

Belinda Scott
Senior Planning Officer
Transport Assessments
NSW Department of Planning, Industry and Environment
320 Pitt Street
SYDNEY NSW 2000

Dear Ms Scott

Beaches Link and Gore Hill Freeway Connection (SSI 8862) – Advice on Environmental Impact Statement (EIS)

Thank you for inviting the Heritage Council of NSW to provide advice on the Beaches Link and Gore Hill Freeway Connection project. The Council notes the city-shaping nature of this critical infrastructure project. To maximise heritage management outcomes, Heritage NSW, as delegate of the Heritage Council, provides the following response.

Our response relates to a review of the following SSI 8862 EIS documents:

- Chapter 0 – Executive Summary
- Chapter 14 – Non-Aboriginal heritage
- Chapter 28 – Synthesis of the environmental impact statement
- Appendix J – Non-Aboriginal heritage
- Appendix K – Maritime heritage
- Appendix Y – Compilation of environmental management measures

General comments on Non-Aboriginal heritage

Of the 73 heritage items within the study area, 48 items have been identified in the EIS as not being impacted by the project.

We understand from the EIS that the project may have indirect impacts (such as vibration, slight permanent settlement and ground movement) on two items listed on the State Heritage Register under the *Heritage Act 1977*:

- Tarella (house), 3 Amherst Street, Cammeray (SHR 00270);
- Walter Burley Griffin Incinerator, Willoughby (SHR 00084).

The EIS identified potential impacts on the following potential non-Aboriginal terrestrial heritage items (not currently listed as heritage items):

- Balgowlah Golf Course (identified in the EIS as major impact);
- Henry Lawson's Cave (identified in the EIS as negligible impact);
- ANZAC Park (identified in the EIS as negligible impact).

Environment management measure **SG7** recommends minimum working distances to avoid “cosmetic and structural damage due to vibration”. We recommend that Environment management measure **NAH10 (and other relevant NAHs)** should have an aim to prevent

both cosmetic and structural damage - and not just to prevent cosmetic damage of heritage items such as to Tarella and Walter Burley Griffin Incinerator.

Environment management measure **CNV7** recommends a “more detailed assessment will specifically consider the heritage values of the structure [heritage items] as part of the management of construction vibration impacts. We recommend that the assessment should also include the three potential non-Aboriginal terrestrial heritage items, and not just already listed heritage items.

Environment management measure **NAH2** recommends archival recording of only two non-Aboriginal heritage items (of local significance) impacted by the project. We recommend that advice should be sought from relevant local councils for their recommended conditions for archival recording.

Comments on Non-Aboriginal historical archaeology

I note that there were no heritage items identified as having historical archaeological potential likely to be impacted, except those linked to maritime archaeological values as discussed below. This assessment and the use of an unexpected heritage items procedure is appropriate.

Comments on Non-Aboriginal maritime archaeology

It is understood from the EIS that after mitigation measures, the project will have potential heritage impacts on the following heritage items:

- Unidentified Middle Harbour, Clive Park #1 historic shipwreck;
- Unidentified Middle Harbour Pearl Bay #1 (potential) historic shipwreck;
- Clive Park Tidal Pool;
- ‘Harbour foreshores’ at Seaforth;
- Possible heritage sites currently unidentified and buried under the harbour seabed.

The two shipwreck sites that are probably historic (i.e. older than 75 years) exist in the study area.

One of these sites is likely to be directly impacted by the proposed dredging for the new tunnel installation (Unidentified Middle Harbour Clive Park #1).

Historic maritime infrastructure sites include, the Clive Park Tidal Pool, and the ‘Harbour foreshores’ at Seaforth may also potentially be impacted by the proposed works.

