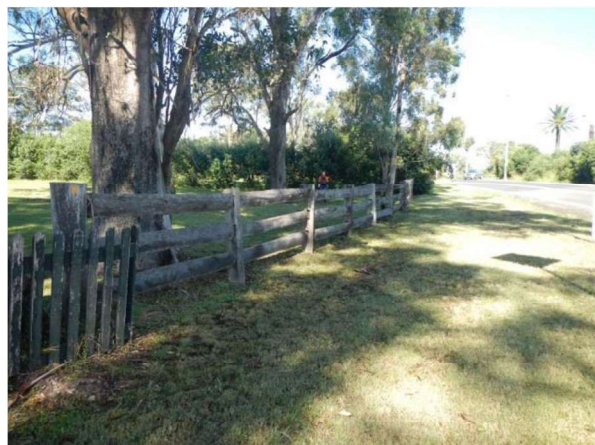
Survey tree



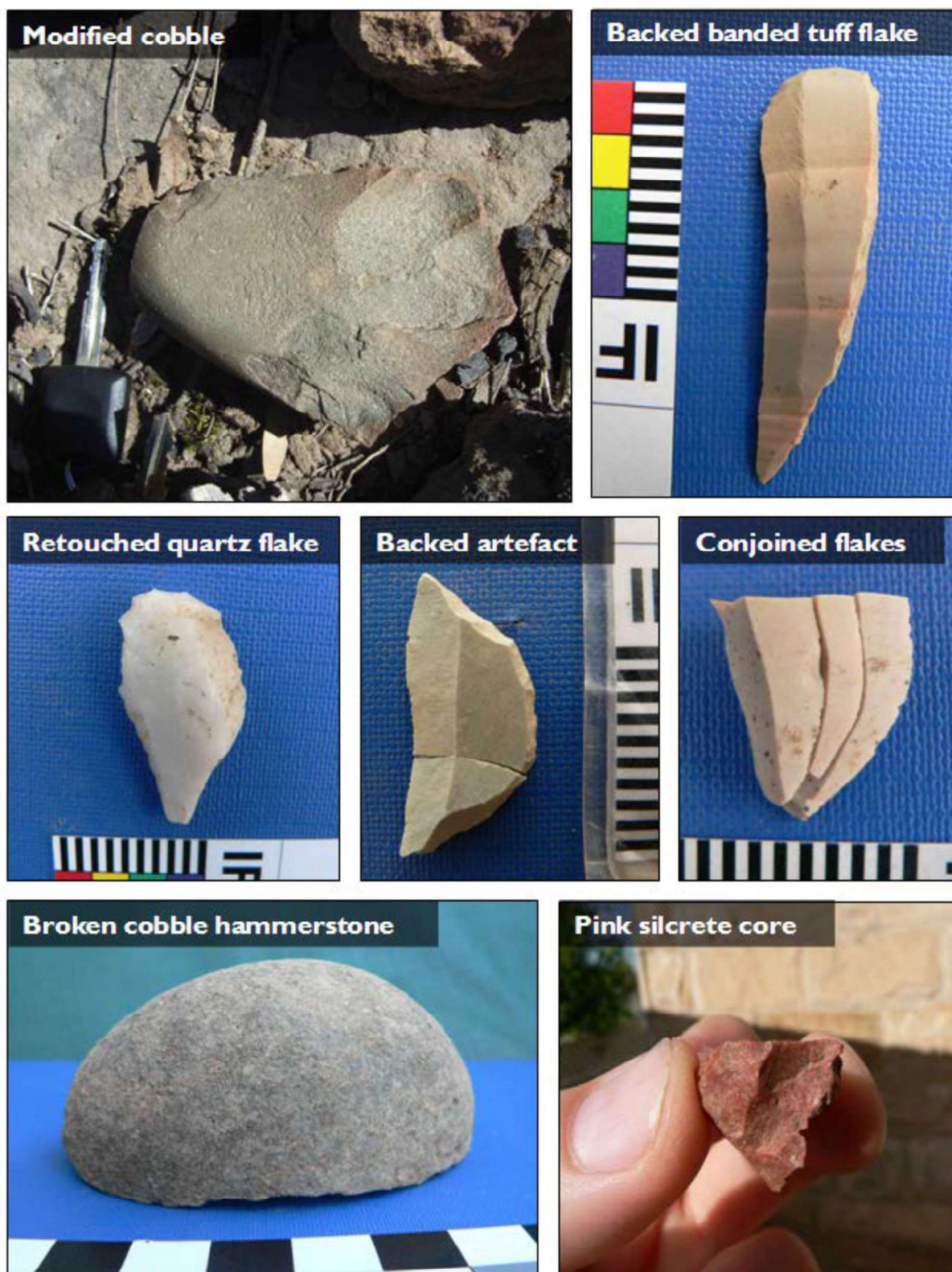
Milestone



Figures: Top left-hand corner continuing clockwise: alignment pin (Great Western Highway, Wentworth Falls); survey tree (MR7, Albury); survey tree (Kidman Way, Darlington Point, Murrumbidgee); survey tree (Cobb Highway, Deniliquin); milestone (Great Western Highway, Kingswood, Penrith); alignment stone (near Guntawong Road, Riverstone). Please note survey marks may have additional statutory protection under the *Surveying and Spatial Information Act 2002*.



Figures: Top left-hand corner continuing clockwise: remnant bridge piers (Putty Road, Bulga); wooden boundary fence (Campbelltown Road, Denham Court); dairy shed (Ballina); *Golden Arrow Mine Shaft Act 2002*.



Figures: Top left-hand corner: culturally-modified stone discovered on Main Road 92, about two kilometres west of Sassafras. The remaining images show a selection of stone artefacts retrieved from test and salvage archaeological excavations during the Hume Highway Duplication and Bypass projects from 2006-2010

Appendix B: Unexpected heritage item recording form

Unexpected heritage item recording form

TRANSPORT FOR NSW - UNEXPECTED HERITAGE ITEM

Date		Recorded by	Name	
			Position	
Project name				
Description of works being undertaken (e.g., removal of failed pavement by excavation and pouring concrete slabs in 1m x 1m replacement sections).				
Description of exact location of item (e.g., Within the road formation on Parramatta Road, east bound lane, at the corner of Johnston Street, Annandale, Sydney)				
Description of item found (What type of item is it likely to be? Tick the relevant boxes)				
