

Pre-Construction Minor Works Approval Form

Minor Works are defined as any low impact activities that are undertaken prior to the commencement of 'construction' as defined in the project's applicable planning approval. However if Minor Works affect or potentially affect heritage items, threatened species, populations or endangered ecological communities, these works are defined as 'construction' unless otherwise determined by the applicable planning authority.

Minor Works approvals do not remove any obligation to comply with the project's applicable planning approval conditions (including requirements prior to 'any works' commencing) or obtain any other applicable permits, licenses or approvals as necessary.

This application and all supporting information must be submitted to TfNSW/the Environmental Representative as one (1) PDF file at least 10 business days prior to the commencement of the proposed Minor Works.

Contractor:	John Holland & Laing O'Rourke joint venture (JHLOR)				
Project:	Sydenham Station and Junction				
Application Title:	Soft strip and salvage of Heritage items from Platform 6 Building				
(e.g. Smith St trenching works)	Cont strip and sarvage of Frentage terms from Flattorin o Building				
Application Number:	SSJ-PCMW-009				
Application Date:	21/8/18				
Planning Approval:	Sydney Metro City and Southwest Infrastructure Approval CSSI 7400 Sydney Metro City and Southwest – Chatswood to Sydenham - Environmental Impact Statement Sydney Metro City and Southwest - Environmental Impact Statement – Sydenham Station and Sydney Metro Trains Facility South Modification Report (MOD 4)				
	Sydney Metro City and Southwest - Environmental Impact Statement – Sydenham Station and Sydney Metro Trains Facility South Modification Submissions Report				
 Minor Works Categories: Highlight as applicable. If Items 4, 8 or 11 are applicable, this form must be endorsed by an Environmental Representative. 	 Survey, survey facilitation and investigations works (including road and building dilapidation survey works, drilling and excavation). Treatment of contaminated sites. Establishment of ancillary facilities (excluding demolition), including construction of ancillary facility access roads and providing facility utilities. Operation of ancillary facilities that have minimal impact on the environment and community. Minor clearing and relocation of vegetation (including native). Installation of mitigation measures, including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments. Property acquisition adjustment works, including installation of property fencing and utility relocation and adjustments to properties. Utility relocation and connections. Maintenance of existing buildings and structures. Archaeological testing under the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010) or archaeological monitoring undertaken in association with other Minor Works to ensure there is no impact on heritage items. Any other activities that have minimal environmental impact, including construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access. Heritage salvage works in accordance with the definition of low impact works under part (c) of Table 1 in the approval instrument 				
Planning Authority Determination: Will the proposed works affect or have the potential to affect heritage items, threatened species,	If 'Yes', this completed form must be endorsed by an Environmental Representative, approved by TfNSW and submitted to the applicable planning authority to determine that the works are not defined as 'construction'.				



populations or endangered ecological communities?

Describe the proposed

Including work methodologies, site

location(s) and site description(s)

(e.g. landscape type, waterways,

Minor Works:

etc.).

Part 2: Details

Site Description Overview

This overview is based on information from the Environmental Impact Statement EIS, Modification Report and Modification Submissions Report.

The site is a rail site with track, rail and ballast extending from Bedwins Road Bridge at the city end and branching out past Sydenham Station towards Tempe Station on the T4 line, Marrickville Station on the T3 line and the XPT Maintenance Facility.

There are a number of buildings and structures on the site included within the State Heritage listed Sydenham Station and the Sydenham Pit and Pump Station Curtilage. Vegetation on the site includes grasses, shrubs, weeds and planted street trees.

The area is surrounded by a mixture of industrial/commercial properties and residential properties.

Description of Works

This minor works has been prepared to cover the Platform 6 Building (type 11). See Attachment 1.

The following works are required to be completed prior to its structural demolition:

- Disconnection of utilities
- Salvage of heritage items identified in the Salvage Register (see Appendix 5)
- Removal of existing Sydney Trains equipment (eg notification boards)
- Removal of hazardous materials such as
 - o Interior lead painted walls and ceiling space
 - Asbestos sheeting
 - o PCB capacitors
 - o Any unidentified items
- Soft strip of non-structural elements

Proposed Mitigation Measures

The following mitigation measures will apply:

- Demolition Management Plan and Safe Work Method Statements (SWMS)
- Heritage specialist to have oversight of salvage works
- Site inductions
- Monitoring (eg for asbestos if required)
- Site inspection during the works
- Hand tools will be used (eg no heavy plant)

Working Hours

Works would be completed during standard working hours.

Applicable Conditions of approval

The definition in Table 1 states that salvage works must be subject to addressing Conditions E10 to E27. See Attachment 1

Planned Commencement Date:

27th August, 2018 for approximately 2 weeks

Local Sensitivities:

Describe the presence (if any) of local sensitive environmental areas and community receptors

- There are a number of residential properties located along Bridge St and Railway Rd. These properties may be sensitive to excessive noise. The properties nearest the rail corridor have been previously treated with double glazing to reduce rail noise.
- The works are not expected to be noisy. Works would be carried inside the building
- Heritage there are a number of heritage structures within the project footprint including State Heritage Register (SHR) curtilage of Sydenham Station (SHR 01254)

(Uncontrolled when printed)



Part 3: Environmental Risk Assessment and Management

Prepare an Environmental Risk Assessment (in accordance with the *Sydney Metro Risk Management Standard*) and an Environmental Control Map for the proposed Minor Works and attach as Appendix 3.

