

Jemena Limited

Kendall Bay Sediment Remediation

Statement of Heritage Impact

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EXECUTIVE SUMMARY

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned by Jemena Limited (Jemena) to undertake a Statement of Heritage Impact (SOHI) as part of the Environmental Impact Statement (EIS) for the proposed sediment remediation works in Kendall Bay, New South Wales (the Project). Subsequent to the initial assessment, the approach to the remediation works has been revised, requiring an update to address project changes. Jemena have updated the initial assessment to reflect the changes in the Project.

The assessment included areas of interest in the vicinity of the Project Area, which encompasses the sites for remediation works within Kendall Bay (Southern and Northern Remediation Areas) the Staging Site at 140 Tennyson Road, Mortlake and the water-based corridor between the Staging Site and the remediation works area within Kendall Bay.

This SOHI has been prepared for the Mortlake Punt, the shipwreck 'Lady Edeline', Cabarita Park and the Federation Pavilion. These heritage items are located within the vicinity of the Staging Site and remediation works within Kendall Bay. The results of an Aboriginal cultural heritage due diligence assessment undertaken by ERM have also been included in this report.

Methodology for this assessment included a review of background documentation relevant to the Project Area, a site visit, a review of legislative and regulatory frameworks and an impact assessment.

The Project is unlikely to have a significant impact on the identified heritage values of the Mortlake Punt, the remains of the 'Lady Edeline', Cabarita Park or the Federation Pavilion. Historical ground disturbance activities indicate a low potential for the presence of Aboriginal cultural heritage sites within the Project Area, including along the shoreline and within areas adjacent to the Project Area. Therefore, the proposed Project is unlikely to have a significant impact on potential Aboriginal heritage values.

Recommendations are summarised below and presented in more detail at Section 10.

Recommendation 1 - Occupational Health and Safety Briefing

It is recommended that a brief presentation is made during the Occupational Health and Safety (OH&S) briefing / induction for workers and sub-contractors on the Project. This briefing should be augmented by an incident reporting procedure, which would require work to be stopped, in the unlikely event of damage to the heritage items.

Recommendation 2 - Demarkation of the remains of 'Lady Edeline'

It is recommended that prior to the commencement of Project activities, a 5 m buffer area is established with the use of buoys placed around the exposed remains of the 'Lady Edeline'. The buoys will clearly expose the 'Lady Edeline's' location and assist with the prevention of inadvertent impacts.

Recommendation 3 – Aboriginal Cultural Heritage

Recommendations are provided to limit potential impact on any unidentified Aboriginal sites or objects in accordance with the *National Parks and Wildlife Act 1974* (NPW Act):

- if during project works, a suspected Aboriginal object is found, work in that location should stop and the Office of Environment and Heritage (OEH) notified immediately; and
- in the event that human skeletal remains are uncovered, work must cease immediately in that area and the area secured (fenced). Jemena should notify the NSW Police and OEH immediately.

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned by Jemena Limited (Jemena) to prepare a Statement of Heritage Impact (SOHI) to support the Environmental Impact Statement (EIS) for proposed sediment remediation works in Kendall Bay, New South Wales (the Project).

This SOHI has been prepared for the Mortlake Punt, the shipwreck 'Lady Edeline', Cabarita Park and the Federation Pavilion. These heritage items are located within the vicinity of 140 Tennyson Road, Mortlake, (the proposed Staging Site) and the remediation works within Kendall Bay associated with the Project.

The Federation Pavilion located in Cabarita Park is listed on the State Heritage Register (SHR) (listing number 1454). Mortlake Punt and Cabarita Park are listed on the NSW State Heritage Inventory (SHI) under the *NSW Heritage Act 1977* and have been identified as local Heritage Items (Item 253 and Item 58 respectively) in Schedule 5 of the Canada Bay Local Environmental Plan 2013 (LEP 2013). The 'Lady Edeline' is listed on the Australian National Shipwreck Database (Shipwreck ID 1050) and is protected by the NSW Heritage Act.

The results of an Aboriginal cultural heritage due diligence assessment have been included in this report and are presented in Section 5.

The original report was prepared by Stefani Blackmore, ERM Heritage Consultant with technical input and review by Shelley James, ERM Principal Heritage Consultant, and Quality Assurance (QA) review by Steve O'Connor, ERM Technical Director. This draft report was based on a superseded proposal for the Remediation Project.

The draft report has been reviewed by JBS&G and Jemena in the context of the Project Area and remediation methodology which are the subject of the current EIS for the Kendall Bay Sediment Remediation Project, and updated where relevant.

1.1 ASSESSMENT AIMS AND OBJECTIVES

This SOHI has been prepared due to the proximity of the Mortlake Punt and the 'Lady Edeline' to the proposed Staging Site and the proximity of Cabarita Park to the remediation works within Kendall Bay. The aim of this report is to assess the potential impacts of the Project on Cabarita Park and Federation Pavilion, the Mortlake Punt, including the ramp, slipway and setting, and the remains of the 'Lady Edeline'.

Potential impacts associated with the Project on Aboriginal cultural heritage values have also been considered.

1.1.1 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

This report has been prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued on 17 March 2017, which require 'an assessment of non-Aboriginal and Aboriginal heritage impacts.'

1.2 REPORT STRUCTURE

The structure of this report is as follows:

- Chapter 1* - provides an introduction to this report including stating the aims and objectives;
- Chapter 2* - provides a description of the Project;
- Chapter 3* - outlines the legislative requirements of the Project Area;
- Chapter 4* - details the methodology undertaken in the preparation of this report;
- Chapter 5* - discusses the Aboriginal cultural heritage implications;
- Chapter 6* - provides an overview of the existing conditions of the Project Area and the heritage listed items;
- Chapter 7* - summarises the history of the region with specific reference to the Mortlake Punt, Cabarita Park, the Federation Pavilion and the 'Lady Edeline';
- Chapter 8* - assesses the impact of the proposed alterations in accordance with the NSW Heritage Manual Guide *Statement of Heritage Impact*;
- Chapter 9* - provides the conclusion to this report; and
- Chapter 10* - puts forward the recommendations of this report.

2. PROJECT DESCRIPTION

2.1 BACKGROUND

Kendall Bay is located approximately 10 kilometres (km) west of the Sydney Central Business District (CBD) on the Parramatta River (refer Figure 2-1) and was historically used for loading and unloading coal and other materials for the adjacent former Mortlake Gasworks.