A. Relic	<input type="checkbox"/>	A 'relic' is evidence of a past human activity relating to the settlement of NSW with local or state heritage significance. A relic might include bottles, utensils, plates, cups, household items, tools, implements, and similar items.		
B. 'Work, building or structure'	<input type="checkbox"/>	'Work' can generally be defined as a form of infrastructure such as tram tracks, a culvert, road base, a bridge pier, kerbing, and similar items.		
C. An Aboriginal object	<input type="checkbox"/>	An 'Aboriginal object' may include stone tools, stone flakes, shell middens, rock art, scarred trees and human bones.		
D. Bone	<input type="checkbox"/>	Bones can either be human or animal remains. Remember that you must contact the local police immediately by telephone if you are certain that the bone(s) are human remains		
E. Other	<input type="checkbox"/>			
Provide a short description of item (e.g., Metal tram tracks running parallel to road alignment. Good condition. Tracks set in concrete, approximately 10cms (100 mm) below the current ground surface).				

Unexpected heritage item recording form

Sketch

(Provide a sketch map of item's general location in relation to other road features so its approximate location can be mapped without having to re-excavate it. In addition, please include details of the location and direction of any photographs of the item taken).

Action taken (tick either A or B)

A. Unexpected item **would not** be further impacted by works ☐

Describe how works would avoid impact on the item

(e.g., the tram tracks will be left in situ, and recovered with road paving).