If an Environmental Risk Assessment and/or an Environmental Control Map (ECM) for the proposed Minor Works is/are already contained in existing documentation, attach the relevant section(s) as Appendix 3.

Documentation:

List any existing documents (including those referenced above) that the proposed Minor Works will be undertaken in accordance with and attach as Appendix 2 (e.g. plans, procedures, procedures, etc.). An ECM and Environmental Risk Assessment for the Works is included within Appendix 2 and Appendix 3.

Unexpected finds procedures (UFP) for contamination and items or deposits with heritage significance are included in Appendix 4.

Part 4: Workforce Notification

How will the environmental and community risks and associated mitigation measures of the proposed Minor Works be communicated to the contractor's workforce? A site induction covering heritage requirements will be delivered to all personnel working on the project site

Works will be undertaken in accordance with a SWMS. SWMS will be reviewed by the JHLOR Environment Manager.

What community consultation has been previously notified of the works through the monthly notification. What community consultation has been previously notified of the works through the monthly notification. What community consultation is planned to be undertaken? New notifications will be distributed in accordance with the contract If drafted already, attach applicable Community Notification as Appendix 6.

Part 6: Contact Details						
Nominate contractor's project manager, environmental and communications contact(s).						
Name:	Neil Ivison		Project Director		0458 288 625	
	Cameron Newling	Position:	Environmental Manager	Phone:	0419 727 445	
	Sanjin Muhic		Stakeholder and Community Relations Manager		0447 186 803	

Part 7: Signature					
This signature acknowledges that the proposed Minominimal environmental impact and are not defined as					
Name:	Cam	eron Newling		1 \	
Signature:	^		Date:	2/18/	N
	V,				1



Determination Page

(TfNSW/Environmental Representative Use Only)

12. Endorsement/Approval

These signatures represent formal endorsement/approval for the proposed Minor Works to commence in accordance with this application and the applicable planning approval requirements (subject to any determination from the applicable planning authority as may be required by the planning approval conditions).

5.5.	ny de m	ay be required by the planning appro		
		TfNSW Principal Manager, Communication & Engagement - Endorsement (required for all applications)	TfNSW Principal Manager, Sustainability, Environment & Planning – Approval (required for all applications)	Environmental Representative – Endorsement (required as necessary in accordance with the applicable planning approval, optional for all other circumstances)
Signa	ture:			
Name	:			
Date:				
Comn	nents:			Supporting letter attached as Appendix 4 if necessary.
Condi	itions:			Supporting letter attached as Appendix 4 if necessary.
	Approv	ved (by TfNSW)		
	Endors	sed (by Environmental Representativ	/e)	
	Reject	ed		



Appendix 1: Heritage Conditions

Condition	Requirement	Comment	Addressed Y/N
E10	The Proponent must not destroy, modify or otherwise physically affect any Heritage item not identified in documents referred to in Condition A1.	The Platform 6 building was approved in the Modification Report to be demolished.	Y
E11	The Proponent must design and construct the Sydney Yard Access Bridge so as to minimise its impact on the heritage value of Mortuary Station. The design must address the design objectives and principles identified in section 2.5 of the PIR.	Not applicable to this package of works	Y
E12	Bus shelters to be temporarily removed at Victoria Cross and Blues Point must be reinstated prior to operation, in consultation with North Sydney Council	Not applicable to this package of works	Y
E13	The Proponent must prepare a Heritage Archival Recording Report, including photographic recording of the heritage items identified in documents referred to in Condition A1.	Report has been completed	Y
	Archival recording must include but not be limited to the following heritage items:		
	(a) any component of the Blues Point Waterfront Group and the McMahons Point South heritage conservation area to be directly affected or altered, including vegetation and significant landscape features;		
	(b) Hickson Road wall in the vicinity of proposed ventilation risers and skylights for Barangaroo Station or any other project elements to be located in front of the Hickson Road wall;		
	(c) Martin Place, between Elizabeth and Castlereagh Streets, Sydney;		
	(d) the Rolling Stock Officers' Garden, Rolling Stock Officers' Building and Cleaners' Amenities		
	Building in Sydney Yard and any other component of the Sydney Terminal and Central		
	Railway Stations group to be removed or altered;		
	(e) any component of Sydenham Station or Sydenham Pit and Pumping Station to be removed		
	or altered;		
	(f) views from Mortuary Station before construction of the Sydney Yard Access Bridge; and		
	(g) Former "Metro Goldwyn Mayer' building including interior, 22-28 Chalmers Street, Surry		
	Hills.		
	The archival recording must be undertaken by a suitably qualified heritage specialist and 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 two (2) years of completing the archival recording, or any other later time agreed by the Secretary, the Proponent must submit the Heritage Archival Recording Report to the		
	Department, the OEH, Heritage Council of NSW, Relevant Council(s), relevant local libraries and local historical societies in the respective local government area(s).		
E14	In addition to the archival recording as required by Condition E13, the Proponent must, prior to demolition, undertake external photography of all buildings and structures to be demolished, in consultation with and to the standards of the relevant Council. The recordings must be made available to the relevant Council.	Photography has been included as part of E13	Y





