

Appendix N

Maritime Heritage Management Sub-Plan

Western Harbour Tunnel

July 2025

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Document control

Approval and authorisation

Approved on behalf of ACCIONA by	Andrew Marsonet
Signed	
Dated	10-March-2025

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Glossary/ Abbreviations

Abbreviations	Expanded text
Aboriginal place	An Aboriginal Place is an area declared by the Minister administering the Act to be of special significance with respect to Aboriginal culture.
Aboriginal objects	Aboriginal objects include any deposit, object or material evidence (not being a handicraft made for sale), including Aboriginal remains, relating to the Aboriginal habitation of NSW, before or concurrent with occupation by non-Aboriginal people, as defined in section 5 of the NPW Act
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permits
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>
CEMP	Construction Environmental Management Plan
CSSI	Critical State Significant Infrastructure
DPE	Department of Planning and Environment (now known as DPHI)
DPHI	Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
Environmental heritage	Places, buildings, works, relics, movable objects and precincts, of State or local heritage significance as outline 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 1997</i>
Heritage item	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

Abbreviations	Expanded text
	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)
Heritage NSW	Heritage branch of the Department of Premier and Cabinet
LEP	Local Environmental Plan
MCoA	Minister’s Conditions of Approval
MHMP	Maritime Heritage Management Plan (this document)
MLALC	Metropolitan Local Aboriginal Land Council
MOD2	Western Harbour Tunnel and Warringah Freeway Upgrade TBM solution of crossing Sydney Harbour – Modification 2
MSoHI	Maritime Statement of Heritage Impacts
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NSW	New South Wales
PACHCI	Procedure for Aboriginal Cultural Heritage Consultation and Investigation (Roads and Maritime, 2011)
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	The Western Harbour Tunnel project
RAP	Registered Aboriginal Parties
REMM	Revised Environmental Management Measure
RMS	Formerly Roads and Maritime Services, now part of Transport for NSW
RtS	Response to Submissions Report
Secretary	Secretary of the NSW Department of Planning, Industry and Environment (or delegate)
SMART	Specific, Measurable, Achievable, Relevant, and Time-based principles
SSI	State Significant Infrastructure

Abbreviations	Expanded text
Study area	The WHT Project area and a buffer of 50 metres on either side of surface works and the tunnel alignment.
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 Maritime Heritage Management Sub-plan (MHMP 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 MHMP has been prepared to address the maritime 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), the 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 proposes to manage potential maritime heritage impacts during the construction of 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.

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 for the Western Harbour Tunnel and Warringah Freeway Upgrade project was prepared to assess the impacts of construction and operation of the Western Harbour Tunnel and Warringah Freeway Upgrade project. As part of the EIS development, a cultural heritage assessment report (Appendix L (Technical working paper: Cultural heritage report)) was prepared to address Aboriginal cultural heritage issues. The findings of the cultural heritage assessment report are summarised in Chapter 15 (Aboriginal cultural 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 maritime heritage management issues of the Project. Further inspection of sites previously recorded on private land in proximity to Yurulbin Point were carried out and are reported in the archaeological site inspection memorandum (Appendix B) of the RtS. The EIS environmental management measures were revised and included in Part D of the RtS report.

The MOD2 application proposes to modify 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 site at Emu Plains. MOD2 was lodged on 14 July 2023 and was approved by the Planning Secretary on 27 January 2024. The RtS environmental management measures were revised and included in Section 12 of the MOD2 report, specific maritime heritage measures are contained within this Plan.

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 Space (the Minister) on 9 November 2020 and approved by the Minister on 21 January 2021.

The documents listed in the planning approval assessed the potential for direct and indirect impacts on maritime heritage and concluded that the construction phase of the Project will result in

no significant long-term impacts on maritime heritage. The measures and management requirements to minimise impacts are detailed within this Plan.

1.3 Scope and staging

The scope of this MHMP is to describe how ACCIONA will manage impacts on known and potential maritime heritage during the construction of the Project. Terrestrial Aboriginal and non-Aboriginal heritage is managed separately through the Aboriginal Cultural Heritage Management Sub-plan and the Non-Aboriginal Heritage Management Sub-plan respectively.

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 includes 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 ancillary 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 ancillary sites.
- Operation of the City West Link Portal tunnelling ancillary 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 ancillary site, including the construction of an acoustic shed.
- Construction and operation of an additional construction ancillary 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 park

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 MHMP 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 MHMP are outlined in Table 1-1.

Table 1-1 Key interfaces with the MHMP

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 terrestrial Aboriginal cultural heritage will be managed during construction of the Project
Non-Aboriginal Heritage Management Sub-plan	<ul style="list-style-type: none"> • Sets out how terrestrial non-Aboriginal 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	<ul style="list-style-type: none"> • Details how heritage items 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 the construction of the WHT 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
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

1.5 Preparation of Plan

This MHMP has been prepared in consultation with a suitably qualified and experienced maritime archaeologist – Cos Coroneos from Cosmos Archaeology. The maritime archaeologist has 35 years of maritime and terrestrial heritage archaeological experience, a Bachelor of Arts (Honours) in Archaeology and a Graduate Diploma in Maritime Archaeology.

David Nutley, from Comber Consultants also assisted in the review and preparation of the Maritime Statement of Heritage Impact and the Maritime Unexpected Heritage Finds Procedure. David has over 40 years of experience in maritime archaeology. David holds a Graduate Diploma in Maritime Archaeology from Curtin University, a Graduate Diploma in Aboriginal Education from Townsville College of Education, a Master of Maritime Archaeology from Flinders University and a Master of the Built Environment (Heritage Conservation) from the University of New South Wales.

2 Purpose and objectives

2.1 Purpose

The purpose of this Plan is to describe how ACCIONA will manage submerged heritage items during construction of the Project. Terrestrial (land based) heritage items are managed in the ACHMP and NAHMP.

This Plan has been prepared to address the applicable statutory requirements and aims to ensure the effective implementation of the commitments in the planning approval with regard to maritime heritage.

2.2 Objectives

The objective of the MHMP is to ensure that all avoidance, mitigation and management measures relevant to the protection of maritime 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 potential maritime heritage impacts 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 mitigation measures detailed in the MOD2 Report outlined in Table 3-2
- Implement all relevant legislation and other requirements described in Section 3.1 of this MHMP.

Furthermore, the Contractor will meet the performance outcomes from the EIS that are relevant to maritime heritage impacts, as required by MCoA C2(d)(i) and as identified in Table 2-1 below.

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

Performance outcome	Specific outcomes	How these outcomes are addressed in the MHMP	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	Minimise impacts on heritage items during construction	Implement the maritime heritage mitigation measures in Section 7	Environmental inspection records Sensitive Area Plans (CEMP Appendix A5) Heritage Interpretation Plan
	Incorporate heritage values and stories into the final urban design and landscaping outcome	Opportunities to incorporate heritage values and stories into the final urban design and landscaping outcome are included	Place, Design and Landscape Plan (PDLP)

Performance outcome	Specific outcomes	How these outcomes are addressed in the MHMP	Records
Aboriginal objects and places.		in the Place, Design and Landscape Plan	Heritage Interpretation Plan
	Design is sympathetic to the heritage significance of surrounding listed heritage items, and where practicable, avoids and minimises impacts to heritage	Criteria and consideration will be given in detailed design and their reviews	Design reports Place, Design and Landscape Plan (PDLP) Heritage Interpretation Plan
	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	This MHMP has been prepared in accordance with relevant legislation and guidelines where applicable	Compliance Tracking and Environmental Auditing

2.3 Targets

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

- Identify and implement measures to ensure compliance with the relevant legislation, including the *Environmental Planning and Assessment Act 1979 (NSW)*, the *National Parks and Wildlife Act 1974 (NSW)*, *Heritage Act 1977 (NSW)* and, where possible, relevant guidelines
- Ensure full compliance with the MCoA and the revised environmental management measures (REMMs) included in the MOD2 report
- Undertake appropriate consultation with relevant stakeholders in accordance with approval requirements, including consultation requirements of *Standard Management Procedure: Unexpected Heritage Items* (Transport for NSW, 2022) (see Appendix N1)
- Take all reasonable measures so as to not harm, modify or otherwise impact maritime heritage objects except as authorised through the planning approval
- Ensure heritage awareness training is provided to all personnel engaged in work that may impact maritime heritage items in the form of inductions before they begin work on-site
- Follow correct procedures and ensure notification of any maritime heritage items uncovered during construction.

3 Environmental Requirements

3.1 Relevant legislation and guidelines

3.1.1 Legislation

Key legislation relevant to this Plan includes the below:

- *Environmental Planning and Assessment Act 1979*
- *Heritage Act 1977* (NSW)
- *National Parks and Wildlife Act 1974*

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

It should be noted that the Minister for Heritage has listed Berrys Bay Precinct (Carradah Park) on the State Heritage Register on 28 March 2025. The now State heritage item has an exemption order under Section 57(2) of the *Heritage Act 1977*. The exemption order includes '*All works and activities which are in accordance with a current development approval or consent in force at the date of gazettal of the listing. This includes all works and activities in accordance with the Western Harbour Tunnel and Warringah Freeway Upgrade (SSI-8863 and approved modifications to SSI-8863).*'

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 SSI projects.

As an approved CSSI project, no approvals are required under Part 4, or an excavation permit under section 139 of the *Heritage Act 1977*.

The MCoA contain a number of conditions relating to the management of heritage during construction. These are listed in Table 3-1.

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* (NSW Heritage Office, 2001)
- *Standard Management Procedure: Unexpected Heritage Items* (Roads and Maritime Services, 2022) (see Appendix N1)
- *Archaeological Assessment Guidelines* (NSW Heritage Office & NSW Department of Urban Affairs and Planning, 1996)
- *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 the condition is addressed in this Plan or other Project management documents.

3.3 Environmental Management Measures

Relevant revised environmental management measures (REMMs), as identified in Appendix B2 of the MOD2, are listed in Table 3-2 below. A cross reference is also included to indicate where the condition is addressed in this Plan or other Project management documents.