B. Unexpected item **would** be further impacted by works ☐

Describe how works would impact on the item

(e.g., milling is required to be continued to 200 mm depth to ensure road pavement requirements are met. Tram tracks will need to be removed).

Project manager / works supervisor signature

Appendix C: Photographing unexpected heritage items

Photographs of unexpected items in their current context (in situ) may assist heritage staff and archaeologists to better identify the heritage values of the item. Emailing good quality photographs to specialists can allow for better quality and faster heritage advice. The key elements that must be captured in photographs of the item include its position, the item itself and any distinguishing features. All photographs must have a scale (ruler, scale bar, mobile phone, coin) and a note describing the direction of the photograph.

Context and detailed photographs

It is important to take a general photograph (Figure 1) to convey the location and setting of the item. This will add much value to the subsequent detailed photographs also required (Figure 2).



Figure 1: Telford road uncovered on the Great Western Highway (Leura) in 2008.



Figure 4: Close up detail of the sandstone surface showing material type, formation and construction detail. This is essential for establishing date of the feature.

Photographing distinguishing features

Where unexpected items have a distinguishing feature, close-up detailed photographs must be taken of this, where practicable. In the case of a building or bridge, this may include diagnostic details architectural or technical features. See Figures 3 and 4 as examples.



Figure 3: Ceramic bottle artefact with stamp.

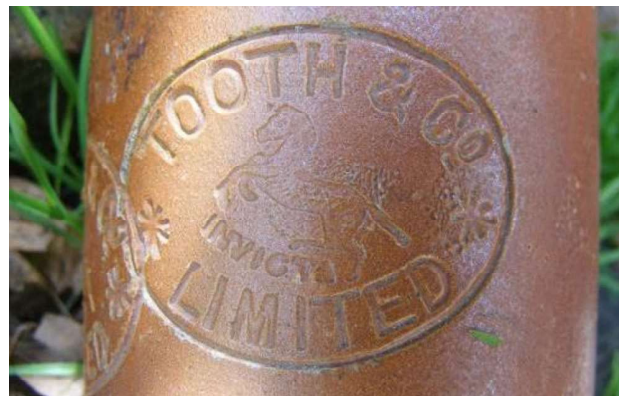


Figure 4: Detail of the stamp allows 'Tooth & Co Limited' to be made out. This is helpful to a specialist in gauging the artefact's origin,

Photographing bones

The majority of bones found on site will those of be recently deceased animal bones often requiring no further assessment (unless they are in archaeological context). However, if bones are human, Transport must contact the police immediately (see Appendix F for detailed guidance). Taking quality photographs of the bones can often resolve this issue quickly. Heritage staff in Environment and Sustainability Branch can confirm if bones are human or non-human if provided with appropriate photographs.

Ensure that photographs of bones are not concealed by foliage (Figure 5) as this makes it difficult to identify. Minor hand removal of foliage can be undertaken as long as disturbance of the bone does not occur. Excavation of the ground to remove bone(s) should not occur, nor should they be pulled out of the ground if partially exposed. Where sediment (adhering to a bone found on the ground surface) conceals portions of a bone (Figure 6) ensure the photograph is taken of the bone (if any) that is not concealed by sediment.



Figure 5: Bone concealed by foliage.



Figure 6: Bone covered in sediment.

Ensure that all close-up photographs include the whole bone and then specific details of the bone (especially the ends of long bones, the epiphysis, which is critical for species identification). Figures 7 and 8 are examples of good photographs of bones that can easily be identified from the photograph alone. They show sufficient detail of the complete bone and the epiphysis.



Figure 7: Photograph showing complete bone.



Figure 8: Close up of a long bone's epiphysis.

Appendix E: Uncovering bones

This appendix provides project managers with:

- (1) advice on what to do when bones are discovered.
- (2) guidance on the notification pathways.
- (3) additional considerations and requirements when managing the discovery of human remains.