		<u> </u>	Т
E15	The Proponent must salvage items of heritage value from heritage listed buildings and structures to be demolished before demolition, and assess options for its sympathetic reuse (including integrated heritage displays) on the project or other options for repository, reuse and display. Suitable repository locations must be established in consultation with Relevant Council(s). Any State listed items or elements suitable for salvage must be determined in consultation with the Heritage Division of the OEH.	Salvage register has been completed the identified items will be salvaged as part of this application	Y
E16	The Proponent must prepare a Salvage Report, including photographic recording of the heritage items identified for salvage in documents referred to in Condition A1. The Salvage Report must include: (a) the internal heritage fabric removed from within the curtilage of Mowbray House, Chatswood; (b) the interior, exterior and setting of the shop at 187 Miller Street, North Sydney; (c) the fabric and setting of the North Sydney bus shelters; (d) the interior, exterior and setting of the 'Flat Building' at 7 Elizabeth Street, Sydney; (e) the heritage fabric of the existing Martin Place Station affected by the project; (f) the heritage fabric of the existing Sydenham Station affected by the project; (g) directly impacted parts of the Congregational Church at Waterloo; and (h) the former 'Metro Goldwyn Mayer' building including interior, 22-28 Chalmers Street, Surry Hills.	Salvage register has been completed and the identified items will be salvaged as part of this application	Y
E17	The Archaeological Assessment Research Design Report (AARD) in the documents listed in A1 must be implemented. Final Archaeological Method Statements must be prepared in consultation with the Heritage Council of NSW (or its delegate) before commencement of archaeological excavation works. The final methodology must: (a) provide for the detailed analysis of any heritage items discovered during the investigations; (b) include detailed site specific archaeological management and artefact management strategies; (c) include cored soil samples for soil and pollen for the Pitt Street site within the Tank Stream Valley; and (d) provide for a sieving strategy.	The mitigation measures identified in the AARD for Sydenham Station were an Unexpected Finds Procedure.	Y
E18	Before excavation of archaeological management sites, the Proponent must nominate a suitably qualified Excavation Director who complies with the Heritage Council of NSW's Criteria for Assessment of Excavation Directors (July 2011) to oversee and advise on matters associated with historic archaeology and advise the Department and OEH. Where archaeological excavation is required, the Excavation Director must be present to oversee excavation and advise on archaeological issues. The Excavation Director must be given the authority to advise on the duration and extent of oversight required as informed by the provisions of the approved AARD and Excavation Methodology. A final archaeological report must be submitted to the Heritage Council of NSW within two (2) years of the completion of archaeological excavation on the project. The report must include information on the entire historical archaeological program relating to the CSSI.	The mitigation measures identified in the AARD for Sydenham Station were an Unexpected Finds Procedure.	Y





	T		
E19	An Unexpected Heritage Finds Procedure must be prepared:	Unexpected Finds Procedure has been	Y
	(a) to manage unexpected heritage finds in accordance with any guidelines and standards	prepared by Sydney Metro	
	prepared by the Heritage Council of NSW or OEH;		
	and		
	(b) by a suitably qualified and experienced heritage specialist. The procedure must be included in the		
	AARD and must be implemented for the life of the		
	project.		
E20	In the event that a potential relic/s is/are discovered, relevant construction must cease in the affected area	Noted.	Υ
	and the Excavation Director must be notified and		
	assess the significance level of the find/s and provide mitigation advice according to the significance level		
	and the impact proposed. The Excavation Director		
	must attend the site in accordance with E18 to oversee the excavation where relics of State		
	significance are found.		
	The Secretary must be notified at the same time as		
	the Heritage Council of NSW (or its delegate) of any relic of State significance found.		
	An Archaeological Relic Management Plan specific to		
	the relic of State significance must be prepared in		
	consultation with the Heritage Council of NSW (or its delegate) to outline measures to be implemented to		
	avoid and/or minimise harm to and/or salvage the relic		
	of State significance. Construction in the vicinity of the discovery must not		
	recommence until the requirements of the ARMP have		
	been implemented, in consultation with the Excavation Director. The Proponent must notify the Secretary in		
	writing of the outcome of consultation on the		
	Archaeological Relic Management Plan with the Heritage Council of NSW.		
E21	The Proponent must prepare a Heritage Interpretation	Overarching Heritage	Y
	Plan which identifies and interprets the key Aboriginal	Interpretation Plan has been	
	and Non-Aboriginal heritage values and stories of heritage items and heritage conservation areas	prepared by Sydney Metro.	
	impacted by the CSSI. The Heritage Interpretation	Heritage Interpretation	
	Plan must inform the Station Design and Precinct Plan referred to in Condition E101. The Heritage	Strategy has been prepared	
	Interpretation Plan must be prepared in accordance	by JHLOR.	
	with the NSW Heritage Manual, the NSW Heritage Office's Interpreting Heritage Places and Items:		
	Guidelines (August 2005), and the NSW Heritage		
	Council's Heritage Interpretation Policy and include, but not be limited to:		
	(a) a discussion of key interpretive themes, stories		
	and messages proposed to interpret the history and significance of the affected heritage items and		
	sections of heritage conservation areas including, but		
	not limited to the Sydney Terminal and Central Railway Stations Group, Martin Place Station,		
	Sydenham Station and Sydenham Pit and Drainage		
	Pumping Station Precincts; (b) identification and confirmation of interpretive		
	initiatives implemented to mitigate impacts to		
	archaeological Relics, heritage items and conservation areas affected by the CSSI including;		
	i. use of interpretative hoardings during construction		
	ii. community open days		
	i e		
	iii. community updates		
	iii. community updates iv. station and precinct design; and		
	iv. station and precinct design; and (c) Aboriginal cultural and heritage values of the		
	iv. station and precinct design; and		