The report has advocated the following steps to mitigate any damage to these sites and any other currently undiscovered sites:

- A. Preparation of Maritime Heritage Management Plan;
- B. Maritime archaeologist to be involved in pre-dredging bed of the harbor clearance of Middle Harbour
- C. Establishing restricted zones around Clive Park Tidal Pool and Unidentified Middle Harbour Pearl Bay #1 shipwreck;
- D. Archival recording and limited excavation of Unidentified Middle Harbour Clive Park #1 shipwreck;
- E. Archival recording of Clive Park Tidal Pool and Unidentified Middle Harbour Pearl Point #1 shipwreck;

- F. Complete and review side scan surveys for Area A (Middle Harbour Disturbance Footprint) and B (Offshore Construction support site at Spit West Reserve) in sections which have not already been covered by previous side scan surveys;
- G. Prepare a structural survey of the 'Harbour foreshores' at Seaforth (as part of vibration monitoring);
- H. Carry out requisite steps to minimise settlement impacts at 'Harbour foreshores' at Seaforth;
- I. Dive inspections for proposed temporary mooring facility east of Clive Park in Middle Harbour

Heritage NSW as delegate of the Heritage Council, supports these mitigation conditions but notes that the EIS is yet to assess the potential affects (if any) of slumping on the known and previously unidentified/ undiscovered heritage sites that may exist within the proposed works area.

We identify that further work is required to determine the effects and possible extent of slumping associated with dredging in these areas (if any), and this should provide additional courses of action in the Maritime Heritage Management Plan which address any threats to known and potentially buried maritime heritage sites in slumping areas, and subsequent actions to manage, record, interpret and conserve any sites which may be exposed and/or subsequently threatened as a result of these works (see attachment).

Recommended heritage conditions of approval

We provide detailed recommended heritage conditions of approval in the following attachment.

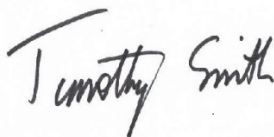
Local heritage items

As the study area contains 73 listed terrestrial heritage items (mostly of local significance) and conservation areas, advice should be sought from the relevant local councils.

If you have any questions regarding the Beaches Link and Gore Hill Freeway Connection project (SSI 8862), please contact Hendry Wan, Senior Heritage Officer Major Projects at Heritage NSW, on (02) 8837 6090 or at Hendry.Wan@environment.nsw.gov.au

Thank you for this opportunity to comment on the relevant heritage matters.

Yours sincerely



Tim Smith OAM

Director Operations

Heritage NSW

Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

4 March 2021

Attachment: Recommended conditions of approval (Heritage NSW)

Heritage NSW

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ATTACHMENT:
RECOMMENDED CONDITIONS OF APPROVAL (HERITAGE NSW)

If approved, the following conditions are recommended.

NON-ABORIGINAL HERITAGE - GENERAL

- Suitably qualified and experienced **heritage specialists** must be integrally involved in the detailed design development of the proposed project's components to avoid, minimise or mitigate heritage impacts on Aboriginal, Non-Aboriginal, archaeological, landscape and urban design values along the Beaches Link and Gore Hill Freeway Connection corridor.
- Construction and operation of the Beaches Link and Gore Hill Freeway Connection project should aim not to diminish the **potential for listing as heritage items** in relevant Local Environmental Plans, of Balgowlah Golf Course, Henry Lawson's Cave, and ANZAC Park.
- Identified impacts to heritage items should be minimised through both detailed design and construction. The measures for ensuring this are to be detailed in relevant **Construction Cultural Heritage Management Plans**.
- The Proponent should engage a suitably qualified and experienced heritage specialist to prepare a **Heritage Interpretation Plan** that identifies and interprets the key heritage values and stories of the heritage items impacted by the project. The Heritage Interpretation Plan must include but not be limited to:
 - (a) integration of heritage themes and values;
 - (b) collaboration with other design elements and themes for the project, including those associated with SSI 8863 - Western Harbour Tunnel and Warringah Freeway Upgrade project; and
 - (c) opportunities for integrated design responses for Aboriginal and Non-Aboriginal heritage.

This framework should be prepared in accordance with the *Interpreting Heritage Places and Items Guidelines* (NSW Heritage Office, 2005).

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

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

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

NON-ABORIGINAL HERITAGE – HISTORICAL ARCHAEOLOGY

- An **Unexpected Heritage Finds Procedure** be prepared:
 - (a) to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW; and
 - (b) by a suitably qualified and experienced heritage specialist.