1. First uncovering bones

Stop all work in the vicinity of the find. All bones uncovered during project works should be **treated with care and urgency** as they have the potential to be human remains. Therefore, they must be identified as either human or non-human as soon as possible by a qualified forensic or physical anthropologist. These specialist consultants can be sought by contacting environment and sustainability staff and/or Environment and Sustainability heritage staff.

On the very rare occasion where it is instantly obvious from the remains that they are human, the Project Manager (or a delegate) should **inform the police by telephone** prior to seeking specialist advice. It will be obvious that it is human skeletal remains where there is no doubt, as demonstrated by the example in Figure 1. Often skeletal elements in isolation (such as a skull) can also clearly be identified as human. Note it may also be obvious that human remains have been uncovered when soft tissue and clothing are present.



Figure 1: Schematic of complete skeleton that is obviously human¹¹.



Figure 2: Disarticulated bones that require assessment to determine species.

This preliminary phone call is to let the police know that Transport is undertaking a specialist skeletal assessment to determine the approximate date of death which will inform legal jurisdiction. The police may wish to take control of the site at this stage. If not, a forensic or physical anthropologist must be requested to make an on-site assessment of the skeletal remains.

Where it is not 'obvious' that the bones are human (in the majority of cases, illustrated by Figure 2), specialist assessment is required to establish the species of the bones. Photographs of the bones can assist this assessment if they are clear and taken in accordance with guidance provided in Appendix C. Good photographs often result in the bones being identified by a specialist without requiring a site visit; noting they are nearly

¹¹ After Department of Environment and Conservation NSW (2006), Manual for the identification of Aboriginal Remains:

always non-human. In these cases, non-human skeletal remains must be treated like any other unexpected archaeological find.

If the bones are identified as human (either by photographs or an on-site inspection) a technical specialist must determine the likely ancestry (Aboriginal or non-Aboriginal) and burial context (archaeological or forensic). This assessment is required to identify the legal regulator of the human remains so **urgent notification** (as below) can occur. Preliminary telephone or verbal notification by the Project Manager or environment and sustainability staff is considered appropriate. This must be followed up later by Transport's formal letter notification as per Appendix G when a management plan has been developed and agreed to by the relevant parties.

2. Range of human skeletal notification pathways

The following is a summary of the different notification pathways required for human skeletal remains depending on the preliminary skeletal assessment of ancestry and burial context.

a) Human bones are from a recently-deceased person (less than 100 years old).

Action

A police officer must be notified immediately as per the obligations to report a death or suspected death under s35 of the Coroners Act 2009 (NSW). It should be assumed the police will then take command of the site until otherwise directed.

b) Human bones are archaeological in nature (more than 100 years old) and are likely to be Aboriginal remains.