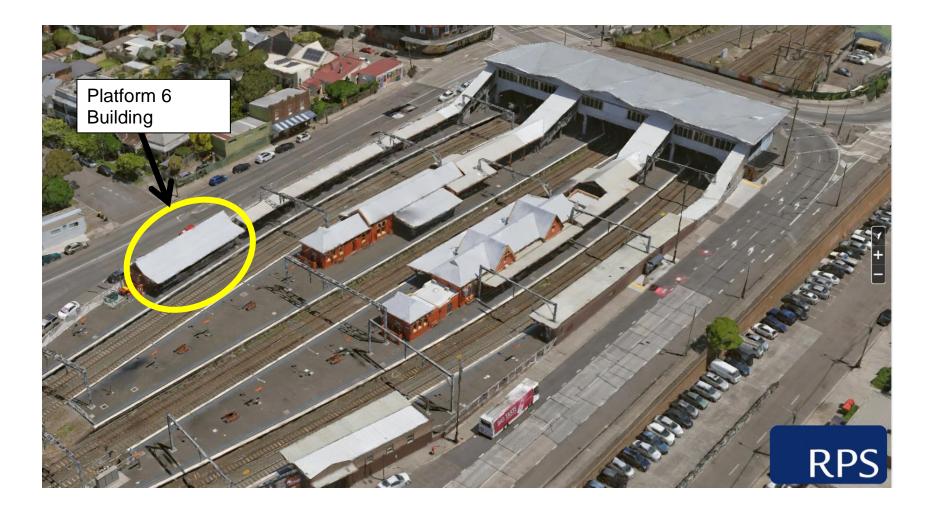




	consultation with the Heritage Council of NSW (or its delegate), Relevant Councils and Registered Aboriginal Parties, and must be submitted to the Secretary before commencement of construction.		
E22	The design and construction of the Martin Place Railway Station must minimise the removal of identified heritage fabric. Any items removed must be: (a) salvaged and opportunities for reuse as part of the station maximised in accordance with Condition E15; and (b) documented as required by the Heritage Interpretation Plan.	Not applicable to this package of works	Y
E23	The Proponent must take all reasonable steps so as not to harm, modify or otherwise impact any Aboriginal object associated with the CSSI except as authorised by this approval	Noted. No excavation works would be carried out.	Y
E24	Before excavation, the Proponent must implement the Aboriginal Cultural Heritage Assessment prepared for the CSSI and included in the PIR. Excavation and/or salvage must be undertaken by a qualified archaeologist in consultation with the Registered Aboriginal Parties for the CSSI	Noted. No excavation works would be carried out.	Y
E25	Where previously unidentified Aboriginal objects are discovered during construction of the CSSI, construction must stop in the vicinity of the affected area and a suitably qualified and experienced Aboriginal heritage expert must be contacted to provide specialist heritage advice, before works recommence. The measures to consider and manage this process must be specified in the Heritage Management sub-plan required by Condition C3 and, where relevant, include registration in the OEH's Aboriginal Heritage Information Management System (AHIMS).	Noted. No excavation works would be carried out.	Y
E26	This approval does not allow the Proponent to harm, modify, or otherwise impact human remains uncovered during the construction and operation of the CSSI, except in accordance with the Exhumation Management Plan (Condition E27).	Noted. No excavation works would be carried out.	Y
E27	Exhumation Management Plan must be prepared to guide the relocation of recovered human remains. The Exhumation Management Plan must be prepared: (a) in consultation with, and meeting the requirements of, the OEH and NSW Health; and (b) in accordance with the Guidelines for Management of Human Skeletal Remains (NSW Heritage Office, 1998b) and NSW Health Policy Directive — Exhumation of human remains (December, 2013), and other relevant guidelines and standards prepared by the Heritage Council of NSW or OEH. The Exhumation Management Plan must be provided to the Secretary for information before the commencement of excavation works.	Exhumation Management Plan has been previously prepared by Sydney Metro.	Y



Appendix 2: Site Plan and ECM









Appendix 3: Risk Assessment

This Risk Assessment has been undertaken in accordance with the requirements of *Sydney Metro Risk Management Standard*.