Table 3-1 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	<p>This MHMP has been prepared in consultation with the relevant agencies identified in MCoA C4(g).</p> <p>Evidence of consultation will be submitted to the Planning Secretary with this document.</p>

MCoA No.	Condition Requirements	Document Reference	How Addressed						
Construction Environmental Management Plan									
C4	<p>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</p> <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>(g)</td><td>Maritime 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	(g)	Maritime Heritage	Heritage NSW and relevant council(s)	Section 4	<p>This MHMP has been prepared in consultation with the relevant agencies identified in MCoA C4(g).</p> <p>Evidence of consultation will be submitted to the Planning Secretary with this document.</p>
	Required CEMP Sub-plan	Relevant government agencies to be consulted for each CEMP Sub-plan							
(g)	Maritime Heritage	Heritage NSW and relevant council(s)							
C5	<p>The CEMP Sub-plans must state how:</p> <p>(a) the environmental performance outcomes identified in the documents listed in Condition A1 will be achieved</p> <p>(b) the mitigation measures identified in the documents listed in Condition A1 will be implemented</p>	<p>-</p> <p>Section 2.2</p> <p>Table 3-2 Table 7-1</p>	<p>-</p> <p>This MHMP 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 REMMs as outlined in Section 2.2</p> <p>Relevant environmental management measures are detailed in Table 3-2 including how they are addressed in this Plan.</p> <p>Measures to achieve these requirements are detailed in Section 7 of this Plan.</p>						

MCoA No.	Condition Requirements	Document Reference	How Addressed
	(c) the relevant terms of this approval will be complied with	Table 3-1 (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 MHMP.
	(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>Maritime 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 detailed 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>Maritime heritage issues, including cumulative impacts, are detailed in Section 6 of this MHMP. Management measures identified in Table 7-1 of this MHMP have been developed with consideration of SMART principles.</p>
C7	The Maritime Heritage Management CEMP Sub-plan must:	-	-
	(a) be prepared in consultation with a suitably qualified and experienced maritime archaeologist;	Section 1.5	This MHMP was prepared in consultation with a suitably qualified and experienced maritime archaeologist, as detailed in Section 1.5.

MCoA No.	Condition Requirements	Document Reference	How Addressed
	(b) detail artefact management procedures;	Appendix N1	<p>There is a low potential for significant submerged heritage items at the site. A detailed artefact management procedure is not required as there are no existing significant heritage items.</p> <p>The Unexpected Heritage Finds and Human Remains Procedure in Appendix N1 supported by Supporting Unexpected Heritage Finds Procedure - Maritime Archaeological Procedure will be followed when managing unexpected heritage finds. If required, as a result of an unexpected find, a detailed artefact management procedure would be developed by a suitably qualified and experienced maritime archaeologist.</p>

MCoA No.	Condition Requirements	Document Reference	How Addressed
	(c) outline relevant work method requirements and maritime heritage inductions tailored for each type of work activity	Table 7-1 - MHMP2 and MHMP6	<p>Cultural and historic heritage awareness training will be carried out for personnel engaged in work that may impact maritime heritage items.</p> <p>A specific Environmental Work Method Statement (EWMS) will be developed for maritime works that interacts with submerged heritage items. The EWMS will include a detailed description of construction activities, a risk assessment and the appropriate mitigation measures to be implemented.</p>
	<p>(d) identify exclusion zones, archival recording requirements, baseline and periodic monitoring protocols (including before and during construction), and final site inspections within three months of completion of works for the following maritime heritage sites:</p> <ul style="list-style-type: none"> (i) Deleted [as part of MOD2] (ii) Deleted [as part of MOD2] (iii) Deleted [as part of MOD2] (iv) Collapsed wharf, BP site, Berrys Bay; and (v) Deleted [as part of MOD2] 	Section 7.2	<p>Archival recording has already been undertaken by other contractors for the heritage BP site, Waverton, which included the Collapsed Wharf, BP Site, Berrys Bay.</p> <p>The collapsed wharf at the BP site will be removed, as such establishment of exclusion zones, baseline, periodic monitoring and final site inspection is not required.</p>

MCoA No.	Condition Requirements	Document Reference	How Addressed
	(e) detail requirements for any mitigation, recovery or archaeological excavations	Table 7-1	Table 7-1 includes the mitigation measures for maritime heritage items. A Maritime Statement of Heritage Impact has been undertaken, and recovery and archaeological excavations is not required unless triggered by the Maritime Unexpected Finds Procedure.
	Should further assessment determine that the heritage sites identified in (d) of this condition are not heritage item(s), the requirements of Condition C7(d) do not apply.	Noted.	Noted.
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 and no later than one month prior to construction.
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.
Non-Aboriginal Heritage			
E52	Options for protecting and reusing salvaged heritage infrastructure from the former Woodleys Shipyard and BP Sites in the landscaping of Berrys Bay	PDLP	The Place, Design and Landscape Plan (PDLP) will detail the protecting and/or reusing of salvaged heritage

MCoA No.	Condition Requirements	Document Reference	How Addressed
	must be reviewed. The use of the items must be detailed in the Place, Design and Landscape Plan required by Condition E177.		infrastructure from Woodleys Shipyard and BP sites.
Maritime Heritage			
E55	The potential to retain or minimise impacts to the NSW Torpedo Corps slipway within Woodleys Shipyard in the landscaping of Berrys Bay must be reviewed during detailed design. If reasonably practicable, the slipway must be retained or impacts minimised.	PDLP	NSW Torpedo Corps slipway within Woodleys Shipyard will be retained. The Place, Design and Landscape Plan (PDLP) will provide the final detailed design of the slipway. Where the PDLP identify works are required nearby and/or for the NSW Torpedo Corps slipway, impacts will be minimised.
Artefact Management			
E61	An Artefact Conservation Management Plan (ACMP) must be prepared to support the archaeological excavation programs and be prepared with the support of a conservator. The ACMP must include historical and maritime relics recovered by the project. Artefact specialists must be engaged to analyse and report on the different assemblages as part of the final reporting for the CSSI. This must include details of analysis, processing and management of the collection including its curation needs in the short and long term. The Plan must be included in the Maritime Heritage and Non-Aboriginal Heritage Management CEMP Sub-plans, required by Condition C4.	Not applicable	Not applicable. Artefact Conservation Management Plan (ACMP) must be prepared to support the archaeological excavation programs. Archaeological excavation is not proposed for maritime heritage at Berrys Bay.
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	Section 7.5, Table 7-1 – ACHMP3	An Unexpected Heritage Finds and Humans Remains Procedure, developed in accordance with Heritage NSW requirements, is

MCoA No.	Condition Requirements	Document Reference	How Addressed
	Heritage NSW and submitted to the Planning Secretary for information before the commencement of construction	Appendix N1 – <i>Transport for NSW Standard Management Procedure: Unexpected Heritage Items, 2022</i>	provided in Appendix N1 and will be submitted to the Planning Secretary for information as part of this plan
E64	<p>The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.</p> <p><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></p>	<p>Section 7.5, Table 7-1 – ACHMP3</p> <p>Appendix N1 – <i>Transport for NSW Standard Management Procedure: Unexpected Heritage Items, 2022</i></p>	Management of any unexpected finds and the process for implementation of the Unexpected Heritage Finds and Human Remains Procedure is outlined in Section 7.3. This procedure will be implemented for the duration of construction
Noise and Vibration			
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 likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.	<p>Noise and Vibration Management Plan</p> <p>Table 7-1</p>	<p>Vibration monitoring will be undertaken where the Construction Noise and Vibration Impact Statement identify activities as having the potential to impact heritage items.</p> <p>Additional detail on vibration monitoring can be found in the Noise and Vibration Management Plan</p>

MCoA No.	Condition Requirements	Document Reference	How Addressed
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.	Noise and Vibration Management Plan	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. Additional detail on vibration monitoring can be found in the Noise and Vibration Management 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.	Noise and Vibration Monitoring Program	The advice of a built heritage expert will be used, as detailed in the Noise and Vibration Monitoring Program.
Place, Design and Landscape Plan			
E178 (h)	<p>The Place, Design and Landscape Plan 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:</p> <p>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</p>	PDLP	<p>The PDLP will be prepared in accordance with the Project Conditions of Approval.</p> <p>The incorporation of heritage interpretation and public art will be detailed in the PDLP</p>

MCoA No.	Condition Requirements	Document Reference	How Addressed
E180	Unless otherwise agreed with the Planning Secretary, construction of permanent built work or landscaping that are the subject of the PDLP must not be commenced (in the area to which the PDLP applies) until the PDLP has been approved by the Planning Secretary, after considering advice received from the Design Review Panel.	PDLP	The PDLP will be prepared in accordance with the Project Conditions of Approval.

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

Ref #	Commitment	Document Reference	How Addressed
NAH2	Appropriate heritage interpretation will be incorporated into the urban design for the project in accordance with the NSW Heritage Manual (NSW Heritage Office and Department of Urban Affairs and Planning, 1996), <i>Interpreting Heritage Places and Items: Guidelines</i> (Roads and Maritime, 2005), and the <i>Heritage Interpretation Policy</i> (NSW Heritage Council, 2005).	PDLP	The PDLP will be prepared in accordance with the Project Conditions of Approval. The incorporation of heritage interpretation and public art will be detailed in the PDLP
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 Service <i>Standard Management Procedure: Unexpected Heritage Items</i> (Roads and Maritime, 2015) will be followed.	Section 7.5 Appendix N1	The Unexpected Finds Procedure is included in this document, Appendix N1, and will be implemented throughout construction.
NAH11	In the event that construction of the project reveals possible human skeletal material (remains), <i>Standard Management Procedure: Unexpected Heritage Items</i> (Transport for NSW, 2022) will be implemented.	Section 7.5 Appendix N1	The Unexpected Finds Procedure is included in this document, Appendix N1, and will be implemented throughout construction.
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 7.6 Table 7-1	Cultural heritage awareness training will be provided for contractors prior to commencement of construction works with the potential to impact heritage items.
NAH16	A Maritime Heritage Management Plan that details the objectives and methodologies to conserve maritime heritage and mitigate impacts will be prepared in consultation with a qualified and experienced maritime archaeologist. The Maritime Heritage Management Plan should specify:	Section 1.5 Section 7.2 Section 7.4 Table 7-1	This plan. Section 1.5 outlines the Plan was prepared in consultation with a

Ref #	Commitment	Document Reference	How Addressed
	<p>a) Unexpected finds protocols relevant to each type of activity</p> <p>b) Artefact management procedures, including identification of approved submerged reburial locations</p> <p>c) Relevant work method requirements and maritime heritage inductions tailored for each type of work activity</p> <p>d) Exclusion zone, archival, baseline and periodic monitoring protocols including before and during construction, and final site inspections within three months of completion of works for the following maritime heritage sites:</p> <ul style="list-style-type: none"> • BP site, Berrys Bay <p>e) Requirements for any mitigation recovery or archaeological excavations</p>	<p>Appendix N1</p> <p>Appendix N2</p>	<p>qualified and experienced maritime archaeologist.</p> <p>a) Section 7.4 and Appendix N1 provides details on the unexpected finds protocol.</p> <p>b) There is a low potential for significant submerged heritage items at the site. A detailed artefact management procedure is not required. The Unexpected Heritage Finds and Human Remains Procedure in Appendix N1 supported by Supporting Unexpected Heritage Finds Procedure - Maritime Archaeological Procedure will be used to manage any unexpected encountered of heritage items. No proposal for submerged reburial of heritage items.</p> <p>c) A specific Environmental Work Method Statement will be developed for maritime works that interacts with submerge heritage items</p> <p>d) Section 7.2 provides details on archival recording.</p> <p>The maritime / submerged heritage items within the BP site at Berrys Bay will be removed. Exclusion zone, baseline and periodic monitoring and final site inspections are not required.</p>