In 2004, the bed of the Parramatta River and Kendall Bay within 200 metres of the shoreline bordering the former Mortlake Gasworks was declared a 'Remediation Site' by the NSW Environment Protection Authority (EPA) after investigations carried out by AGL (now known as Jemena) established that areas of sediments within the bay had been contaminated by gasworks activities. Agreement was reached with EPA regarding further investigation of the area to determine the nature and extent of the contamination, undertaking of a risk assessment and development of a Remediation Action Plan (RAP).

A Voluntary Management Proposal (VMP) for the remediation phase of the Project was accepted by the EPA in 2017. The RAP was completed in June 2018 and identified two remediation areas - Southern Remediation Area and the Northern Remediation Area as requiring remediation. The extent of these remediation areas, as detailed in Figure 2-2, follows environmental investigations and detailed human health risk assessments involving the EPA, the Department of Health and a number of technical experts.

2.2 PROJECT LOCALITY

Kendall Bay is located on the southern side of the Parramatta River. It is located directly east of the Breakfast Point residential development and north of the suburb of Cabarita (refer Figure 2-3)..

Kendall Bay is a small northward opening bay and comprises:

- a small beach at the head of the bay (south) and a small beach on the north-west side
- a stand of mangroves around the southern edge
- a sandstone seawall along the southern and western edges
- large stormwater drains that drain the extensive surrounding residential catchment
- Cabarita Park located on the eastern side; and
- a ferry terminal at the north-east point (Cabarita) which services Rivercat and Harbourcat services.

A former marina at 140 Tennyson Road, Mortlake has been acquired by Jemena for use as a Staging Site and to facilitate the transport of excavated sediment. The Staging Site is located on the southern shoreline of Fairmile Cove within the Parramatta River and situated approximately 1 km north-west of the Remediation Areas in Kendall Bay.

The Mortlake Punt is located at 33W Hilly Street, approximately 75 m north-west of the Staging Site. The 'Lady Edeline' is partially submerged just off the southern shoreline in Fairmile Cove approximately 50 m south-east of the Staging Site and 10 m north-east of the shoreline. Cabarita Park is situated to the immediate east of Kendall Bay, and extends to the eastern shoreline of the Bay. The location of the heritage listed items including the Mortlake Punt, the 'Lady Edeline', Cabarita Park and Federation Pavilion are shown in Figure 2-4.



Figure 2-1: Project area



Figure 2-2: Detailed Remediation Areas



Figure 2-3: Remediation Areas and surrounding land use zoning (Canada Bay Local Environment Plan)

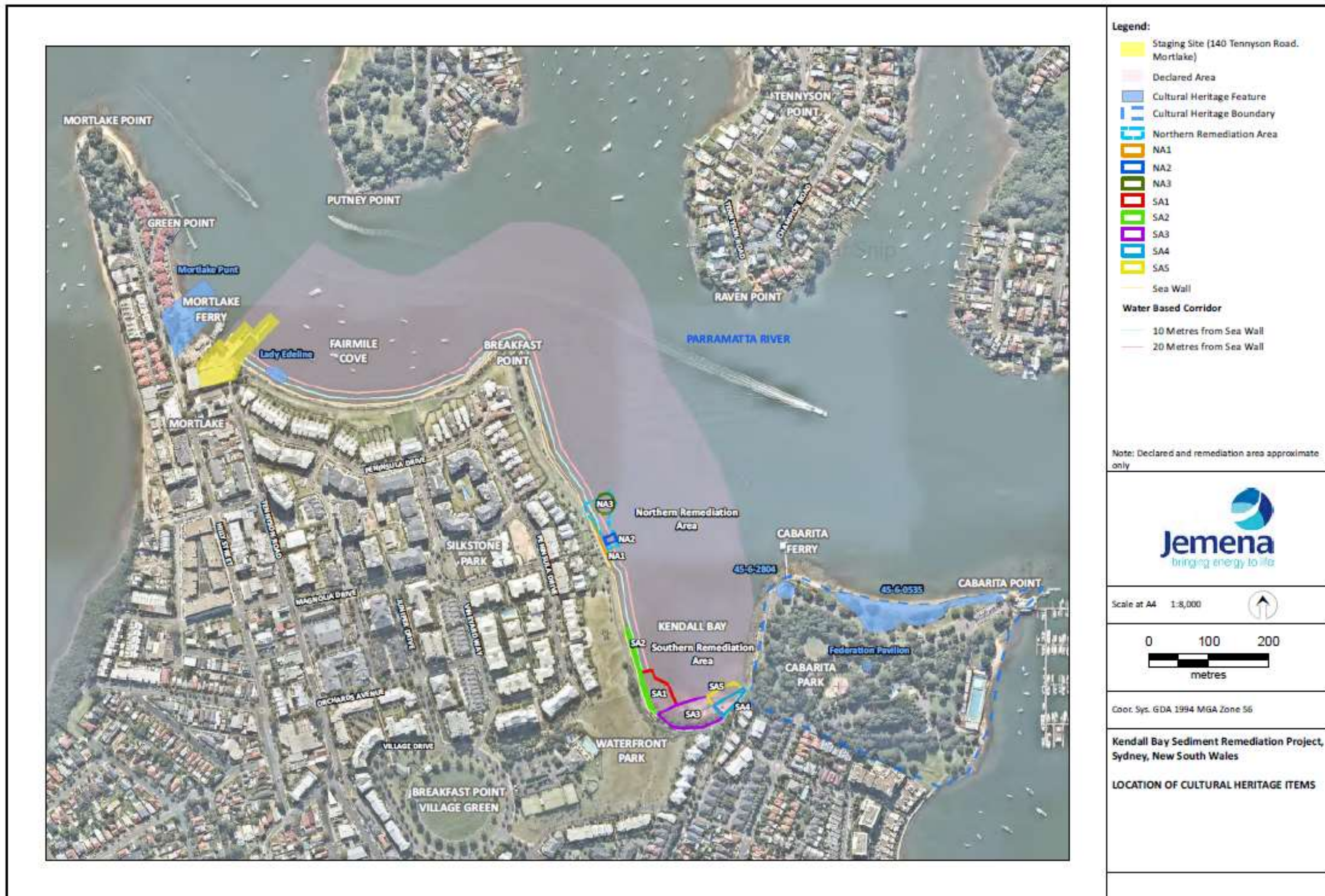


Figure 2-4: Location of heritage items

2.3 PROJECT AREA

The Project Area encompasses:

- the delineated Southern and Northern Remediation Areas (previously known as Areas A and B respectively), located in Kendall Bay directly to the east of the Breakfast Point residential development and to the north of the suburb of Cabarita (refer Figure 2-2)
- five metre buffer zones associated with the Northern and Southern Remediation Areas, and a 10 – 15 m buffer zone from the outer limit of the Remediation Areas required for silt curtains
- a portion of the seawall on the western margin of Kendall Bay
- the land-based Staging Site at 140 Tennyson Road, Mortlake, located on the southern shoreline of Fairmile Cove on the Parramatta River and situated approximately 1.4 km north-west of the Remediation Areas in Kendall Bay. This comprises a property owned by Jemena and a wharf area leased by Jemena from RMS.