Note; **C** = Consequence & **L** = Likelihood as per *Sydney Metro Risk Management Standard* – *Appendix A Sydney Metro Risk Matrix*

Heritage Risk Assessment

Aspect	Potential Environmental Impact	Initial	Risk Rat	ing	Control Measures	Resid	lual Risk	Rating
		СХ	L=	Risk		СХ	L=	Risk
Working around Heritage Structures	Damage to existing heritage structures	C4	L4	Med	Induction to include heritage management requirements Physical barriers to be used where required Works only to be completed as per this application Vibration impacts are expected to be minimal Soft strip and hazardous material removal works only Heritage items to be salvaged as per the Salvage Register	C3	L6	Low
Items of heritage significance uncovered	Damage to heritage items or archaeological deposits	СЗ	L6	Low	Induction to include heritage management requirements. Works only to be completed as per this approval Implement unexpected finds procedure	СЗ	L6	Low

General Risk Assessment





Aspect	Potential Environmental Impact	Initial Risk Rating		ing	Control Measures	Resid	ual Risk l	Rating
		СХ	L=	Risk		СХ	L =	Risk
Contamination or other unexpected hazardous materials uncovered during works	Mixing of contaminated materials with non-contaminated materials Exposure	C4	L4	Med	Induction to include contamination management requirements. SWMS to cover working with hazardous materials Implement unexpected finds procedure	C4	L5	Low
Air Quality	Dust activity in close proximity to residential and commercial premises, complaints received Emissions resulting in air pollution.	C4	L4	Low	Works will completed entirely within the building Temporary fencing and shade cloth or hoarding will be used around the perimeter\ No plant will be used	C4	L5	Low
Waste	Mixing of waste Hazardous waste	C4	L4	Low	Waste to be placed in designated bins and not mixed Contaminated or hazardous waste to managed in accordance with relevant guidelines (eg asbestos to be double wrapped in plastic) and disposed of accordingly	C4	L5	Low
Services	Service strike leading to environmental discharges	C4	L4	Med	Engineers and workers to establish locations of any services by Dial Before You Dig, Survey Permit detailing service locations is to be reviewed and signed by all workers undertaking works	C4	L5	Low



Appendix 4 – Unexpected Finds Procedures



Supporting Document - Applicable to:

Status:	
Division:	
Version: 1.4	
Date of issue:	19/04/2018
Effective date:	
Review date:	22/03/2019
Document owner:	

Security classification:

Document History

Version	Date of approval	Doc. Control no.	Notes
1.1			Incorporates ER comments 21/06/17
1.2			Amends p13 step 8 reference to s146 added
1.3			Incorporates Planning Mods 1-4 including amended CoA E20
1.4			Incorporates ER comments 21/03/18

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1. Purpose

This procedure is applicable only to the Sydney Metro Critical State Significant Infrastructure Planning Approval (CSSI 15_7400) including the following planning approval modifications:

Modification 1- Victoria Cross Substation and Artarmon Substation which involves relocation of the Victoria Cross northern services building from 194-196A Miller Street to 50 McLaren Street together with inclusion of a new station entrance at this location referred to as Victoria Cross North. 52 McLaren Street would also be used to support construction of these works. The modification also involves the relocation of the substation at Artarmon from Butchers Lane to 98 – 104 Reserve Road. This modification application was approved on 18 October 2017:

- Modification 2- Central Walk which involves additional works at Central Railway Station including construction of a new eastern concourse, a new eastern entry, and upgrades to suburban platforms. This modification application was approved on 21 December 2017;
- Modification 3- Martin Place Metro Station which involves changes to the Sydney Metro Martin Place Station to align with the Unsolicited Proposal by Macquarie Group Limited (Macquarie) for the development of the station precinct. The proposed modification involves a larger reconfigured station layout, provision of a new unpaid concourse link and retention of the existing MLC pedestrian link and works to connect into the Sydney Metro Martin Place Station. It is noted that if the Macquarie proposal does not proceed, the modification (if approved) would be surrendered. This modification application was approved on 22 March 2018; and
- Modification 4- Sydenham Station and Metro Train Facility which incorporated Sydenham Station and precinct works, the Sydney Metro Trains Facility South, works to Sydney Water's Sydenham Pit and Drainage Pumping Station and ancillary infrastructure and track and signalling works into the approved project. This modification application was approved on 13 December 2017

This procedure has been developed in response to Condition of Approval (CoA) E19, that requires Sydney Metro City & Southwest Program to provide a method for managing unexpected heritage items (both Aboriginal and non-Aboriginal) that are discovered during construction.

An 'unexpected heritage find' can be defined as any unanticipated archaeological discovery, that has not been previously assessed or is not covered by an existing approval under the *Heritage Act 1977* (Heritage Act) or *National Parks and Wildlife Act 1974* (NPW Act).

In NSW, there are strict laws to protect and manage heritage objects and relics. As a result, appropriate heritage management measures need to be implemented to minimise impacts on heritage values; ensure compliance with relevant heritage notification and other obligations; and to minimise the risk of penalties to individuals, TfNSW and its contractors. This procedure includes TfNSW's heritage notification obligations under the Heritage Act, NPW

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Act and the Coroner's Act 2009 and the specific requirements of the conditions of approval(CoA) issued by NSW Department of Planning and Environment for CSSI 15-7400.

Note that a Contractor may create their own Unexpected Finds Procedure or modify this document, however its use will be subject to compliance with the following:-

- CSSI CoA E17 requires consultation with the Heritage Council of NSW (or its delegate)
- CSSI CoA E19
- Prior approval from the nominated Excavation Director, as required under CSSI CoA E18
- Prior approval from the Environmental Representative, CSSI CoA A24
- Prior approval from Sydney Metro.

It should be noted that this procedure must be read in conjunction with the relevant CCSI conditionals of approval, the contract documents and other plans and procedures developed by the contractor during the delivery of the works.