Ref #	Commitment	Document Reference	How Addressed
			e) Table 7-1 provides mitigation measures. Noting that recovery and archaeological excavations are not required unless triggered by the Maritime Unexpected Finds Procedure.
NAH18	<p>Archival recording of the following maritime heritage sites will be carried out prior to works commencing in order to mitigate against predicted or potential impacts, and to establish a baseline against which to measure any changes to these sites due to works at:</p> <p>d) BP site, Berrys Bay</p> <p>e) Slipway No. 1, former Woodleys Shipyard, Berrys Bay.</p> <p>All archival recordings are to be prepared consistently with the current NSW Heritage Council endorsed standards and guidelines</p>	Section 7.2 Photographic Archival Recording (December 2021)	<p>Archival recording has already been undertaken by other contractors for the heritage BP site, Waverton, which included the Collapsed Wharf, BP Site, Berrys Bay.</p> <p>Archival recording of the Slipway No. 1, former Woodleys Shipyard, Berrys Bay will be carried out where required prior to commencement of work that may impact the item.</p>
AH5	If at any time during construction of the project, any items of potential Aboriginal archaeological or cultural heritage conservation significance or human remains are discovered they will be managed in accordance with the <i>Standard Management Procedure: Unexpected Heritage Items</i> (Roads and Maritime Services, 2015)	Section 7.5 Table 7-1 – MHMP3 Appendix N1 – <i>Roads and Maritime Standard Management Procedure: Unexpected Heritage Items 2022</i>	Any unexpected finds or human remains encountered during construction will be managed in accordance with <i>Standard Management Procedure: Unexpected Heritage Items</i> (Roads and Maritime, 2022) which is included in Appendix N1
AH6	Cultural and historic heritage awareness training will be carried out for personnel engaged in work that may impact heritage items before commencing works for the project	Section 7.6 Table 7-1 – MHMP2	Awareness training will be provided for contractors to ensure understanding of

Ref #	Commitment	Document Reference	How Addressed
			Aboriginal heritage issues and requirements
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 specialist to ensure sensitive heritage fabric is adequately monitored and managed.</p> <p>Any damage caused by the project will be rectified.</p>	<p>Section 7.3</p> <p>Noise and Vibration Management Plan</p>	<p>Construction vibration monitoring will be carried out at all non-submerged maritime heritage sites that have been identified as requiring monitoring in the Noise and Vibration Management Sub-plan. Refer to Section 7.3 for further details</p> <p>Where possible works will be offset to minimise vibration levels to less than 2.5 millimetres per second at all structurally unsound non-submerged maritime heritage sites unless otherwise advised by the Project Acoustic Consultant or a structural engineer.</p>

4 Consultation

4.1 Consultation for plan preparation

This Plan has been developed and finalised in consultation with Heritage NSW and relevant Councils (North Sydney 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 will be provided to the Planning Secretary along with this Plan.

4.2 Ongoing consultation

Any ongoing consultation with agencies, where required, will be undertaken during significant changes to management plan.

Community feedback and complaints relating to maritime heritage will be managed in accordance with the Community Communication Strategy and Complaints Management System.

Consultation during the Project would include but not limited to:

- Consultation where relevant in relation to the development of the Place, Design and Landscape Plan
- Where relevant, an invitation to participate in the investigation, management and recommendations associated with any unexpected heritage items, sites and/or deposits identified during the Project.

5 Existing environment

The following sections summarise what is known about maritime and submerged heritage within and adjacent to the Project Area including the Berrys Bay foreshore park. The key reference documents are Chapter 15 (Aboriginal cultural heritage) of the EIS, Appendix J (Technical working paper: Non-Aboriginal heritage), Appendix K (Technical working paper: Maritime heritage), Appendix L (Technical working paper: Cultural heritage assessment report) of the EIS.

The construction methodology for the harbour crossing has changed as part of the approved Western Harbour Tunnel and Warringah Freeway Upgrade Modification 2 - TBM construction methodology. The revised construction methodology will utilise tunnel boring construction techniques and would not impact on submerged maritime heritage for the harbour crossing (i.e. Yurulbin Point to Balls Head, Sydney Harbour). Maritime heritage between Yurulbin Point to Balls Head, Sydney Harbour is not considered any further in this management plan.

5.1 Landscape context

The current landscape of the Berrys Bay foreshore park consists of the eastern extent of Berrys Bay, opening to the south-east into Port Jackson. The bay entrance is dominated by the eastern face of Balls Head, forming a sandstone cliff 20 metres high which slopes steeply down to the water. The shoreline of Berrys Bay has been impacted by the development of small and large industries, with the development of structures such as wharves, jetties, moorings and seawalls. This reflects the high level of maritime industry and activity in the area since the 19th century. The focus of these maritime activities was along the northern, western and southwestern shores of the WHT study area. The northern and eastern shorelines of the western portion of Berrys Bay have been completely modified and are bounded with seawalls and slipways.

5.2 Submerged / Maritime Aboriginal sites

No verified submerged Aboriginal heritage sites are located within Berrys Bay identified in Appendix E of Appendix L (Technical working paper: Cultural heritage assessment report) of the EIS, and therefore no known sites would be directly impacted by the Project.

Appendix E of Appendix L (Technical working paper: Cultural heritage assessment report) has assessed the archaeological potential of Berrys Bay as being Moderate to High likelihood for the potential presence of submerged Aboriginal heritage site. It is predicted that potential submerge Aboriginal site at Berrys Bay would potentially be the residual soils, sandstone overhangs and ledges, creek lines that may occur buried beneath Holocene marine sediments, up to 20 metres thick below the current bed of the harbour surface.

Appendix E of Appendix L stated that the only potential impacts on potential submerged Aboriginal sites would be in relation to piling for the temporary wharves and barge shed. The depth of piling would be unlikely to penetrate to sub-bed of the harbour strata containing Aboriginal archaeological remains. In the unlikely event this should this occur, the impacts would be Negligible to Minor on account that the impacts would be localised, the diameter of a pile.

Given the change in construction methodology where Berrys Bay is no longer required as a construction ancillary facility, piling greater than 20m below the current bed of the harbour surface is not required. Therefore, the activities at Berrys Bay are highly unlikely to interact with the potential submerge Aboriginal heritage items within the Holocene marine sediments.

5.3 Submerged / Maritime Non-Aboriginal sites

Appendix K (Technical working paper: Maritime heritage) has identified the following known maritime archaeological sites within the Berrys Bay foreshore park.

- Former BP fuel bunkering site – Listed in North Sydney Local Environmental Plan 2013
- Former Woodleys Shipyard – Listed in North Sydney Local Environmental Plan 2013
- Former Quarantine Depot – Listed in North Sydney Local Environmental Plan 2013

A side scan sonar survey was undertaken within Appendix K (Technical working paper: Maritime heritage). The survey included areas of the former BP site and the former Woodleys Shipyard. Refer to Figure 5-1. The survey identified piles of the two timber jetties and the associated debris field that is typically created as structures collapse near the former BP site, and the extent of the slipways, up to 85m from shore of the Woodleys Shipyard. There appears to be discarded material in among the piles of the finger jetty and, while the coverage does not extend to the collapsed jetty next to the northern end of the main shed, there also appears to be a debris field extending out from the structure and south of the first slipway.

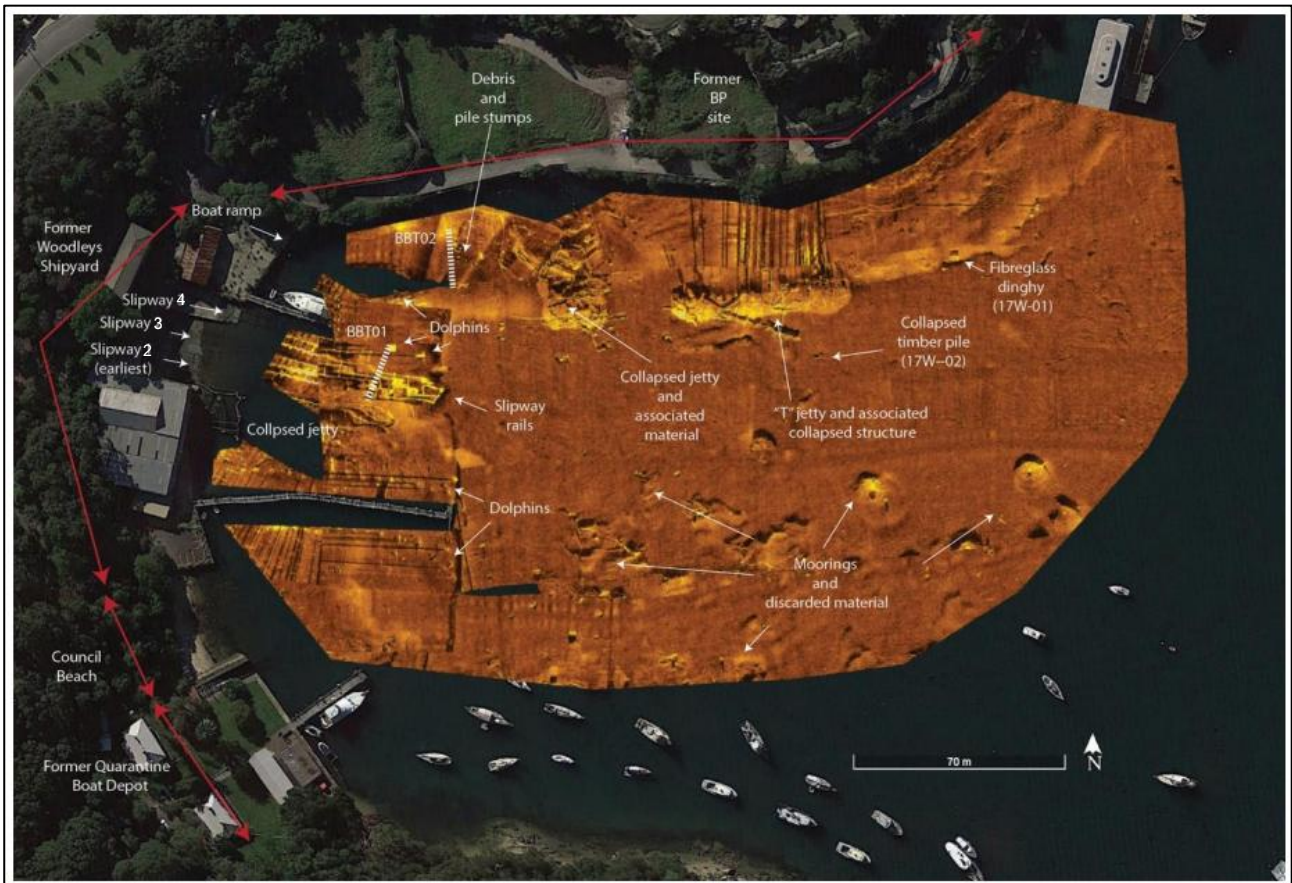


Figure 5-1: Side scan sonar image.