Action

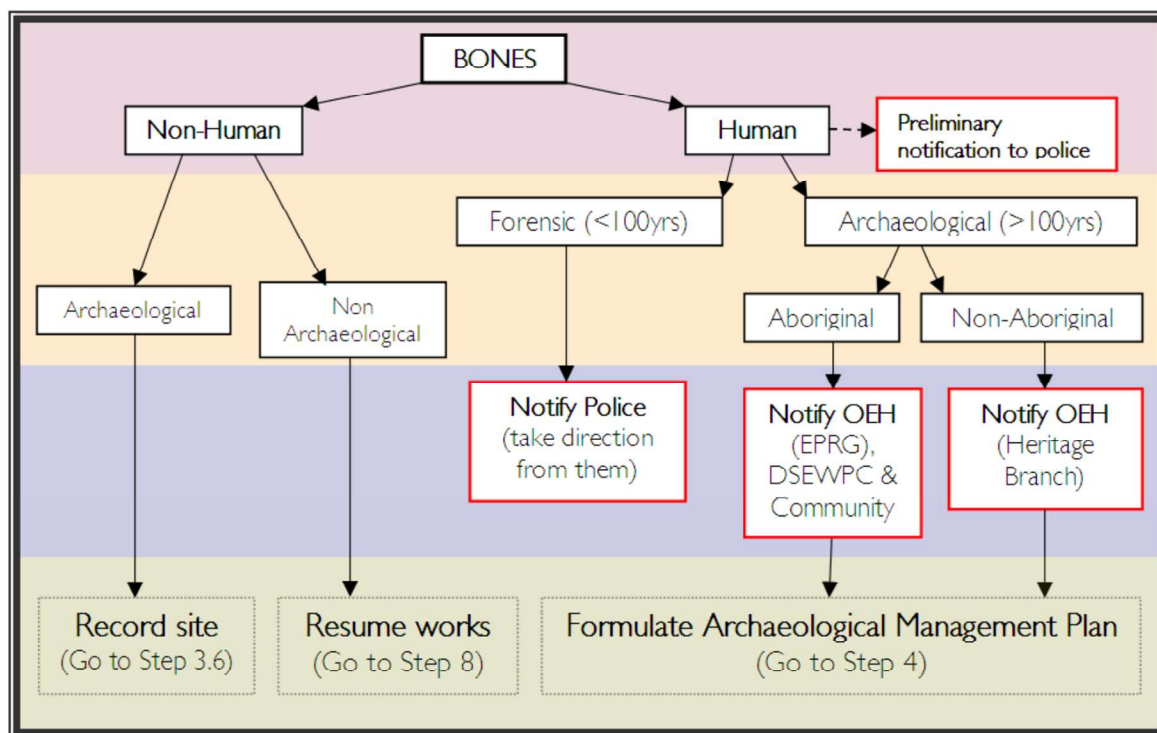
The Heritage NSW and the Transport Aboriginal Cultural Heritage Officer (ACHO) must be notified immediately. The ACHO must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site. Relevant stakeholders are determined by Transport's Procedure for Aboriginal Cultural Heritage Consultation and Investigation (PACHCI).

c) Human bones are archaeological in nature (more than 100 years old) and likely to be non-Aboriginal remains.

Action

Heritage NSW must be notified immediately.

The diagram below summarises the notification pathways on finding bones.



After the appropriate verbal notifications (as described in B and C), the Project Manager must proceed through the Unexpected Heritage Items Procedure to formulate an archaeological management plan (Step 4). Note no archaeological management plan is required for forensic cases (A), as all future management is a police matter.

Non-human skeletal remains must be treated like any other unexpected archaeological find and so must proceed to recording the find as per Step 3.6.

3. Additional considerations and requirements

Uncovering archaeological human remains must be managed intensively and needs to consider a number of additional specific issues. These issues might include facilitating culturally appropriate processes when dealing with Aboriginal remains (such as repatriation and cultural ceremonies). Transport's ACHO can provide advice on this and how to engage with the relevant Aboriginal community. Project Managers, more generally, may also need to consider overnight site security of any exposed remains and may need to manage the onsite attendance of a number of different external stakeholders during assessment and/or investigation of remains. Project

Managers may also be advised to liaise with local church/religious groups and the media to manage community issues arising from the find. Additional investigations may be required to identify living descendants, particularly if the remains are to be removed and relocated.

If exhumation of the remains (from a formal burial or a vault) is required, Project Managers should also be aware of additional approval requirements under the *Public Health Act 2010* (NSW). Specifically, Transport is required to apply to the Director General of NSW Department of Health for approval to exhume human remains as per Clause 26 of the *Public Health Regulation 2012* (NSW)¹².

Further, the exhumation of such remains needs to consider health risks such as infectious disease control, exhumation procedures and reburial approval and registration. Further guidance on this matter can be found at [NSW Health](#).

In addition, due to the potential significant statutory and common law controls and prohibitions associated with interfering with a public cemetery, project teams are advised, when works uncover human remains adjacent to cemeteries, to confirm the cemetery's exact boundaries.