Legislation that does not apply

The following authorisations are not required for Sydney Metro approved Critical State significant infrastructure (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply):

- Division 8 of Part 6 of the *Heritage Act 1977* does not apply to prevent or interfere with the carrying out of approved State significant infrastructure.
- An approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977,
- An Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974,

This document provides relevant background information in Section 3, followed by the technical procedure in Sections 6 and 7. Associated guidance referred to in the procedure can be found in Appendices A-H.

2. Scope

Despite appropriate and adequate investigation, unexpected heritage items may still be discovered during maintenance and construction works on a Sydney Metro site. 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, if required.

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This procedure applies to construction activities for the Sydney Metro Program as approved under Section 115ZB of the Environmental Planning and Assessment Act 1979 for Critical State Significant Infrastructure, Application No. SSI 15-7400.

This procedure applies to:

 the discovery of any unexpected heritage item, relic or object, where the find is not anticipated in the Archaeological Assessment Design Report (AARD) or Archaeological Method Statements (AMS) that are prepared prior to commencement of excavation.

This procedure must be followed by all Sydney Metro staff, contractors, subcontractors or any person undertaking works for Sydney Metro. It includes references to some of the relevant legislative and regulatory requirements, but is not intended to replace them with the exception S139 of the NSW Heritage Act 1977

This procedure does not apply to:

- The discovery and disturbance of heritage items as a result of investigations being undertaken in accordance with the Office of Environment and Heritage's (OEH) Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW 2010¹; an Aboriginal Heritage Impact Permit (AHIP) issued under the NPW Act; or an approval issued under the Heritage Act.
- the discovery and disturbance of heritage items as a result of construction related activities, where the disturbance is permissible in accordance with an AHIP; or an approval issued under the Heritage Act; All new Construction Environment Management Plans (CEMPs) must make reference to and/or include this procedure (included as a heritage sub-plan, refer to CSSI CoA C6(g)).

Note that this procedure does not supersede the requirements of CSSI CoA CSSI CoA E10 and E26:

- E10 The Proponent must not destroy, modify or otherwise physically affect any Heritage item not identified in documents referred to in CoA A 1.
- E26 This approval does not allow the Proponent to harm, modify, or otherwise impact human remains uncovered during the construction and operation of the CSSI, except in accordance with the Exhumation Management Plan (CoA E27).

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¹ An act carried out in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* as published by the Department in the Gazette on 24 September 2010 is excluded from the definition of *harm* an object or place in section 5 (1) of the NPW Act.



3. Definitions

All terminology in this procedure is taken to mean the generally accepted or dictionary definition with the exception of the following terms which have a specifically defined meaning:

Term	Meaning		
AHIP	Aboriginal Heritage Impact Permit		
Aboriginal object	An Aboriginal object is any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains. An Aboriginal object may include a shell midden, stone tools, bones, rock art, Aboriginal-built fences and stockyards, scarred trees and the remains of fringe camps.		
CEMP	Construction Environmental Management Plan		
CoA	Conditions of Approval		
CSSI	Critical State Significant Infrastructure		
EP&A Act	NSW Environmental Planning and Assessment Act 1979		
Heritage Act	NSW Heritage Act 1977		
NPW Act	NSW National Parks and Wildlife Act 1974		
OEH	Office of Environment and Heritage		
Relic (non- Aboriginal heritage)	A relic means any deposit, artefact, object or material evidence that: a) relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and b) is of State significance. A relic may include items such as bottles, utensils, remnants of clothing, crockery, personal effects, tools, machinery and domestic or industrial refuse. Note that Modification 2 amends the previous definition of a relic, being the same as described in the NSW Heritage Act 1977, by deleting all reference to local heritage significance. For the purpose managing relics under the CSSI 15_7400 Planning Approval CoA E20 applies to relics of State significance only.		
TfNSW	Transport for New South Wales		

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Term	Meaning
Work (non- Aboriginal heritage)	Archaeological features such as historic utilities or buried infrastructure that provide evidence of prior occupations such as former rail or tram tracks, timber sleepers, kerbing, historic road pavement, fences, culverts, historic pavement, buried retaining walls, cisterns, conduits, sheds or building foundations, but are subject to specific assessment by the Excavation Director

4. Accountabilities

5. Types of unexpected heritage items and corresponding statutory protections

The roles of project, field and environmental personnel (including construction contractors) are critical to the early identification and protection of unexpected heritage items. **Appendix A** illustrates the wide range of heritage discoveries found on transport infrastructure projects and provides a useful photographic guide. Subsequent to confirmation of a heritage discovery it must then be identified and assessed by Excavation Director as required under CSSI CoA E20. An 'unexpected heritage item' means any unanticipated discovery of an actual or potential heritage item, for which Sydney Metro (refer to CSSI CoA E10 and E26) does not have approval to disturb² and/or have an existing management process in place.

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 and is also addressed in the Sydney Metro Exhumation Management Plan (refer to CSSI CoA E26 and E27).

5.1. Aboriginal objects

The NPW Act 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,

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² Disturbance is considered to be any physical interference with the item that results in it being destroyed, defaced, damaged, harmed, impacted or altered in any way (this includes archaeological investigation activities).

being habitation before or concurrent with (or both) the occupation of that area by persons of non Aboriginal extraction, and includes Aboriginal remains"³.

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 AHIP is usually required from OEH⁴. Also, when a person becomes aware of an Aboriginal object they must notify the Director-General of OEH about its location⁵. Assistance on how to do this is provided in Section 7 (Step 5).