The Project will also require use of a water-based corridor extending between Kendall Bay and the Staging Site. The three key areas within the Project Area are outlined in the subsequent sections.

2.3.1 REMEDIATION AREAS

The Northern Remediation Area occupies an area in Kendall Bay of approximately 4,000 m² situated adjacent to the location of the former coal loading wharf. The Southern Remediation Area is adjacent to the southern and western shoreline of Kendall Bay, occupying an approximate area of 8,300 m².

An additional area extending approximately 10 - 15 metres from the outer limit of the Remediation Areas (other than the landward side) is required for associated silt curtains. As noted above, buffer zones associated with the Remediation Areas extend 5 metres beyond the defined Remediation Area boundaries.

2.3.2 STAGING SITE

The land-based Staging Site for the Project is located at 140 Tennyson Road, Mortlake. The site has been purchased by Jemena to be used exclusively for the Project, for the sole purpose of facilitating operations associated with the Project and so that impact on the local community from remediation activities may be minimised. The Staging Site benefits from direct access to both the Parramatta River and Tennyson Road, with existing wharf facilities and a large industrial building.

The Staging Site will be used as a base for contractors to store equipment and house crib huts, as well as to facilitate disposal of excavated sediments from the Remediation Areas. The Staging Site also encompasses the immediate surrounding waterway area, which is administered by RMS.

2.3.3 WATER-BASED CORRIDOR

The Project Area also requires the use of a water-based corridor (refer Figure 2-1) extending from Kendall Bay to the Staging Site, which will be used periodically to transport excavated and stabilised sediments to the Staging Site via a barge. The water-based corridor would also facilitate the movement of floating plant between the Staging Site and Kendall Bay to service the Project.

The water-based corridor between the Staging Site and the Remediation Areas within Kendall Bay is administered by RMS and comprises:

- an area approximately 10 - 20 metres seaward of the seawall alignment between the Staging Site and Northern Remediation Area
- a Project navigation route between the Staging Site and the Northern and Southern Remediation Areas; and
- the balance of the area declared by the EPA in Remediation Order Number 23022 (Declaration Number 21055, Area 3335) made on 22 June 2007.

2.4 PROPOSED REMEDIATION METHODOLOGY

Development consent is being sought for the Project, which comprises the following key activities:

- Site establishment works, including environmental controls and associated preparatory works
- Southern Remediation Area remediation methodology:
 - SA1: In situ solidification ISS of sediment, excavation and disposal of a portion of solidified sediment, placement of capping material (activated carbon mat, cobble sized rock and sand)
 - SA2: Excavation and disposal of sediment, placement of geotextile fabric, placement of capping material (cobble sized rock and sand)
 - SA3: Excavation and disposal of sediment, placement of sand, construction of spur wall
 - SA4: Construction of sandstone wall over beach and intertidal areas, excavation and disposal of sediment, placement of sand
 - SA5: Excavation and disposal of sediment, placement of sand
- Northern Remediation Area remediation methodology:
 - NA1: Excavation and disposal of sediment, placement of geotextile fabric, placement of capping material (cobble sized rock and sand); and
 - NA2 + NA3: ISS, excavation and disposal of a portion of solidified sediment, placement of capping material (activated carbon mat, cobble sized rock and sand).
- Excavated materials generated through remediation works will be transferred directly from the excavation into dedicated hoppers equipped with close-fitting covers or sealable containers for transfer by barge to the Staging Site.
- Once unloaded at the Staging Site wharf, the hoppers or sealed containers will be moved to the designated sediment and materials receiving area. The sediment will remain in the sealed containers until it is transferred from the Staging Site to an EPA licenced facility for further treatment (if required) and disposal at a landfill.
- Demobilisation of plant and equipment and reinstatement of Project Area.

3. LEGISLATIVE FRAMEWORK

Approval for the Project is being sought under the State Significant Development (SSD) provisions (Division 4.1) of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This section outlines the cultural heritage statutory framework, regulatory procedures and requirements of advisory heritage bodies of relevance to the Project Area.

3.1 ENVIRONMENT PROTECTION BIODIVERSITY CONSERVATION ACT 1999

The *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) is Australia's key piece of environmental legislation. The primary objective of the EPBC Act is to protect the Australian environment from significant impacts, in particular to protect matters of National Environmental Significance (MNES). There are nine matters of NES to which the EPBC Act applies. Of relevance to the Project are two of these matters; world heritage properties and national heritage properties.

Managed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the World Heritage List (WHL) contains places that are of outstanding universal value. The National Heritage List (NHL) includes places that are considered to have outstanding heritage values to the nation and are in any form of public or private ownership. Cabarita Park, the Federation Pavilion, Mortlake Punt and the remains of the 'Lady Edeline' are not listed on the WHL or the NHL.

The Commonwealth Heritage List (CHL) is also established under the EPBC Act for heritage places owned or controlled by the Commonwealth Government. Cabarita Park, the Federation Pavilion, Mortlake Punt and the remains of the 'Lady Edeline' are not listed on the CHL.

3.2 NSW HERITAGE ACT 1977

Non-Aboriginal cultural heritage in NSW is protected by the *Heritage Act 1977* (Heritage Act). The Heritage Act aims to conserve the environmental heritage of the State, which is defined as the 'buildings, works, relics or places of historic, scientific, cultural, social, archaeological, natural, or aesthetic significance for the State.' The Heritage Act establishes the NSW State Heritage Register (SHR). Proposed changes to items on the SHR require the permission of the Heritage Council, or the Minister before any form of development can proceed.