¹² This requirement is in addition to heritage approvals under the *Heritage Act 1977*.

Appendix F: Archaeological Heritage Advice Checklist

The following checklist can be used by the Project Manager and the archaeologist to ensure all relevant archaeological issues are considered when developing the management plan required at Step 4 of this procedure.

An archaeological or heritage management plan can include a range of activities and processes, which differ depending on the find and its significance.

Assessment and Investigation	Required	Outcomes/notes
Assessment of significance.	Yes/No	
Assessment of heritage impact.	Yes/No	
Archaeological excavation.	Yes/No	
Archival photographic recording.	Yes/No	
Heritage approvals and notifications.		
AHIPs, s 140, s 139 exceptions, s 60, etc.	Yes/No	
Regulator relics/objects notification.	Yes/No	
Transport's S170 Heritage and Conservation Register listing requirements.	Yes/No	
Compliance with CEMP or other project heritage approvals.	Yes/No	
Stakeholder consultation.		
Aboriginal stakeholder consultation requirements and how it relates to Transport's <i>Procedure for Aboriginal Cultural Heritage Consultation and Investigation</i> (PACHCI).	Yes/No	
Advice from Environment and sustainability staff, Aboriginal Cultural Heritage Advisor, Transport heritage team.	Yes/No	
Artefact/heritage item management.		
Retention or conservation strategy (e.g., items may be subject to long conservation and interpretation) Disposal strategy (e.g., former road pavement) Short-term and permanent storage locations (interested third parties to be consulted on this issue).	Yes/No	
Control Agreement for Aboriginal objects.	Yes/No	
Program and budget.		
Time estimate associated with archaeological or heritage conservation work.		
Total cost of archaeological heritage work.		

Appendix G: Notification letter template

Drafting guidance: Paste the details below into a Transport for NSW letter template.

[Insert date]

[Insert reference number]

[Insert file number]

[Insert recipient's name and address, see Appendix D]

[Insert salutation and name],

Re: Unexpected heritage item discovered during Transport for NSW (Transport) works.

I write to inform you of an unexpected [select: relic, heritage item or Aboriginal object] found during Transport works at [insert location] on [insert date]. [Where the regulator has been informally notified at an earlier date by telephone, this should be referred to here].

This letter is in accordance with the notification requirement under [select: section 146 of the *Heritage Act 1977* (NSW) or section 89(A) of the *National Parks and Wildlife Act 1974* (NSW)].

NB: There may be not be statutory requirement to notify of the discovery of a 'heritage Item that is not a relic or Aboriginal object].

Drafting guidance

On finding Aboriginal human skeletal remains this letter must also be sent to the Commonwealth Minister for the Department of Agriculture, Water and the Environment (DAWE) in accordance with notification requirements under section 20(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth).

[Provide a brief overview of the project or maintenance works background and area. Provide a summary of the description and location of the item, including a map and image where possible. Include how the works were assessed under the *Environmental Planning and Assessment Act 1979* (NSW) (e.g., Part 5). Include any project approval number, if available].

Transport [or contractor on behalf of Transport] has sought professional archaeological advice regarding the item. A preliminary assessment indicates [provide a summary description and likely significance of the item]. Please find additional information on the site recording form attached.

Resulting from these preliminary findings, Transport [or contractor on behalf of Transport] is proposing [provide a summary of the proposed archaeological/heritage approach (eg develop archaeological research design (where relevant), seek heritage approvals, undertake archaeological investigation or conservation/interpretation strategy). Also include preliminary justification of such heritage impact with regard to project design constraints and delivery program].

The proposed approach will be further developed in consultation with a nominated Office of Environment and Heritage staff member.

Please contact me if you have any input on this approach or if you require any further information.

Yours sincerely

[Sender name and position]

[Attach the archaeological/heritage management plan and site recording form].