CSSI CoA E23, E24 and E25 for management of Aboriginal Heritage Applies to the Sydney Metro Chatswood to Sydenham Project

5.2. Historic heritage items

Historic (non-Aboriginal) heritage items may include:

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

5.2.1. Archaeological relics

The Heritage Act 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" 6.

Changes to CoA E20 included within Planning Modification 1 (Oct 2017) deleted reference *local heritage significance*, so that E20 applies to relics of State significance only.

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.

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³ Section 5(1) NPW Act.

⁴ Refer to CSSI CoA E23 & E25.

⁵ This is required under section 89(A) of the NPW Act and applies to all TfNSW projects.

⁶ Section 4(1) Heritage Act.



Construction in the vicinity of a relic, of State significance, must not recommence until the requirements of the ARMP have been implemented, in consultation with the Excavation Director. The Sydney Metro must notify the Secretary of the Department of Environment & Planning in writing of the outcome of consultation with the Heritage Council of NSW, refer to CSSI CoA E20.

IMPORTANT!

All relics are subject to statutory controls and protections.

If a relic is likely to be disturbed, a heritage approval is usually required from the NSW Heritage Council⁷. Also, when a person discovers a relic they must notify the NSW Heritage Council of its location⁸. Advice on how to do this for works under CSSI 15_7400 is provided in Section 7 (Step 5).

5.2.2. 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 may be encountered include culverts, historic pavements, retaining walls, tramlines, rail tracks, timber sleepers, cisterns, fences, sheds, buildings and conduits. Although an approval under the 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 surface (e.g. a shed), or they are designed to operate and exist beneath the ground 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 beneath buildings.

5.3. Human skeletal remains

Refer to Sydney Metro Project Exhumation Management Plan

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⁷Refer to CSSI CoA E20,

⁸ This is required under section 146 of the Heritage Act and applies to all TfNSW projects however also refer to foot note 8.



Human skeletal remains can be identified as either an Aboriginal object or non-Aboriginal relic depending on ancestry of the individual (Aboriginal or non-Aboriginal) and burial context (archaeological or non-archaeological). Remains are considered to be archaeological when the time elapsed since death is suspected of being 100 years or more. Depending on ancestry and context, different legislation applies.

As a simple example, a pre-European settlement archaeological Aboriginal burial would be protected under the NPW Act, while a historic (non-Aboriginal) archaeological burial within a cemetery would be protected under the Heritage Act. For a non-Aboriginal archaeological burial, the relevant heritage approval and notification requirement described in Section 3.1 would apply. In addition to the NPW Act, finding Aboriginal human remains also triggers notification requirements to the Commonwealth Minister for the Environment under section 20(1) of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth).

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.

However, where it is suspected that less than 100 years has elapsed since death, the human skeletal remains come under the jurisdiction of the State Coroner and the *Coroners Act 2009* (NSW). Such a case would be considered a 'reportable death' and under legal notification obligations set out in section 35(2); 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 old⁹ regardless of ancestry (i.e. both Aboriginal and non-Aboriginal remains). Public health controls may also apply.

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

6. Legislative Requirements

Table 1 identifies some of the relevant legislation/regulations for the protection of heritage and the management of unexpected heritage finds in NSW. It should be noted that significant penalties exist for breaches of the listed legislation as a result of actions that relate to unauthorised impacts on heritage items. Further, it is noted that heritage that has been

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⁹ Under section 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.

assessed and is being managed in accordance with relevant statutory approvals(s) is exempt from these offences.

To avoid breaches of legislation, it is important that Sydney Metro and its contractors are aware of their statutory obligations under relevant legislation and that appropriate control measures are in place to ensure that unexpected heritage items are appropriately managed during construction. Contractors/Alliances will need to ensure that they undertake their own due diligence to identify any other legislative requirements that may apply for a given project.

CSSI CoA E10 applies to unexpected finds, so that all relevant legislation will apply to heritage items not identified in documents referred to CoA A1.

Table 1 Legislation and guidelines for management of unexpected heritage finds

Relevant Requirement	Objectives and offences		
Environmental Planning and Assessment Act 1979 (EP&A Act)	Section 115ZB Giving of approval by Minister to carry out a project.		
Environmental Planning and Assessment Act	Requires heritage to be considered within the environmental impact assessment of projects.		
1979 (EP&A Act)	This guideline is based on the premise that an appropriate level of Aboriginal and non-Aboriginal cultural heritage assessment and investigations and mitigation have already been undertaken under the relevant legislation, including the EP&A Act, during the assessment and determination process. It also assumes that appropriate mitigation measures have been included in the conditions of any approval.		
Heritage Act 1977 (Heritage Act)	The Heritage Act provides for the care, protection and management of heritage items in NSW.		
	Under section 139, it is an offence to disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, unless the disturbance or excavation is carried out in accordance with an excavation permit issued by the Heritage Division of the OEH.		
	Under the Act, a relic is defined as: 'any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance.'		
	A person must notify the Heritage Division of OEH, if a person is aware or believes that they have discovered or located a relic (section 146). Penalties for offences under the Heritage Act can include six months imprisonment and/or a fine of up to \$1.1million.		