The Federation Pavilion is listed on the SHR (Item 1454). The Mortlake Punt, the remains of the 'Lady Edeline' and Cabarita Park are not included on the SHR.

3.3 MARITIME HERITAGE

The NSW Office of Environment and Heritage (OEH) Branch administers both the Commonwealth's *Historic Shipwrecks Act 1976*, and the Heritage Act. The two Acts, together with the Annex to the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 (endorsed by the Heritage Council of NSW as best practice in 2005), provide protection to maritime archaeology and underwater cultural heritage sites in NSW and adjacent waters.

The 'Lady Edeline' is listed on the Australian National Shipwreck Database (Shipwreck ID 1050) and the NSW Maritime Heritage Database (Site ID 2352). Consequently, the 'Lady Edeline' is protected as a historic shipwreck under the Heritage Act.

3.4 NSW NATIONAL PARKS AND WILDLIFE ACT 1974

All Aboriginal objects and places in NSW are protected under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act).

The NPW Act defines an 'Aboriginal Object' 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."*

Sites that have special significance with respect to Aboriginal culture (including intangible places) may be gazetted as 'Aboriginal places' and are protected under Section 84 of the NPW Act. Under Section 86 and Section 90 of the NPW Act, a person who, without first obtaining the consent of the Director-General, knowingly destroys, defaces or damages, or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place is guilty of an offence.

The NPW Act is administered by the OEH, with the Director-General of that Department, the consent authority.

An Aboriginal heritage assessment for the Project Area was undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Department of Environment, Climate Change and Water, 2010).

3.5 STATE HERITAGE INVENTORY

The State Heritage Inventory (SHI) is a database which is maintained by the OEH – Heritage Branch. The SHI incorporates all heritage items and places identified by all local government bodies and some State government agencies in NSW. This database also records all items and places listed on the SHR.

3.5.1 FEDERATION PAVILION

The Federation Pavilion is included on the SHI as a site listed under the Heritage Act on the SHR listing number 1454. This heritage item is located in the reserve at the Cabarita Point end of Cabarita Road. The physical description is given as:

The pavilion is much altered from its original 1901 appearance, with most of its ornate features gone. These include the arches and grouped Ionic columns, the entablature, the Commonwealth Coat of Arms, lion head keystones and the roof with its shingle motif and finial. Though it retains the general form of the original, the pavilion is now a much plainer structure. It is not elevated as it was in 1901, but rests on a slab of concrete level with the surrounding ground. The pillars supporting the dome are plain timber posts which formed the core of the original Ionic columns. The arches resting on the pillars have been replaced with a series of vertical timber battens. It is not clear how much of the original fabric remains. (Pearson et al., 1999, 17).

The history and significance of and the Federation Pavilion and Cabarita Park are discussed further in Section 7.1.

3.5.2 CABARITA PARK

Cabarita Park is included on the SHI as a locally significant site. The physical description of the site is:

"Large reserve located on the promontory of Cabarita Point. North and western shoreline consists of extensive sandstone shelving and strips of sand beach and are vegetated with patches of native sword

grass and Indigenous Port Jackson fig trees (to c.13 m). The upper level of flattish ground has an asymmetrical layout of cement paths, stone edged garden beds for annual flowers and shrubs with access roads extending throughout the site. Lines of trees divide the open grassy areas into a number of large scale picnic areas. 1920s/30s period planting includes phoenix palm, monkey puzzle trees, olives and rose gardens. A line of butia palms extends to the swimming pool. A 'Victory Coppice', with a plaque dated 1945, extends along the southern boundary. The coppice is planted with brush box, Tasmanian blue gums, iron barks, lemon scented gums, myal and lilli pilli. Elsewhere the park is extensively planted with brush box and some sugar gums. An Olympic sized, chlorinated, outdoor pool is located near the eastern foreshore. A large Edwardian steel and timber pavilion is located towards the southern boundary of the park" (OEH, 2014).

The history and significance of Cabarita Park and the Federation Pavilion are discussed further in Section 7.1.

3.5.3 MORTLAKE PUNT

The Mortlake Punt is included on the SHI as a locally significant site. The physical description of the site is given as:

"Mortlake Punt ramp, adjacent slipway, model and associated landscape make the setting for the last metropolitan vehicular punt in Sydney. Allows slow and highly interesting views of local and surrounding landscapes and riverscape while the crossing is made" (OEH, 2008).

The history and significance of the Mortlake Punt is discussed further in Section 7.2.

3.5.4 THE 'LADY EDELINE'

The remains of the 'Lady Edeline' are not listed on the SHI.

3.6 CANADA BAY LOCAL ENVIRONMENTAL PLAN 2013

3.6.1 CABARITA PARK AND THE MORTLAKE PUNT

The City of Canada Bay (the Council) has identified the Mortlake Punt and Cabarita Park as being heritage items of local significance within Schedule 5 of the Canada Bay Local Environmental Plan 2013 (LEP 2013) (refer to Figure 2-4). While the items are to be managed in accordance with State controls, best practice is to work to the intent of local controls and keep Canada Bay Council advised of activities affecting an item and the measures to protect its values.

Part 5, Section 5.10 of the LEP 2013 refers to the protection of Heritage items. Of relevance to the listed Mortlake Punt and Cabarita Park are the following clauses:

(4) Effect of proposed development on heritage significance

"The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6)."

(5) Heritage Assessment

"The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.”

3.6.2 THE ‘LADY EDELINE’

The ‘Lady Edeline’ is not listed as a heritage item of local significance in the LEP 2013.

3.7 NATIONAL TRUST OF AUSTRALIA (NSW)

The National Trust of Australia is a community-based, non-government organisation committed to promoting and conserving Australia’s Indigenous, natural and historic heritage. The National Trust of Australia maintains a register of heritage items and places which the Trust determines has cultural significance and is worthy of conservation.

The ‘Lady Edeline’, Cabarita Park and the Mortlake Cable Ferry (Punt) are all listed on the National Trust Register of Australia for NSW.

3.8 THE BURRA CHARTER

The Australian ICOMOS (International Council on Monuments and Site) Charter for the conservation of places of cultural significance (the Burra Charter) sets a standard of practice for those who provide advice, make decisions about, or undertake works on places of cultural significance including owners, managers and custodians. The Charter provides specific guidance for physical and procedural actions that should occur in relation to significant places.