A search of the Australian National Shipwreck Database and Maritime Heritage Sites database was conducted as part of the Appendix K (Technical working paper: Maritime heritage). The search indicated that there are no previously known wrecks within Berrys Bay. However, an inspection undertaken in December 2017 identified the wreck of a fibreglass dinghy, measuring 3m long by 1.5m wide in the northeastern section of Berrys Bay. Refer to Figure 5-1.

Further maritime heritage assessment has been conducted since Appendix K (Technical working paper: Maritime heritage). The assessment, in the form of a maritime statement of heritage impacts (MSoHI), has been undertaken by a suitably qualified maritime archaeologist. The MSoHI (Comber Consultant, 2025) has collated previous reports/studies which are summarised in Table 5-1 below.

Table 5-1 Summary of previous reports (Comber Consultants, 2025)

Year	Document	Findings
2014	Berrys Bay Marina Maritime Archaeological Assessment (Comber Consultants, 2014)	<p>The assessment identified a number of anomalies visible in a side scan sonar (SSS) survey, and recommended a diver based inspection of those anomalies. Among the other recommendations of this report was:</p> <p><i>The proposed removal of eight (8) metres of the slip rails from the small twentieth slipway at the northern end of the Woodleys site is of a minor nature to an item of low significance will have no impact on the heritage values of the site.</i></p>
2017	Berrys Bay Marina Underwater Historical Archaeological Assessment (Comber Consultants, 2017)	This report documented a 2015 underwater dive inspection of the anomalies identified in the 2014 desktop assessment. No significant heritage items were located.
2020	Technical Working Paper Appendix K – Maritime Heritage – Western Harbour Tunnel and Warringah Freeway Upgrade (Cosmos Archaeology, 2020)	<p>The study concluded that ‘The foreshore and associated maritime infrastructure in Area B (Berrys Bay) is of medium maritime heritage sensitivity, with the rest of the area assessed as low.’</p> <p>However, the report noted that structures within the bay and any associated artefacts would only be of local significance (Cosmos Archaeology 2020:95) and that impacts would be improbable and minor (Cosmos Archaeology 2020:117). This assessment was before with the level of potential harbour bed disturbance was reduced through MOD2 which negated the need for a temporary wharf.</p>
2024	Berrys Bay Precincts 1 and 2 Statement of Heritage Impact (Farina, D, Mahmood, A, 28 May 2024)	<ul style="list-style-type: none"> It identified that the heritage significance of slipways No.2 and No.3 was moderate to low and that their heritage values had been reduced through previous changes to their major elements. The conclusion was that proposed further modification through the installation of steel mesh supports would have minor impact on the surviving values of heritage significance. Slipway No.4 was assessed to be of moderate heritage value and the proposed regrading and resurfacing of slipway No.4 would have minor impact on its heritage values. The southern and northern seawalls required repair as major elements that contributed to their heritage value has deteriorated and that the required repairs to these seawalls was recommended as much of their integrity was already low.

Year	Document	Findings
2025	Boat Shed and Administration Building, Berrys Bay Statement of Heritage Impact (GML Heritage, April 2025, Issue 3)	<p>The following items are assessed as being of moderate significance:</p> <ul style="list-style-type: none"> • Slipways 2, 3 and 4 • the southern and northern seawalls as also being of moderate significance. <p>The following structures assessed as being of little significance:</p> <ul style="list-style-type: none"> • Long Jetty (including its free-standing piles) • Stub Wharf and Short Jetty • Dolphin Piers and miscellaneous piles

Figure 5-2 locates the items identified and considered in the MSoHI. Majority of the items in Figure 5-3 are terrestrial (land-base) however this is provided for context to the location of heritage items within the area as support during construction of Berrys Bay foreshore parklands.

To provide clarity, Slipway No.1, 2 and 3 is referred to in Appendix K (Technical working paper: Maritime heritage) and are reference in the REMMs, in particular, REMM NAH18. However, the preceding Statement of Heritage Impacts references Slipway No.2, 3 and 4 respectively. These slipways will be identified as Slipway No. 2, 3 and 4 hereinafter. Therefore Slipway No.1 in REMM NAH18 is refers to as Slipway No.2.

Additionally, the Project has undertaken further assessment of collapsed wharf at the BP Site since the EIS. Noting the collapse wharf is also referenced as Dilapidated Timber 'T' Wharf in other reports. The assessment was undertaken by Extent Heritage in a report titled *Berrys Bay Precinct – Heritage Advice* dated 24 February 2025.

The assessment considers the removal of the collapsed/dilapidated timber 'T' wharf. The condition of the item has reduced its ability to contribute to the heritage significance of the overall site and poses a significant safety risk. The assessment had two recommended findings for this item:

- Prepare a detailed Photographic Archival Record of elements to be affected by the proposed design prior to works commencing. This has been undertaken as part of the report titled *BP Site, 3A Balls Head Drive, Waverton NSW 2060* (City Plan Heritage, December 2021).
- Additional investigation, assessment, recording and documentation of maritime archaeology may be required prior to the commencement of works. Additional assessment has been undertaken in the report titled *Maritime Statement of Heritage Impact* (Comber Consultant, May 2025). The assessment found the proposed works at Berrys Bay do not intrude on any known area of maritime archaeological potential, either in the form of shipwreck sites, historic structures or significant relics, including the collapsed wharf. The assessment recommends in the event that unexpected maritime heritage is detected, it will be necessary to following an Unexpected Finds Protocol.

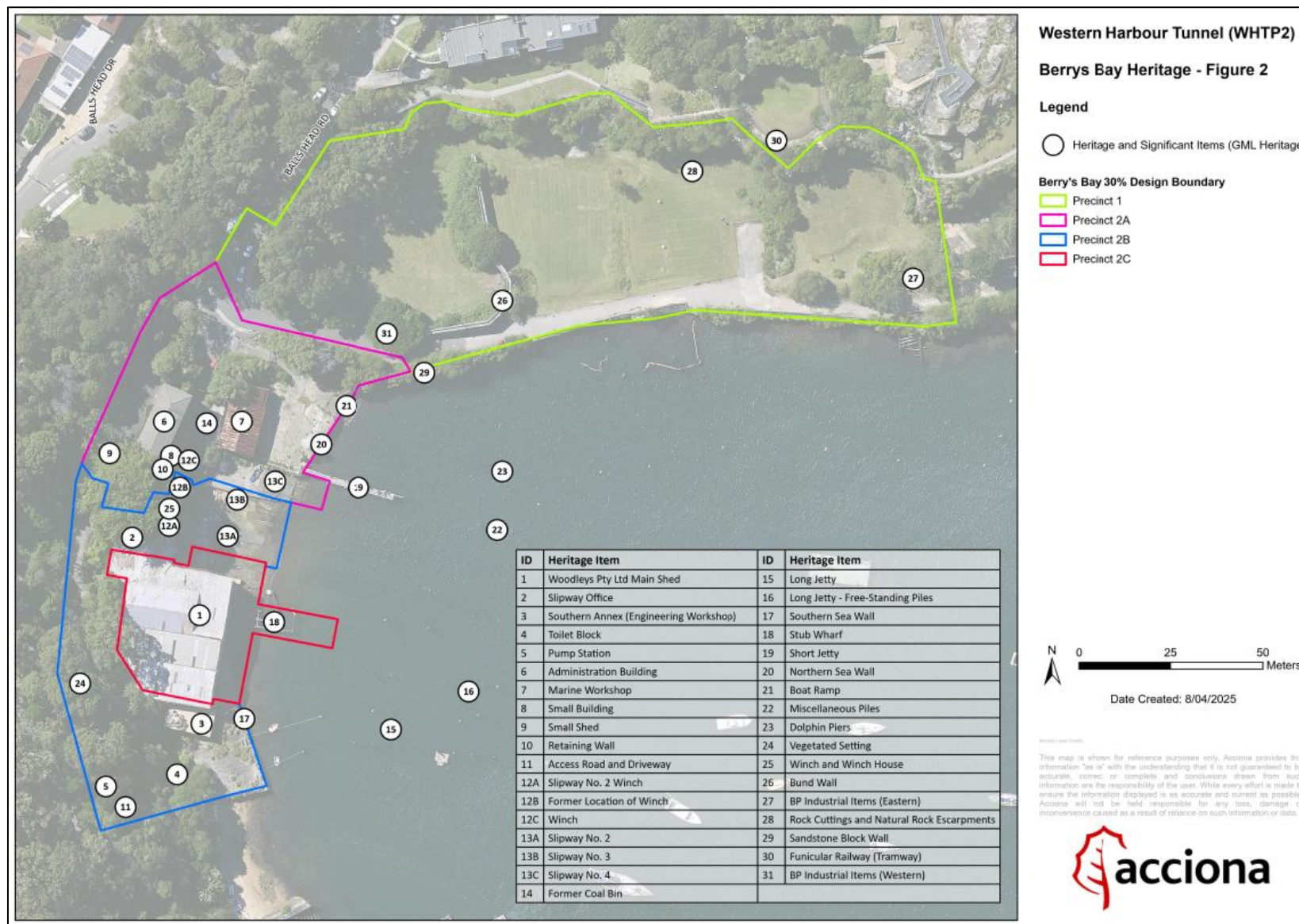


Figure 5-2: Non-Aboriginal cultural heritage items (Berrys Bay)

6 Environmental aspects and impacts

Environmental impacts include potential direct and indirect impacts to submerged and maritime heritage sites caused by construction activities. Details of the construction activities, as well as known and potential impacts, are summarised in the sections below.