The Procedure should be included in the relevant **Construction Cultural Heritage Management Plan**.

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

- Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal 'objects' on the site must not continue until Heritage NSW has been informed. Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*.
- The Proponent must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

NON-ABORIGINAL HERITAGE – MARITIME ARCHAEOLOGY

- HNSW notes that the **Maritime Heritage Management Plan** will be a 'go to' document linked to management and mitigation of important sites impacted by this project. The details set out in this condition seek to ensure these are adequately set out in one document for consistency and ease of management. The **Maritime Heritage Management Plan** must:
 - (a) be prepared in consultation with a suitably qualified and experienced maritime archaeologist and be submitted for comments to Heritage NSW;
 - (b) detail artefact management procedures, including identification of an approved repository for maritime relics recovered during excavations for this project;
 - (c) outline relevant work method requirements and maritime heritage inductions tailored for each type of work activity such as dredging or piling;
 - (d) identify exclusion zones, 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:
 - (i) Unidentified Clive Park #1 shipwreck
 - (ii) Unidentified Pearl Bay #1 shipwreck (if impacted);
 - (e) detail requirements for any mitigation recovery or archaeological excavations;
 - (f) identify who the nominated maritime Excavation Director is for the project.

- The project still needs to consider the effects (if any) of potential slumping associated with the dredging and caisson installation activities, especially for known archaeological/heritage sites within the development footprint, but also for currently known and potential previously unidentified sites outside this zone. Slumping is caused by the subsidence of silt/sand trenches and can have adverse effects for some distance from the activity dependent on the depth of the dredging. Any dredging works should be supervised by a suitably qualified and experienced maritime archaeologist and the **Unexpected Finds Policy** (see below) should be followed if previously unidentified or unknown sites are exposed during this work.
- Any excavation of the Unidentified Clive Park #1 shipwreck will require a **Maritime Archaeological Research Design and Excavation Methodology**.
- Where State significant archaeology and substantially intact archaeological resources would be affected by the project, the impacts should be mitigated through the following measures.

A **Maritime Archaeological Research Design and Excavation Methodology** to guide the approach to any archaeological excavation should be prepared by a suitably qualified and experienced excavation director who fulfils the Heritage Council's Excavation Director Criteria.
- The **Maritime Archaeological Research Design and Excavation Methodology** be submitted to the Heritage Council of NSW (or its delegate) for review and comment prior to finalisation. The Maritime Archaeological Research Design and Excavation Methodology must:
 - (a) be consistent with the NSW Heritage Council's *Archaeological Assessments Guideline* (1996) or as updated;
 - (b) provide for the detailed analysis of any heritage items discovered during the investigations;
 - (c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display);
 - (d) for unexpected finds that are determined to be relics, set out the assessment process that will determine an appropriate archaeological response to managing their significance;
 - (e) include procedures for notifying the Heritage Council of NSW (or its delegate) and Secretary of any relic findings; and
 - (f) if the findings of the investigations are significant, provide for the preparation and implementation of a **Heritage Interpretation Plan**.
- Where excavation works are required in the vicinity of potential archaeological sites, the Excavation Director must be consulted to advise on how the works are to be managed and any archaeological impact minimised. The Excavation Director must be given the authority to advise on the duration and extent of oversight required during excavation.
- Works within the vicinity of the find must not recommence until the relevant requirements of the **Maritime Archaeological Research Design and Excavation**

Methodology or advice on unexpected finds from the Excavation Director have been met.

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

- (c) Outline procedures to be undertaken (especially during dredging operations) of the discovery of previously unidentified or unknown maritime heritage sites as unexpected finds, including:
- a. Stop works and reporting procedures;
 - b. Inspection and archival documentation of new sites;
 - c. Decision-making tree for retention of significant sites/ relics (i.e. steps outlining the justification for reburial or retention of State Level Significant relics (if found);
 - d. Management, conservation and/or excavation of new significant sites/ relics;
 - e. Interpretation, display and curation of relics;
 - f. Reporting and documentation procedures and lodgment;
 - g. It should be submitted to Heritage Council for approval (and approved) prior to work commencing.

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

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

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