The Charter was revised in 2013 and now includes seven Practice Notes designed to offer practical guidance for the management of heritage across Australia. Other changes include additional explanatory notes, and an updated Burra Charter Process diagram that recognises the importance of community and stakeholder engagement. A copy of the charter can be accessed at <http://australia.icomos.org/publications/charters>.

The approach and recommendations made in this SOHI are consistent with the Burra Charter principles.

4. METHODOLOGY

Preparation of this heritage assessment has included the following tasks:

- Task 1 - a review of site specific background information
- Task 2 - a site visit to undertake a physical analysis of the heritage items
- Task 3 - a review of legislative and regulatory frameworks relevant to the proposed works; and
- Task 4 - an assessment of the potential heritage impacts of the works against the NSW heritage assessment criteria.

The methodology adopted for the assessment is outlined in more detail in the following sections of the report.

4.1 TASK 1 - REVIEW OF SITE SPECIFIC BACKGROUND INFORMATION

At the commencement of the Project, ERM undertook a background review of all available and accessible existing documents pertaining to Cabarita Park, the Mortlake Punt, the 'Lady Edeline' and the proposed remediation works to be undertaken nearby.

4.2 TASK 2 – SITE VISIT

On 10 April 2014, ERM Heritage Consultant, Stefani Blackmore, undertook a site inspection of the Mortlake Punt, including the slipway and setting, the remains of the 'Lady Edeline' (from the shoreline) and the nearby proposed staging site (the former marina). Consultation was undertaken with Jemena's Remediation Manager during the inspection.

4.3 TASK 3- REVIEW OF LEGISLATIVE AND REGULATORY FRAMEWORK

A review of the statutory and non-statutory listings relevant to the Mortlake Punt, the 'Lady Edeline', Cabarita Park and the Project Area was undertaken to provide an overview of Jemena's obligations under the various legislative and planning instruments. This review was revisited and updated by Jemena in 2018.

4.4 TASK 4 – ASSESSMENT OF POTENTIAL IMPACTS

Following the site visit, this SOHI was prepared in accordance with the requirements of the NSW Heritage Manual Guide - Statements of Heritage Impact. The SOHI describes the level of impact the proposal could have upon the heritage items, whether this impact is likely to be acceptable, and any modifications to the proposal that may be required to reduce the level of heritage impact to an acceptable level.

Recommendations have been designed to avoid, reduce or mitigate impacts to the identified cultural heritage values of the heritage items.

5. ABORIGINAL CULTURAL HERITAGE

Aboriginal cultural heritage in NSW is protected by the *National Parks and Wildlife (NPW) Act 1974* (NPW Act). The NPW Act is administered by the NSW Office of Environment and Heritage (OEH). An Aboriginal heritage due diligence assessment was undertaken in accordance with the OEH requirement, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, 2010* (Code of Practice).

A search of the Aboriginal Heritage Information Management System (AHMIS) was undertaken and did not report any Aboriginal cultural heritage objects or places within the Project Area. Two AHIMS sites have been previously recorded in Cabarita Park located to the immediate east of Kendall Bay. These two sites include:

- 1 x Midden (Cabarita Park 1, 45-6-2804) located on the north-western tip of Cabarita Park; and
- 1 x Midden (Cabarita Park 2, 45-6-2532) located in the northern portion extending into the shoreline area of Cabarita Park.

Ground disturbing impacts associated with the Project are limited to the marine area within Kendall Bay. As such, potential impacts to the previously recorded Aboriginal cultural heritage sites are considered extremely unlikely.

In addition, the historic establishment of Cabarita Park, associated infrastructure and past industrial activities have involved in-filling of the coastal saltmarsh and wetlands, the construction of a stone sea wall and a heavy disturbance of the grounds surface and sub-surface layers. These past activities indicate a low potential for the presence of Aboriginal cultural heritage sites along the shoreline and within areas adjacent to the Project.

On-shore activities associated with the Project are limited to the Staging Site at 140 Tennyson Road. Formerly a marina, this site has been subject to significant ground disturbance with very low potential for the presence of Aboriginal cultural heritage sites.

In accordance with the Code of Practice, consultation with the Aboriginal community is not a formal requirement of the due diligence process. In addition, consultation was deemed unnecessary owing to the low potential for the presence of Aboriginal cultural heritage sites within the Project Area and low potential for impacts by the Project on Aboriginal heritage values.

For the management of any unexpected Aboriginal cultural heritage sites, refer to Section 10 Recommendations.

6. DESCRIPTION AND CONDITION

6.1 SURROUNDING LAND USES

The land surrounding Kendall Bay is comprised of a man-made western shoreline consisting of a walkway, with a medium density residential backdrop situated on the former gasworks site (the development forming Breakfast Point). The southern shoreline area consists of an intertidal beach and mangroves, and is more natural in comparison to the western shoreline. The eastern shoreline largely consists of rock outcrops and smaller pockets of mangroves.

Cabarita Park is located to the immediate east of Kendall Bay with internal access roads and picnic areas extending throughout the parkland.

The Breakfast Point development is situated to the immediate west of Kendall Bay and consists of residential dwellings, which are predominately attached medium density dwellings and residential apartment buildings.

Kendall Bay is predominately used for recreational purposes by small private motorised boats, canoes and row boats. Kendall Bay can be accessed by pedestrians utilising the shared pathway that leads from Cabarita Point to Kendall Bay, and there is a public boat ramp adjoining the public wharf towards the north-western corner of Cabarita Park.

The Staging Site adjoins the Parramatta River to the north and north-east, light industrial buildings to south and west, and residential dwellings generally located slightly beyond the marina site to the north-west and south-east.

Land use zoning as set out the in the Canada Bay Local Environment Plan is shown in Figure 2-3.

6.2 PHYSICAL DESCRIPTION OF THE STAGING SITE

The proposed Staging Site, located at 140 Tennyson Road, Mortlake, was formerly a marina. It has been acquired by Jemena to facilitate the transport of the excavated sediment.

The Staging Site includes a large vacant warehouse with an exposed metal and Perspex ceiling. The wharf area leased by Jemena from RMS comprises two narrow parallel jetties extending north of the warehouse into the Parramatta River. The jetties are constructed of concrete and bitumen, iron and timber, with floating pontoons that extend from the jetty to the east and north. Free standing timber piers are visible to the north, west and east of the jetties.