6.1 Construction activities

Key aspects of the Project that could potentially result in adverse impacts to submerged and maritime heritage during construction may include:

- Potential direct impacts from construction works that may include the following:
 - removal, conservation and relocation of unexpected maritime heritage finds.
- Potential indirect impacts from construction works that may include the following:
 - potential installation of structures (such as piles) in the seabed of the harbour as required by the final seawall structural design
 - temporary coffer dams may need be constructed for the refurbishment of Slipway No.4 and for the reconstruction of the sea-wall near Woodleys Shed.
 - refurbishment of the existing slipway no.4, whilst avoiding and minimising potential impacts to the NSW Torpedo Slipways (slipway no.2 & 3) in accordance with CoA E55
 - removal of derelict and dangerous infrastructure by cutting off the infrastructure above the seabed to minimise disturbance of the seabed; and lifting out of water onto a floating barge.
 - construction vibration generated by surface works in proximity to submerged and maritime heritage sites.

Figure 6-1 below shows the indicative areas where marine construction activities will be undertaken

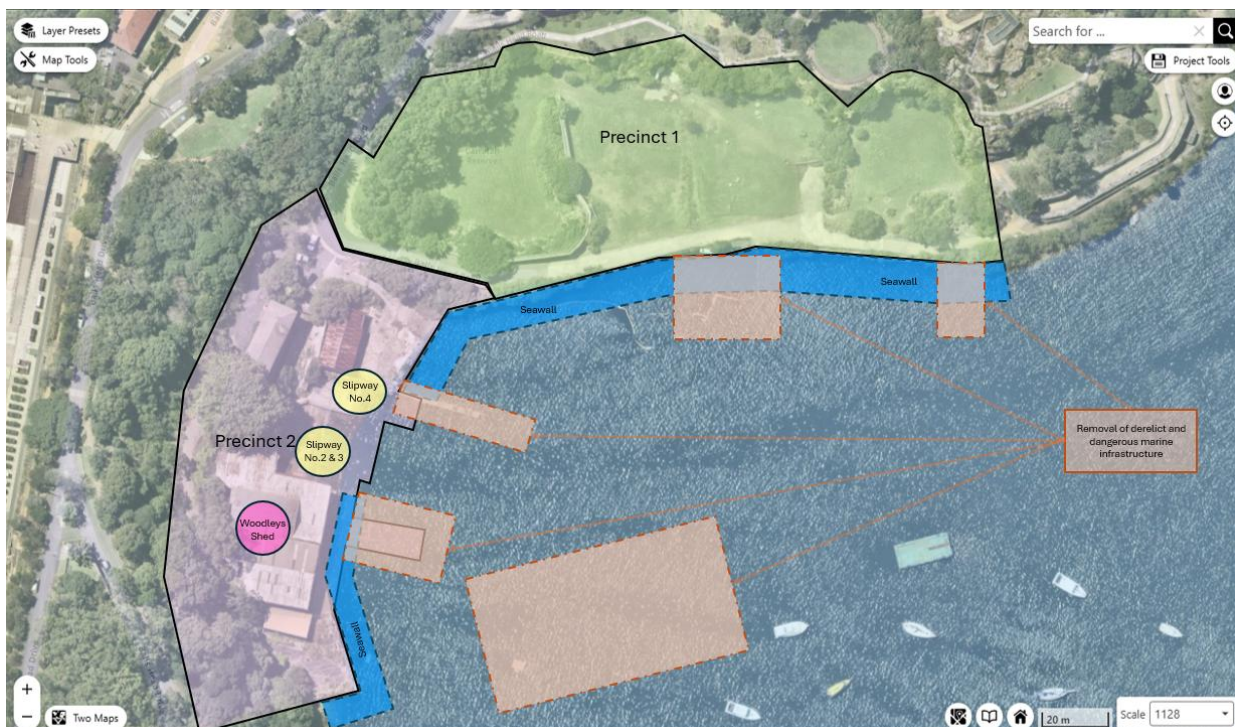


Figure 6-1: Indicative marine construction activities proposed in the marine areas of the site

6.2 Submerged heritage impacts

Construction activities associated with the urban landscape works for Berrys Bay foreshore park would interact with the heritage items that are physically located on land (terrestrial) and within the waterbody of Sydney harbour (submerged/maritime). Submerged heritage items are addressed in this MHMP, while land based (terrestrial) heritage items are managed in the ACHMP and NAHMP.

MSoHI (Comber Consultant, 2025) has been prepared which details the potential impacts to maritime heritage for the proposed works and recommended mitigation measures. The MSoHI concluded there is low potential for significant underwater cultural heritage (UCH) to be present and that impacts on unexpected finds would be minor. Extract from the MSoHI below.

The proposed works do not intrude on any known area of maritime archaeological potential, either in the form of shipwreck sites, historic structures or significant relics. It is highly unlikely that the construction of the cofferdam, if required, will impact on UCH. In addition, the proposed works do not involve dredging or the extraction of standing piles from the harbour bed.

Given the nature of the proposed works outlined in this report and the findings of the assessments outlines in section 4, the likelihood of impact on UCH is highly unlikely. The assessed level of impact on unexpected finds in the area is minor.

The MoSHI also stated that *it is not expected that significant UCH will be located in the marine zone of the study area or will be impacted by the proposed works. However, in the event that unexpected UCH is detected, it will be necessary to following an Unexpected Finds Protocol for UCH, as detailed in Appendix N of the MHMP.*

As there is a low potential for significant submerged heritage items at the site. A detailed artefact management procedure is not required as there are no existing significant heritage items.

The Unexpected Heritage Finds and Human Remains Procedure in Appendix N1 supported by Supporting Unexpected Heritage Finds Procedure - Maritime Archaeological Procedure will be followed when managing unexpected heritage finds. If required, as a result of an unexpected find, a detailed artefact management procedure would be developed by a suitably qualified and experienced maritime archaeologist.

In accordance with Condition E55, construction works is to minimise impacts to NSW Torpedo Corps slipway (slipway no.2 & 3). The Place, Design and Landscape Plan (PDLP) will provide the final detailed design of the slipway. Where the PDLP identify works are required nearby and/or for the NSW Torpedo Corps slipway, impacts will be minimised.

7 Environmental management and mitigation measures

Construction associated with the Project has the potential to impact maritime cultural heritage. 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 Transport for NSW guidance documents. These specific measures and requirements, along with additional measures identified as best practice, are outlined in Table 7-1.

This chapter has been developed in consideration of the 'SMART Principles' – Specific, Measurable, Achievable, Relevant and Time-based.

7.1 Reasonable steps to avoid harm

The Project's overarching principle is for reasonable steps must be taken so as to not harm, modify or otherwise impact maritime heritage objects except as authorised by the MCoA or Planning Approval documents.

Construction impacts that have the potential to cause damage to heritage sites are mitigated through the REMMs provided in this Plan relating to vibration, unexpected finds and cultural heritage awareness training. Sensitive Area Plans have been prepared and included in Appendix A5 of the CEMP. These plans include the location of heritage sites and any no go zones that may arise if unexpected finds are encountered during construction. Cultural and historic heritage awareness training will be carried out for personnel engaged in work that may impact heritage items before commencing works for the project.

Should any changes be required to the approved Project work boundaries (i.e., works to be undertaken beyond the bounds of the EIS study area) then further assessment following the PACHCI process (and the process outlined in Section 28.3 of the EIS) may be required to ensure the additional works will not cause impacts to heritage items.

7.2 Archival recordings

The following archival recordings has been undertaken by other contractors for the heritage BP site, Waverton, which included the Collapsed Wharf, BP Site, Berrys Bay:

- BP Site, 3A Balls Head Drive, Waverton NSW 2060 Photographic Archival Recording (City Plan, December 2021); and
- Woodleys Boatshed (Main Shed), Berrys Bay Photographic Archival Recording (GML, March 2025)

All archival recording was carried out in accordance with the NSW Heritage Council guidelines "*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.

Archival recording will be undertaken for Slipway No. 2, former Woodleys Shipyard, Berrys Bay prior to the commencement of work that may impact the item. All archival recording will be carried out in accordance with the NSW Heritage Council guidelines "*Photographic Recording of Heritage Items Using Film or Digital Capture*" guideline by a suitably qualified heritage specialist. A copy of the recordings will be provided to Heritage NSW and the relevant Council upon request.

7.3 Management of vibration impacts

Vibration impacts for 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.

Vibration generating activities will be managed through the establishment of minimum buffer distances to achieve screening levels for non-submerged maritime heritage items. Where vibration levels are predicted to exceed the screening levels for non-submerged maritime heritage items, a more detailed assessment will be carried out with specific consideration of the heritage values in consultation with a heritage specialist to ensure sensitive heritage fabric is adequately monitored and managed. Attended vibration monitoring will be carried out to ensure vibration levels remain below appropriate limits. Where it is unfeasible for attended vibration monitoring for submerged items, an appropriate terrestrial location where vibration monitoring will be undertaken may be nominated that represents the submerged maritime heritage. 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 non-submerged maritime 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.

The Noise Insulation Program (NIP) is a requirement of MCoA E84 and is not applicable to the Project Stage 3B and 3C. As this is currently the responsibility of TfNSW to ensure compliance for the overarching WHT&WFU project as the Proponent. Should any additional at-property treatments be identified by the WHT Project that is at a heritage listed premise, refer to Section 9.2 of the Noise and Vibration Management Plan.

7.4 Artefact management procedure

As described in Section 6.2, there is a low potential for significant submerged heritage items at the site. A detailed artefact management procedure is not required as there are no existing significant heritage items.

The Unexpected Heritage Finds and Human Remains Procedure, detailed in Section 7.5 and Appendix N1, supported by Supporting Unexpected Heritage Finds Procedure - Maritime Archaeological Procedure will be followed when managing unexpected heritage finds. If required, as a result of an unexpected find, a detailed artefact management procedure would be developed by a suitably qualified and experienced maritime archaeologist.

7.5 Unexpected finds and human remains procedure

An Unexpected Heritage Finds and Humans Remains Procedure, developed in accordance with Heritage NSW requirements, is provided in Appendix N1 (*Roads and Maritime Unexpected Heritage Items Procedure* (Transport for NSW, 2022)) and:

- will be submitted to the Planning Secretary for information before the commencement of construction (MCoA E63 and E64, REMM NAH10, NAH11 and AH5).

- 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 (2022) will be implemented for the duration of construction and will mitigate the residual risk of encountering archaeological deposits during works.