Plate 6-1 to Plate 6-6 below provide illustrations of the Staging Site at Tennyson Road including the wharf areas.



Plate 6-1: Vacant warehouse site to be used for excavated material processing (ERM 2014)



Plate 6-2: Vacant warehouse showing exposed steel framed ceiling (ERM 2014)



Plate 6-3: Cement and paved wharf and jetty north-east of the warehouse (ERM 2014)



Plate 6-4: Jetty, floating pontoons and free standing timber piers (ERM 2014)



Plate 6-5: Two parallel jetties supported by timber piers (ERM 2014)



Plate 6-6: View north-east across the jetty at the staging site (ERM 2014)

6.3 THE MORTLAKE PUNT

The Mortlake Punt comprises the ramp, slipway and setting. The Punt is a diesel powered vehicular cable Plate 6-7). The ferry carries a maximum of 15 cars plus passengers. The slipway is located to the south of the Mortlake approach ramp and is used for the maintenance of all NSW Road and Maritime Services (RMS) owned ferries that operate in the Sydney region.

There is evidence of earlier sandstone block construction at the slipway and along the embankment between the slipway and the ramp. However, the Mortlake Punt ramp has been modified and widened in recent years and is now constructed with concrete and bitumen.

The ramp is situated on the Parramatta River to the north of Fairmile Cove. A mixture of both powered private and commercial vessels is used on the waterway along with unpowered craft such as canoes, row boats and small yachts. Large passenger ferries also operate along the river between the Sydney CBD and Parramatta. Residential dwellings and light industrial buildings surround the Mortlake Punt ramp and slipway. Also, adjacent to the Punt is Punt Park, a small green space that has a building housing a model of the Punt. There are steps that lead down to an east facing sandy beach (Canada Bay Heritage Society 2014).

Plate 6-7 to Plate 6-11 provide illustrations of the Mortlake punt and adjacent RMS slipway.

6.3.1 CONDITION OF THE MORTLAKE PUNT

The Mortlake Punt, the ramp, slipway and setting are in good condition. The Punt is operated daily and appears to be well maintained.



Plate 6-7: Concrete and bitumen ramp at the Hilly Street approach to the punt (ERM 2014)



Plate 6-8: Slipway adjacent to the Mortlake Punt ramp showing sandstone block construction along the embankment (ERM 2014)



Plate 6-9: View of the staging site (former marina) from the Mortlake Punt (ERM 2014)



Plate 6-10: View from the punt approaching the Hilly Street ramp to the south (ERM 2014)



Plate 6-11: View from the punt across to residential dwellings north-west of the Hilly Street approach (ERM 2014)

6.4 THE 'LADY EDELINE'

The 'Lady Edeline' is partially submerged just off the southern shoreline of Fairmile Cove within the Parramatta River. At the time of the site visit in April 2014, timber and metal elements associated with the wreck could be seen protruding from the River.

6.4.1 CONDITION OF THE 'LADY EDELINE'

Without undertaking an underwater survey and condition assessment, it is difficult to determine the condition of the 'Lady Edeline'. However, the exposed elements are in poor condition and will gradually deteriorate over time.

Plate 6-12 to Plate 6-14 provides illustrations of the present condition of the 'Lady Edeline' wreck in Fairmile Cove.



Plate 6-12: The visible remains of the 'Lady Edeline' from the southern shoreline of Fairmile Cove (ERM 2014)



Plate 6-13: View of visible metal components of the submerged 'Lady Edeline' (ERM 2014)



Plate 6-14: View of visible timber and metal components of the 'Lady Edeline' (ERM 2014)

6.5 CABARITA PARK

Cabarita Park is a large reserve characterised by managed parkland with mowed grassland extending throughout. The north and western shoreline consists of a sandy beach, with patches of native grasses and indigenous Port Jackson fig trees. A 'Victory Coppice' extends along the southern boundary of the park and a large rotunda is located towards the southern boundary.

The Federation Pavilion is listed on the State Heritage Register and is located in the middle of Cabarita Park. The SHI notes that the pavilion is 'well maintained and in good condition' (Parkland Environmental Planners, 2006).

6.5.1 CONDITION OF CABARITA PARK

Cabarita Park continues to be used as a recreational facility and appears well maintained and in good condition. The following plates, provide a view of Cabarita Park looking south-west (Plate 6-15) and a view to the south from the Northern Remediation Area, towards Cabarita Park (Plate 6-16).



Plate 6-15: Cabarita Park looking south -west (JBS&G 2017)



Plate 6-16: View south towards Cabarita Park from Northern Remediation Area (ERM 2012)



Plate 6-17: View of the Federation Pavilion – looking south-east. (Source: JBS&G 2017)

7. HISTORY AND SIGNIFICANCE

7.1 CABARITA PARK / FEDERATION PAVILION

The area that is now Cabarita Park was reserved as a recreational area in 1856 and dedicated in the 1880s. The area was left in its natural state and gradually developed into a managed park. The park was used primarily for recreational pursuits, particularly to for water sports such as sculling and boating. The Sanders boatshed was constructed in 1906 (OEH 2014).

Between 1893 and 1935 large crowds gathered to watch rowing events and GPS regattas from Rhodes Point to Cabarita. The pool was built in 1937 to replace a harbour pool in the north shore. The pool was remodelled and chlorinated in 1961 (OEH 2014).

The pavilion in the park was used for the Federation ceremony in Centennial Park in 1901. Originally covered with ornate plasterwork, the shell of the pavilion was moved to Cabarita Park in 1904 (OEH 2014). The Federation Pavilion is listed on the State Heritage Register.

7.1.1 STATEMENT OF SIGNIFICANCE

The statement of significance presented below is extracted from the Cabarita Park SHI listing (OEH 2014).

“Park of substantial historic importance reserved as a recreation area in 1856 and dedicated in the 1880s. Used as a venue to watch events on the river. Includes monument to world champion rower William Pearce and a Victory Coppice. The Federation rotunda is of State Significance for its historical importance. The swimming pool is also important for its use since 1937.

Parkland retaining some natural foreshore character, layout and planting from c.1920/3030s set in a prominent position on the Parramatta River” (OEH 2014).