Supporting the Unexpected Heritage Finds and Human Remains Procedure (2022) is the Supporting Unexpected Heritage Finds Procedure - Maritime Archaeological Procedure. This procedure provides examples of maritime heritage relics types and can be found at the back of Appendix N1.

Should any unexpected heritage finds be encountered during construction, the unexpected finds identified will be managed through the procedure eight-step process shown below in Figure 7-1 and outlined in further detail included in Appendix N1. Underwater reburial of heritage items should only be considered as a last option or otherwise directed by the maritime archaeologist after consultation with Heritage NSW.

Re-commencement of works will only be undertaken in accordance with the procedure and in consultation with the relevant stakeholder where required. Any no-go zones that arise due to unexpected finds encountered during construction will be identified on Sensitive Area Maps as required. Site perimeter fencing will be installed as barriers to ensure sites/no go zones are protected during works.

In accordance with the Unexpected Finds Procedure, the NSW Police Force will be notified and engaged immediately upon discovery of suspected human remains.

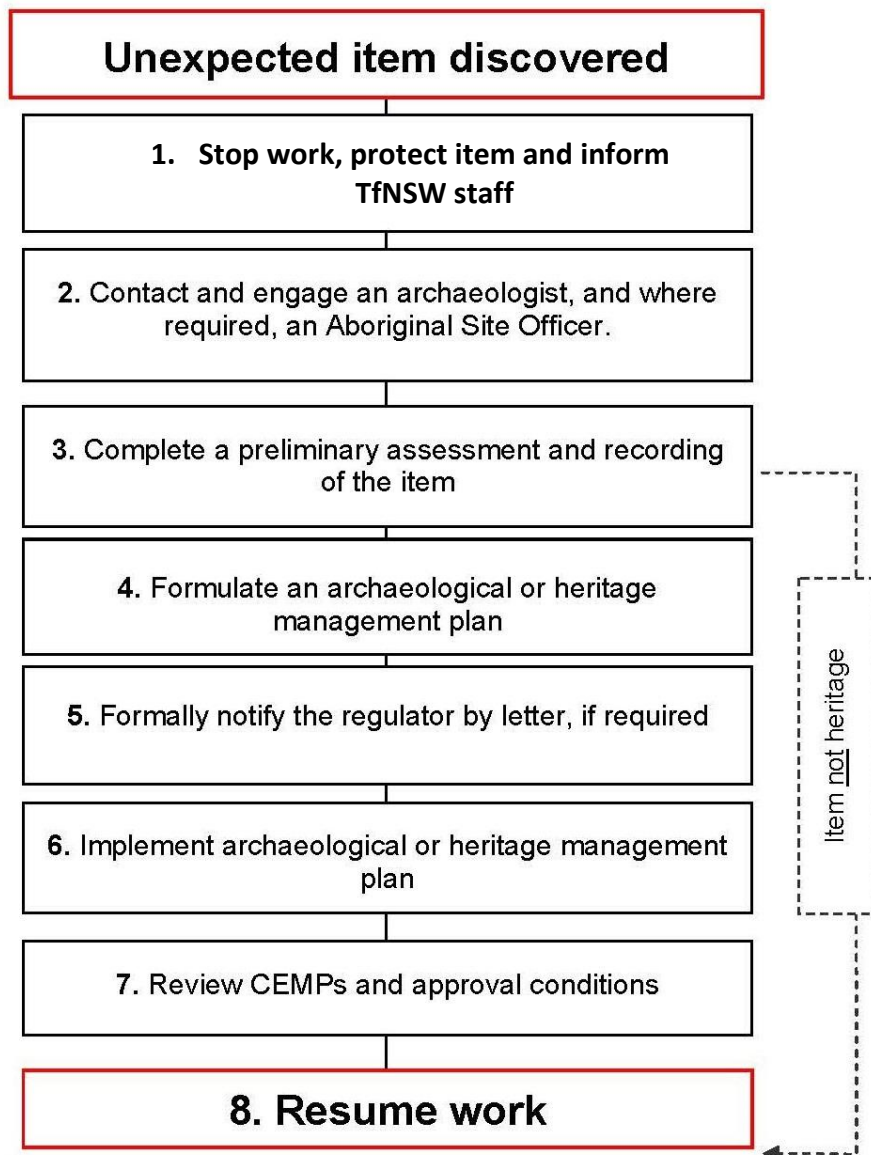


Figure 7-1: Unexpected heritage items management flowchart (Sourced: Transport for NSW Management Procedure: Unexpected Heritage Items, 2022)

7.6 Cultural heritage induction training

Cultural heritage awareness training will be provided for contractors prior to commencement of construction works with the potential to impact heritage items to ensure understanding of potential heritage items that may be impacted during the project, the location of heritage sites as shown on Sensitive Area Plans 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. Training is also addressed in Section 8.2.

7.7 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 maritime 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 Maritime heritage management and mitigation measures

ID	Measure/Requirement	Resources needed	When to implement	Responsibility	Source	Evidence
Terrestrial sites						
MHMP1.	Sensitive Area Plans will be prepared showing the location of heritage sites from this plan and any no go zones that may arise due to unexpected finds being encountered during construction. These will be used as a reference for workers during construction. If required, site perimeter fencing will be installed as barriers to ensure sites/no go zones are protected during works.	Sensitive Area Plans (CEMP Appendix A5) Induction training materials	Prior to work within the marine environment that has the potential of impacting maritime heritage.	Environmental manager Site Supervisor	REMM AH5 TfNSW Specification G36 – 4.9	Sensitive Area Plans Induction / training records Toolbox talks
MHMP2.	Cultural and historic heritage awareness training will be carried out for personnel engaged in work that may impact maritime heritage items. The location of heritage sites as shown on Sensitive Area Plans will be included in the awareness training as well as the procedure to be carried out in the event of discovery of unexpected historical heritage materials or the discovery of human remains.	Induction training materials	Prior to work commencing in the marine environment. Site toolbox and pre work briefings	Environmental manager Site Supervisor	REMM AH6 TfNSW Specification G36 – 4.9	Induction /training records Toolbox talks
MHMP3.	The <i>Transport for NSW Management Procedure – Unexpected Heritage Items</i> (Transport for NSW 2022) will be implemented in the event that unexpected heritage finds are encountered during construction, including human remains.	Appendix N1 (TfNSW Management Procedure – Unexpected Heritage Items)	Construction	All personnel and contractors	MCoA E63 and E64 REMM NAH10, NAH11 and AH5	Reporting/ records of unexpected finds

ID	Measure/Requirement	Resources needed	When to implement	Responsibility	Source	Evidence
	<p><i>Note: where suspected human remains are uncovered, the NSW Police must be contacted immediately</i></p> <p>Additional information about potential maritime heritage finds will be included in Appendix N1. This information will be toolboxed to the workforce working in or near the waterway. If specific and/or bespoke items are identified that the workforce needs to watch for during the course of the construction, the unexpected finds procedure will be updated and re-toolboxed to the workforce as required.</p>					
MHMP4.	Should any unexpected heritage finds be encountered during construction, underwater reburial of heritage items should only be considered as a last option or otherwise directed by the maritime archaeologist after consultation with Heritage NSW.	Marine archaeologist	Construction	All personnel and contractors	Consultation with Heritage NSW	Reporting/ records of unexpected finds
MHMP5.	Archival recording will be undertaken for the Slipway No. 2, former Woodleys Shipyard, Berrys Bay prior to the commencement of work that may impact the item.	Specialist consultant	Prior to works that may impact the item	Environmental Manager	MCoA C7 (d) REMM NAH18 (e)	Archival recording report
MHMP6.	A specific Environmental Work Method Statement (EWMS) will be developed for maritime works that interacts with submerge heritage items. The EWMS will include a detailed description of construction activities, a	Environmental Work Method Statement Specialist consultant	Prior to work that may impact maritime heritage items.	Environmental Manager	MCoA C7 REMM NAH16 (c)	Environmental Work Method Statement

ID	Measure/Requirement	Resources needed	When to implement	Responsibility	Source	Evidence
	<p>risk assessment and mitigation measures to be implemented.</p> <p>The relevant construction personnel will be toolboxed and signed off on the EWMS</p>					

8 Compliance Management

Compliance with this MHMP 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 of CEMP. Specific responsibilities for the implementation of environmental controls are detailed in Section 8.1 of this Plan.

8.2 Training

All personnel who carry out works with the potential to impact heritage sites/items including employees, contractors and utility staff will undergo site induction training relating to cultural heritage management issues. The induction training will address site and/or construction activity specific impacts relating to maritime cultural heritage management including:

- The requirements of this Plan
- Relevant legislation and guidelines
- 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 N1 - *Roads and Maritime Standard Management Procedure: Unexpected Heritage Items* (2022))
- Outlining responsibilities and obligations under the *NPW Act 1974* relating to Aboriginal cultural heritage management.

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

8.3 Monitoring and inspections

Monitoring and inspection requirements are outlined in Table 8-1.

The maritime heritage items at the BP site, Berrys Bay (including the Collapsed Wharf) will be removed as part of the proposed works. As such baseline, periodic monitoring during construction and final site inspection of the maritime/submerge heritage items at the BP site required under Condition C7 (d) and REMM NAH16 (d) is not applicable.

Additional requirements and responsibilities in relation to monitoring and inspections are documented in Sections 5.12 of the CEMP.

Table 8-1 Monitoring and inspection requirements

Monitoring details	Location	Record	Responsibility	Frequency
Daily visual inspections	If any no-go zones arise due to the dive inspection or an unexpected find being encountered during construction	No go areas are maintained	Site Supervisor	Daily if any no-go areas are identified by the maritime archaeologist.

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, licenses 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.

Additional reporting requirements and responsibilities are included in Table 7-1 of this Plan.

Specific reporting requirements associated with this MHMP include:

- When unexpected finds are encountered (either Aboriginal or non-Aboriginal heritage items and/or possible human skeletal material)
- If vibration monitoring exceedances are identified and a site visit by MLALC is required, records of site visit and ASIR forms as appropriate

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 includes relevant project team members and stakeholders. Continuous improvement of this plan and monitoring requirements detailed in Section 8.3 will be achieved by the ongoing evaluation of environmental management performance against 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 as outlined in Sections 2.2 and 2.3 of this Plan.

9.2 MHMP update and amendment

The auditing and review processes described in Section 5.13 to 5.17 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 Aboriginal cultural 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 Plan. Any update of this Plan will require endorsement by the Environmental Representative and depending on the change, process outlined in Section 2 of the CEMP must be followed where approval from the Planning Secretary prior to implementation of the update is required.

Future revisions of the Plan will undergo consultation with North Sydney Council, Heritage NSW, Registered Aboriginal Parties, where deemed relevant in consultation with TfNSW and the ER. This Plan will be updated should an archaeological research design and excavation methodology and/or artefact conservation management plan be required in the unlikely event significant maritime heritage item is unexpectedly found during the works.

Appendix N1 Transport for NSW 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

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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



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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.

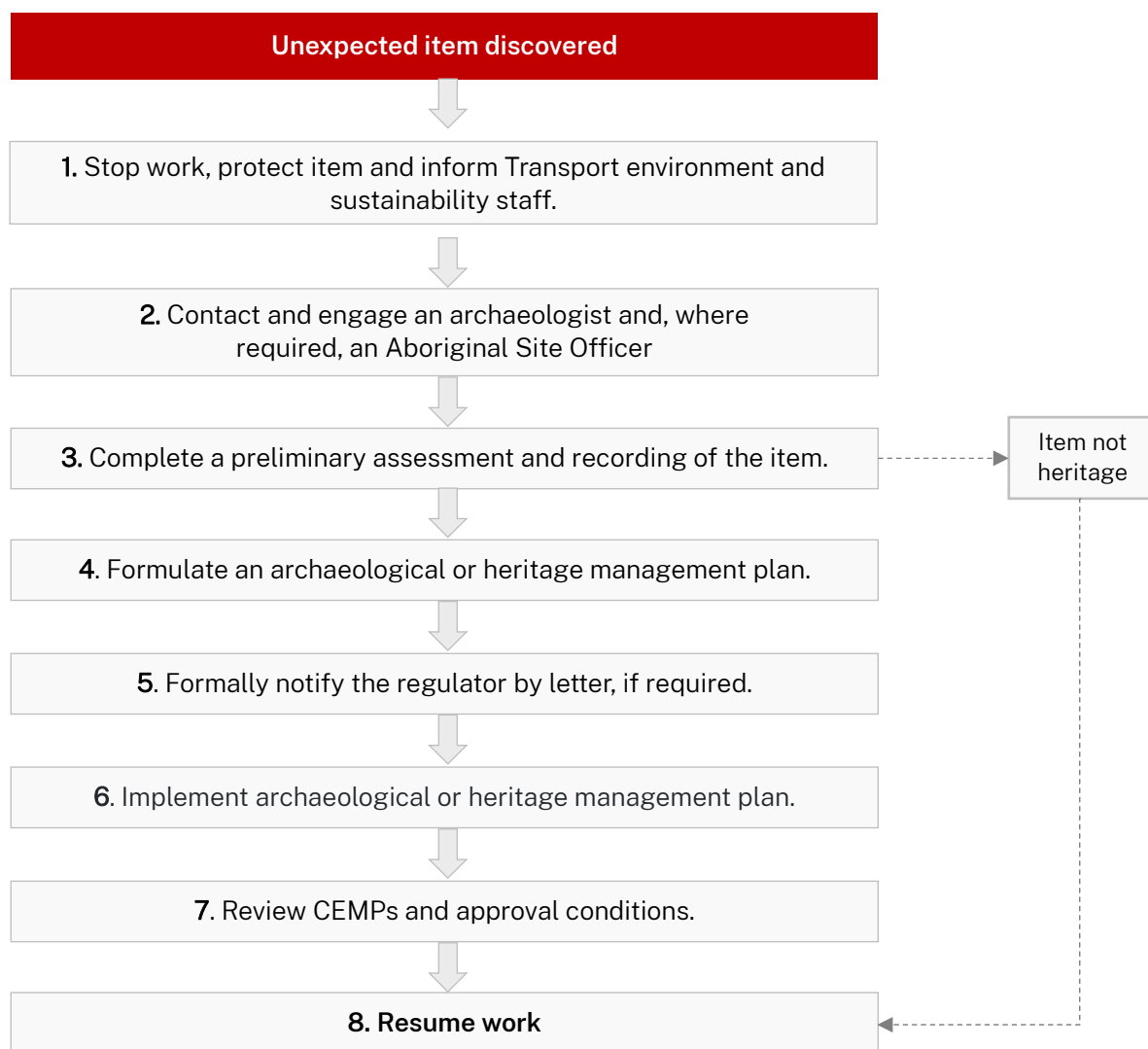


Figure 1: Overview of steps to be undertaken on the discovery of an unexpected heritage item.

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

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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	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: <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	

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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



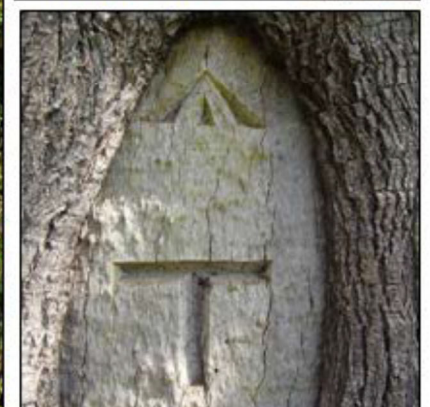
Alignment stone



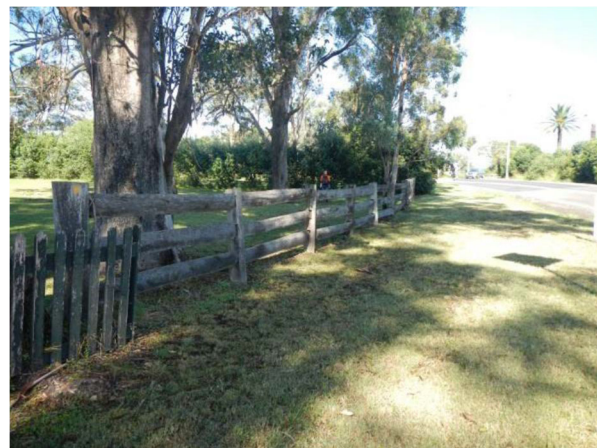
Survey tree



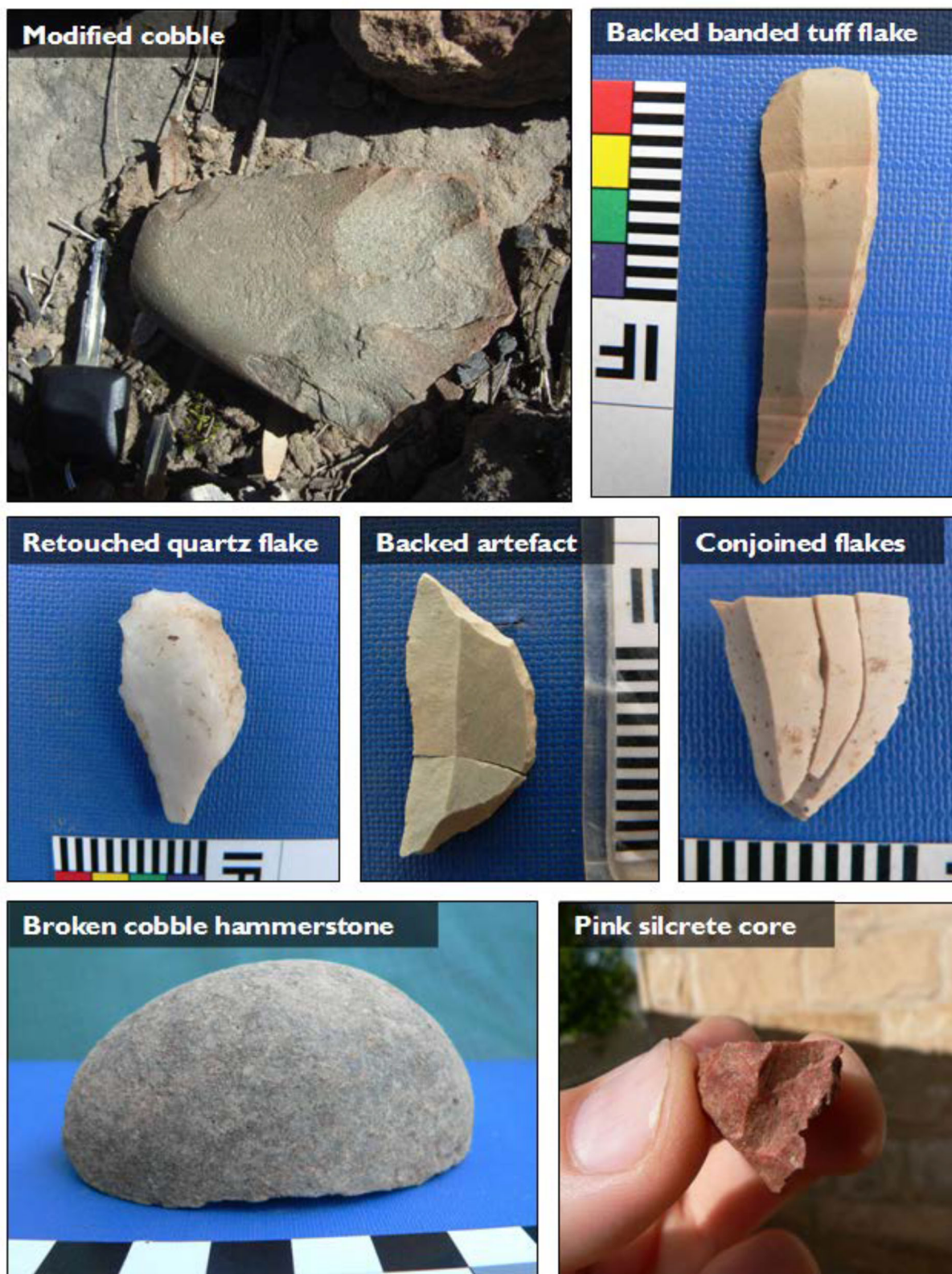
Milestone



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.