The Statement of Significance for the Federation Pavilion is extracted from the Federation Pavilion SHR listing (OEH 2014) noted in the SHI as follows:

The pavilion structure is significant as the timber frame of the pavilion that was used as the site for the swearing in of the first Governor General of Australia, Lord Hopetoun, the first prime Minister, Edmund Barton, and the first Cabinet at the official inauguration of federation in Centennial Park, Sydney, on 1 January 1901.

The structure is highly valued by the community for its symbolic and cultural associations as the focal point of the official ceremony to inaugurate the Commonwealth of Australia on 1 January 1901.

The structure is significant for its association with important figures in Australia's history, particularly those involved in the federation of the Australian colonies and the formation of the Commonwealth of Australia. Pre-eminent among these figures are Edmund Barton, the first Prime Minister, and Lord Hopetoun, the first Governor General (Pearson et al 1999).

The Park was assessed against the SHR Criteria and is considered to have heritage values under Criteria A (historical significance), Criteria C (aesthetic significance), Criteria F (rarity) and Criteria G (representativeness).

7.2 MORTLAKE PUNT

Commonly known as the Putney Punt, the Mortlake Punt began operation in 1925. The current punt began operating in 1960 and is the last remaining vehicular cable ferry in the Sydney Metropolitan area. The ramp has been widened over the years to increase its capacity (Canada Bay Heritage Society 2014).

The punt descends from the first established passenger service in Sydney, the Bedlam cable ferry situated a little way downstream. It was established to provide a convenient form of transport for gasworkers (for the former AGL gasworks site) and factory employees who worked at Mortlake and lived on the northern side of the river (Canada Bay Heritage Society 2014).

As well as being a significant element of the river-scape to generations of Australians, the Mortlake Punt also has potential as a tourist attraction and transports approximately 300 vehicles per day (Canada Bay Heritage Society 2014). Plate 7-1 below illustrates the Mortlake Punt in operation in the 1950's.



Plate 7-1: Mortlake Punt c.1950s (Canada Bay Heritage Society 2014)

7.2.1 STATEMENT OF SIGNIFICANCE

The statement of significance presented below is extracted from the Mortlake Punt SHI listing (OEH 2008).

"Location of last vehicular punt in Sydney Metropolitan area. Displays rare waterfront character and activity. Sites giving good views of river and northern foreshore".

The Punt was assessed against the SHR Criteria and is considered to have heritage values under Criteria A (historical significance), Criteria C (aesthetic significance) and Criteria F (rarity).

7.3 THE 'LADY EDELINE'

The 'Lady Edeline' was a steam powered wooden ferry (single screw steamer) built in 1913 (Andrews 2008). She had four sister ships; all of which had long working lives. Each ferry had individual features that allowed passengers to identify one from the other.

The 'Lady Edeline' was the last of her type in commercial use as a ferry on Port Jackson. She was retired in 1985 and sank during heavy rain in 1987 (Andrews 2008). Plate 7-2 below depicts the 'Lady Edeline' in operation and Plate 7-3 of the 'Lady Edeline' in 1987, partially submerged.



Plate 7-2: The 'Lady Edeline', N.D (City of Sydney Archives, Graeme Andrews 'Working Harbours' Collection, 82578)



Plate 7-3: The 'Lady Edeline' in 1987, note the marina warehouse in the background (City of Sydney Archives, Graeme Andrews 'Working Harbours' Collection 84708)

7.3.1 ASSESSMENT OF SIGNIFICANCE

NSW Assessing Heritage Significance Criteria

There is no statement of significance for the 'Lady Edeline' included in the NSW Maritime Heritage Database. Therefore, a significance assessment has been undertaken using the NSW publication *Assessing Heritage Significance* (NSW Heritage Office 2001).

There are seven significance assessment criteria that are designed to assess and identify the cultural and natural heritage significance of items, places and archaeological sites in NSW. An item will be considered to be of State or local heritage significance if, in the opinion of the Heritage Council of NSW, it meets one or more of the following criteria:

- a) an item is important in the course, or pattern of NSW's cultural or natural history;
- b) an item has strong or special association with the life or works of a person, or a group of persons, of importance in NSW's cultural or natural history;
- c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW;
- d) an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons;
- e) an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history;
- f) an item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history; and

- g) an item is important in demonstrating the principle characteristics of a class of NSW's cultural or natural places; or cultural or natural environments.

The level of significance has been determined according to the grading system presented in the NSW Assessing Heritage Significance guidelines (NSW Heritage Office 2001).

Table 7-1: Grading of significance

Grading	Justification	Status
Exceptional	Rare or outstanding element directly contributing to an item's local or State significance.	Fulfils criteria for local or State listing.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local or State listing.
Moderate	Altered or modified elements. Elements with little heritage values, but which contribute to the overall significance of the item.	Fulfils criteria for local or State listing.
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing.
Intrusive	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing.

Level of Significance - the 'Lady Edeline'

The remains of the 'Lady Edeline' are likely to have local historical and archaeological significance, meeting criteria (a) and (e) of the NSW Assessing Heritage Significance guidelines (see Table 7-2.)

Table 7-2: Significance for the 'Lady Edeline'

Criterion	Criteria and Response	Grading
a	<i>The item is important in the course, or pattern of NSW's or the areas cultural or natural history.</i> Built in 1913, the 'Lady Edeline' is one of five ferries built to the order of the Balmain New Ferry Company and was the last of her type in commercial use.	Moderate
b	<i>The item has strong or special association with the life or works of a person, or a group of persons, of importance in NSW's or the areas cultural or natural history.</i> The 'Lady Edeline' is so altered that it can no longer provide evidence of a particular association with a person or a group of persons of importance in NSW's cultural history.	Little
c	<i>The item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the area.</i> The 'Lady Edeline' has lost all architectural integrity owing to its gradual disintegration in the waters of the Parramatta River.	Little
d	<i>The item has a strong or special association with a particular community or cultural group in NSW or the area for social, cultural or spiritual reasons.</i> Without undertaking community consultation, it is unknown whether the 'Lady Edeline' has a special association with a community or cultural group in the area.	Little

Criterion	Criteria and Response	Grading
e	<i>The item has potential to yield information that will contribute to an understanding of NSW's or the areas cultural or natural history.</i> As a maritime archaeological resource, and one of only five built of her type, the 'Lady Edeline' has potential to yield information that will contribute to an understanding of the areas cultural history.	Moderate
f	<i>The item possesses uncommon, rare, or endangered aspects of NSW's or the areas cultural or natural history.</i> The 'Lady Edeline' does not display rare evidence of a significant human activity important to the community.	Little
g	<i>The item is important in demonstrating the principle characteristics of a class of NSW's or the areas cultural or natural places; or cultural or natural environments.</i> The condition and integrity of the 'Lady Edeline' is poor and has therefore lost the range of characteristics that are distinctive of the vessels type.	Little

7.3.2 STATEMENT OF SIGNIFICANCE

Built in 1913, the 'Lady Edeline' is one of five ferries built to the order of the Balmain New Ferry Company and was the last of her type in commercial use. As a maritime archaeological resource, the 'Lady Edeline' provides research potential to yield information that would contribute to an understanding of the areas cultural history.