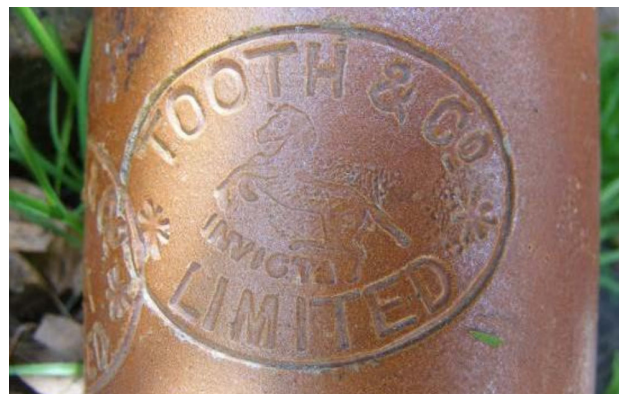


Figure 4: Detail of the stamp allows 'Tooth & Co Limited' to be made out. This is helpful to a specialist in gauging the artefact's origin,

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

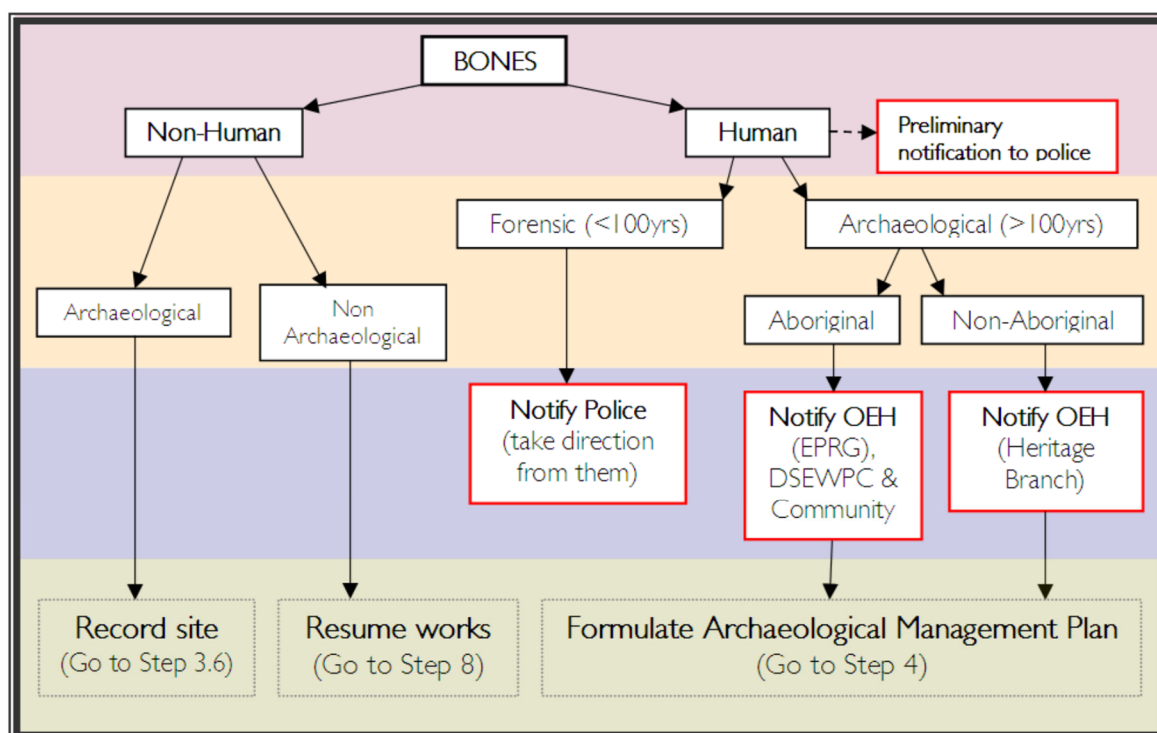
The Heritage NSW and the Transport Aboriginal Cultural Heritage Officer (ACHO) must be notified immediately. The ACHO must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site. Relevant stakeholders are determined by Transport's Procedure for Aboriginal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

Supporting Unexpected Heritage Finds Procedure - Maritime Archaeological Procedure

Significance of maritime underwater cultural heritage (UCH)

UCH can provide important information about human histories. This archaeological information can assist us to understand those cultures, cultural practices, and technological accomplishments. This information is not just about an object/artefact/relic. The place in which they are located is important in understanding the item itself. Due to long immersion under the sea, they can be extremely fragile.

All traces of human endeavours, achievements and cultural practices have the potential to be of heritage significance. This may be through previously undocumented artefacts or evidence of former cultural practices.

Human activities may date from the pre-colonial, colonial and post-colonial periods of European seafaring. Underwater cultural heritage can include shipwrecks and aircraft – either lost due to misadventure or through wartime conflicts.

It is important that significant UCH is protected for future generations. It is the responsibility of all personnel to ensure appropriate protection and management of all cultural heritage, whether previously known about and recorded or not recorded.

To avoid the loss of this information, it is important that all personnel whose activities may impact the seabed, including contractors and subcontractors are provided with an induction on their responsibilities in respect of the protection of UCH. The Unexpected Finds Protocol is designed to assist you to identify the characteristics of items that may be of cultural significance.

Artefacts/relics

No known or recorded items of significant cultural heritage are known or predicted to be present or disturbed in the sediments within the marine zone of work associated with the Berrys Bay foreshore parklands project. However, the Unexpected Finds Protocol describes the possible nature of such finds and procedures to be followed to identify their significance and subsequent management. Photos of examples of the types of finds that could be found are on the following pages. They include items associated with previous activities in and adjacent to the bay, including e.g., Woodleys Shipyard, the NSW Torpedo Corps, BP:

- Remains of watercraft (wood, iron, steel hull structures, machinery and other fittings)
- Tools used in vessel maintenance (e.g., hand tools such as wrenches, pulleys, screw drivers, lifting gear)
- Glass and ceramics from food or drink containers
- Personal equipment such as combs, eye glasses, boots, leather belts, etc.

Legislation

Heritage Act 1977

Historic Shipwrecks in State waters (out to the 3 nautical mile limit) are protected under the provisions of Part 3C of the NSW Heritage Act (the Act). Section 47 (1a) of the Act defines an historic shipwreck as the remains of any ship, and any articles associated with the ship, that has been 'situated in State waters, or otherwise within the limits of the State, for 75 years or more'. The shipwreck is then included in the State's section 49 Register of Shipwrecks. The Act does not specify that the ship has had to have been wrecked or abandoned for 75 years. Under section 51(a) of the Act 'A person must not move, damage or destroy any historic shipwreck otherwise than in accordance with a historic shipwrecks permit' (i.e., a permit referred to in section 139 of the Act).

Other archaeological relics that are not shipwrecks or associated with shipwrecks, are protected under section 139 of the Act if they are deposits, artefacts, objects or material evidence that:

- a) relate to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- b) is of State or local heritage significance.

Conservation needs of items of UCH

Items that have been underwater particularly in salt water can rapidly decay when removed from the cool, wet and low oxygen environment of the harbour bed sediments. For, example, timber can dry, shrink, crack and crumble. Iron and steel can also rapidly crumble into rust. Items that are a mix organic and inorganic components have particularly complex conservation needs.

Therefore, and in keeping with the principles of the 2001 UNESCO Convention on the protection of the underwater cultural heritage (2001 Convention), retaining objects in situ (i.e., in their original, relatively stable conditions) is the first priority. Objects should only be removed if is unavoidable or has occurred inadvertently. Once disturbed or removed from the sediments in the bay, immediate assessment by an experienced maritime archaeologist is required to assess whether the item is of heritage significance.

Pending the assessment by the maritime archaeologist, short term treatment will be required to minimise potential accelerated decay. Any items removed from the bay should be placed in water from the bay or wrapped in hessian to prevent them from drying pending initial assessment of their significance by an experienced maritime archaeologist.

If an item is determined to be of heritage significance, long term treatment will be needed and funded as part of the WHT Project. This requires specialist skills of materials conservators and appropriate laboratory conditions. The document supplied by the International Conservation Service (ICS) provides detailed guidance on conservation processes.

Conservation needs for high value UCH also extends to consideration of long-term management, storage, display and interpretation, and availability for further research. Identification of funding for those aspects also needs to be identified at the time of recovery.

Project design implications in the event of identification of an item of high UCH significance

In the event that an unexpected find of an item of high UCH significance, such as the substantial remains of an early ship or other watercraft, a review of the redesign of the works for the Berrys Bay foreshore parkland to accommodate/interpret those remains is to be undertaken.

Role of the maritime archaeologist brought in to assess any unexpected finds

An experienced maritime archaeologist is to attend the site immediately and:





- Assess whether the item is or is not of heritage significance.
- Record as much information as possible about its location and context.
- If the item is of heritage significance, advise and assist ACCIONA to notify Heritage NSW.
- Advise ACCIONA on immediate management and any appropriate first aid treatment of the item.

Stop triggers and notification protocols


As per the procedure outlined in Section 4 of the Unexpected Heritage Items Procedure (Transport for NSW, 2022)



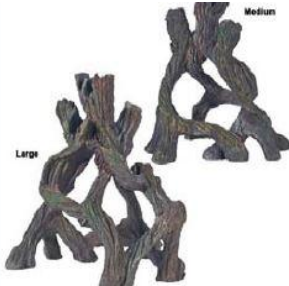


Examples - Types of maritime heritage relics



The table below provides examples of potential maritime heritage relics. Table sourced from Cosmos Archaeology Pty Ltd.



Potential relic (Notify archaeologist)	Description	Example Images
Timbers	<p>Wooden timbers that are worked, cut, or shaped (squared). These may have copper alloy or iron nails or other fastenings.</p> <p>Timbers could be part of a ship – keel, frames, planks etc.</p> <p>Loose round jetty piles and large squared timbers such as headstocks and girders are not to be reported.</p>	 
Copper alloy	<p>Objects such as Muntz metal or brass. Used for a host of marine applications from corrosion resistant fastenings and anti-fouling (sheathing on hull). May be associated with a shipwreck.</p>	 

Potential relic (Notify archaeologist)	Description	Example Images
Glass bottles	<p>Square, round, clear, brown, dark green (black) glass bottles. Can range in size from small pharmaceutical to champagne bottles. Some bottle may still be sealed with corks, ring seal or screw tops.</p>	  
Ceramic	<p>Ceramic bowls, plates and containers could be recovered intact as a complete object or as fragments. Ceramics can be several colours and display patterns or motifs. Makers marks are usually visible on the base.</p>	 

Potential relic (Notify archaeologist)	Description	Example Images
Unknown	No immediate diagnostic features to help identify the type of object. Can be entirely encrusted with marine growth or surfaces highly degraded. For example, iron concretions, possible corroded machine parts, broken timber objects and unidentified material(s) that indicate they have been modified by humans.	
Objects where No Notification required	Description	Example Images
Plastic	All types from packing strips to bottles.	 
Asbestos and fibreglass	-	 

Potential relic (Notify archaeologist)	Description	Example Images
Branches	All fresh tree branches and other non-cultural floral remains.	  
Stubbies and other recent bottles	If in doubt as to how old a bottle is, please retain	
Modern appliances and tools	Remains of a cassette deck	

Potential relic (Notify archaeologist)	Description	Example Images
Aluminium cans	-	
Rubber tyres, buoys and fenders	-	

Potential relic (Notify archaeologist)	Description	Example Images
Poly rope	-	 
Flexible steel wire rope	-	