8. STATEMENT OF HERITAGE IMPACT

The Heritage Impact Statement has been prepared in accordance with current best-practice heritage guidelines as identified in the *NSW Heritage Manual*, published by the OEH, including *Statements of Heritage Impact* and *Assessing Heritage Significance*.

8.1 HERITAGE BRANCH GUIDELINES

8.1.1 QUESTIONS TO BE ANSWERED FOR NEW DEVELOPMENT ADJACENT TO A HERITAGE ITEM

- How is the impact of the new development on the heritage significance of the item or area to be minimised?
- Why is the new development required to be adjacent to a heritage item?
- How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?
- How does the new development affect views to and from the heritage item? What has been done to minimise negative effects?
- Is the development cited on any known or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?
- Is the new development sympathetic to the heritage item? In what way (eg. form, siting, proportions, design)?
- Will the additions visually dominate the heritage items? How has this been minimised?
- Will the public, and users of the item, still be able to view and appreciate its significance?

8.2 DISCUSSION

8.2.1 CABARITA PARK

Project activities are unlikely to impact on the heritage significance of Cabarita Park or the Federation Pavilion.

There are no onshore project activities proposed for Cabarita Park. Remediation works will occur within Kendall Bay, adjacent to the park. Barge movements associated with remediation activities are not expected to create excessive river surge to a degree that would impact on the shoreline of Cabarita Point.

The public, and users of Cabarita Park, will still be able to access the park and view and appreciate its significance. Cabarita Park has local heritage significance and therefore requires a conservation policy (refer Section 10 Recommendations).

8.2.2 THE MORTLAKE PUNT

Impact Analysis for a New Development Adjacent to a Heritage Item

Project activities are not expected to directly impact the heritage significance of the punt.

The existing cable alignment / route of the ferry between Mortlake and Putney will not be affected by the Project. Project activities are outside the curtilage of the punt, ramp and slipway therefore are not expected to impact significantly on the setting of the place. It is proposed that a temporary structure, constructed of tent like PVC material will be erected adjacent to the vacant warehouse at the staging site. This structure is temporary only and will not be larger or higher than the existing warehouse and will not impact the views to or from the heritage place.

The Mortlake Punt has local heritage significance and therefore requires a conservation policy (refer Section 9 Recommendations).

8.2.3 THE 'LADY EDELINE'

Project activities are unlikely to impact on the heritage significance of the remains of the 'Lady Edeline'.

Any potential barge movements in the vicinity of the wreck associated transport of equipment, materials and excavated sediment between the Staging Site and Remediation Areas, are not expected to create excessive river surge to a degree that would cause accelerated deterioration of the wreck.

The 'Lady Edeline' has local heritage significance and therefore requires a conservation policy (refer Section 10 Recommendations).

9. CONCLUSIONS

It is considered that the proposed work will not affect the heritage values of the Mortlake Punt, including the ramp, slipway and setting.

The proposed work will not affect the heritage values of Cabarita Park or the Federation Pavilion. There are no on-shore project activities proposed in this area. The remediation work in Kendall Bay is not expected to minimise the heritage values of the park.

The proposed works are unlikely to have a negative impact on the identified heritage values of the Mortlake Punt, the remains of the 'Lady Edeline', Cabarita Park and Federation Pavilion.

10. RECOMMENDATIONS

This SOHI has determined that the proposed remediation works are unlikely to have a negative impact on the heritage values of the Mortlake Punt, the 'Lady Edeline' or Cabarita Park / Federation Pavilion. The impacts analysis and review of legislative requirements has identified recommendations that will assist Jemena in ensuring the heritage values of Cabarita Park / Federation Pavilion, the Mortlake Punt and the 'Lady Edeline' are protected during the proposed works. These recommendations are provided in this section.

Recommendations for the management of unexpected Aboriginal cultural heritage sites are also provided in this section.

10.1 CONSERVATION ACTIONS

To ensure the heritage values of the Mortlake Punt and the 'Lady Edeline' are conserved, protection of these values during project activities is essential. The following recommendations are provided to assist Jemena with appropriately undertaking the proposed works.

10.1.1 OCCUPATIONAL HEALTH AND SAFETY BRIEFING

Prior to commencement of Project activities, workers and sub-contractors should be made aware of the location of Cabarita Park, the Mortlake Punt and the remains of the 'Lady Edeline', the heritage values associated with the heritage items and the need for caution along with reporting of any inadvertent damage to the items. Of particular importance is due care of the remains of the 'Lady Edeline'.

It is recommended that a brief presentation is made during the Occupational Health and Safety (OH&S) briefing/ induction augmented by an incident reporting procedure which would require work to be stopped, in the unlikely event of damage to the heritage items. Guidance from the NSW Heritage Branch should be sought prior to the resumption of Project work in the immediate vicinity of the heritage item affected.

10.1.2 DEMARCATION OF THE REMAINS OF THE 'LADY EDELINE'

It is recommended that, prior to the commencement of Project activities, a 5 m buffer area is established with the use of buoys placed around the exposed remains of the 'Lady Edeline'. The buoys will clearly expose the 'Lady Edeline's' location and assist with the prevention of inadvertent impacts.

10.2 ABORIGINAL CULTURAL HERITAGE

Recommendations are provided to limit potential impact on any unidentified Aboriginal sites or objects in accordance with the NPW Act:

- if during project works, a suspected Aboriginal object is found, work in that location should stop and OEH notified immediately; and
- in the event that human skeletal remains are uncovered, work must cease immediately in that area and the area secured (fenced). Jemena should notify the NSW Police and OEH immediately.

11. REFERENCES

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