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Relevant Requirement	Objectives and offences
National Parks and Wildlife Act 1974 (NPW	The NPW Act provides the basis for the care, protection and management of Aboriginal objects and places in NSW.
Act)	An Aboriginal object is 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'.
	An 'Aboriginal place' is an area declared by the Minister administering the Act to be of special significance with respect to Aboriginal culture. An Aboriginal place does not have to contain physical evidence of occupation (such as Aboriginal objects).
	Under section 87 of the Act, it is an offence to harm or desecrate an Aboriginal object or place. There are strict liability offences. An offence cannot be upheld where the harm or desecration was authorised by an AHIP and the permit's conditions were not contravened. Defences and exemptions to the offence of harming an Aboriginal object or Aboriginal place are provided in section 87, 87A and 87B of the Act.
	A person must notify OEH if a person is aware of the location of an Aboriginal object.
	Penalties for some of the offences can include two years imprisonment and/or up to \$550,000 (for individuals), and a maximum penalty of \$1.1 million (for corporations).

7. Unexpected heritage finds protocol

7.1. What is an unexpected heritage find?

An 'unexpected heritage find' can be defined as any unanticipated archaeological discovery that has not been identified during a previous assessment or is not covered by an existing permit under the Heritage Act. The find may have potential cultural heritage value, which may require some type of statutory cultural heritage permit or notification if any interference of the heritage item is proposed or anticipated.

The range of potential archaeological discoveries can include but are not limited to:

- remains of rail infrastructure including buildings, footings, stations, signal boxes, rail lines, bridges and culverts
- remains of other infrastructure including sandstone or brick buildings, wells, cisterns, drainage services, conduits, old kerbing and pavement, former road surfaces, timber and stone culverts, bridge footings and retaining walls

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- artefact scatters including clustering of broken and complete bottles, glass, ceramics, animal bones and clay pipes
- Archaeological human skeletal remains.

7.2. Managing unexpected heritage finds

In the event that an unexpected heritage find (the find) is encountered on a Sydney Metro site, the flowchart in Figure 1 must be followed. There are eight steps in the procedure. These steps are summarised in Figure 1 and explained in detail in Table 2

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

IMPORTANT!

Sydney Metro may have approval to impact on certain heritage items during construction. If you think that you may have discovered a heritage item and you are unsure whether an approval is in place or not, **STOP** works and follow this procedure.



Table 2 Specific tasks to be implemented following the discovery of an unexpected heritage item

Step	Task	Responsibility	Guidance and tools
1	Stop work, protect item and inform the Excavation Director		
1.1	Stop all work in the immediate area of the item and notify the Project Manager	Contractor/ Supervisor	Appendix A (Identifying Unexpected Heritage items)
1.2	Establish a 'no-go zone' around the item. Use high visibility fencing, where practical. No work is to be undertaken within this zone until further investigations are completed and, if required, appropriate approvals are obtained. Inform all site personnel about the no-go zone.	Project Manager/ Contractor/ Supervisor	
1.3	Inspect, document and photograph the item.	Excavation Director	Appendix B (Unexpected Heritage Item Recording Form) Appendix C (Photographing Unexpected Heritage items)
1.4	Is the item likely to be bone? If yes , follow the steps in Appendix D – 'Uncovering bones'. 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 , proceed to next step.	Excavation Director	Appendix D (Uncovering Bones)

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Step	Task	Responsibility	Guidance and tools
1.5	Inform the Excavation Director of the item and provide as much information as possible, including photos and completed form (Appendix B).		
	Where the project has an Environmental Representative (ER), the ER should be involved in the tasks/process as appropriate.	Contractors Project Manager	
1.6	Can the works avoid further disturbance to the item? Project Manager to confirm with TfNSW Environment and Planning Manager. Complete the remaining tasks in Step 1.	Contractors Project Manager	
1.7	Excavation Director to advise the Project Manager whether TfNSW has approval to impact on the 'item'. Does Metro have an approval or permit to impact on the item? If yes , work may recommence in accordance with that approval or permit. There is no further requirement to follow this procedure. If no , continue to next step.	Contractors Project Manager	
1.8	Has the 'find' been damaged or harmed? If yes , record the incident in the Incident Management System Implement any additional reporting requirements related to the planning approval and CEMP, where relevant. Contract Sydney Metro Manager, Environment Safety, Environment and Business Systems	Contractors Project Manager, Excavation Director	
2	Contact and engage an archaeologist and/or an Aboriginal heritage consultant		

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Step	Task	Responsibility	Guidance and tools
2.1	If an archaeologist and/or Aboriginal heritage consultant has been previously appointed for the project, contact them to discuss the location and extent of the item and arrange a site inspection, if required. The project CEMP may contain contact details of the archaeologist/Aboriginal heritage consultant. Where there is no project archaeologist engaged for the works engage a suitably qualified	Contractors Project Manager, Excavation Director	
	consultant to assess the find:		
	if the find is a non-Aboriginal deposit, engage a suitably qualified and experienced archaeological consultant		
	if the find is likely to be an Aboriginal object, engage an Aboriginal heritage consultant to assess the find.		
2.2	If requested, provide photographs of the item taken during Step 1.3 to the archaeologist or Aboriginal heritage consultant.	Contractors Project Manager, Excavation Director	Appendix C (Photographing Unexpected Heritage items)
3	Preliminary assessment and recording of the find		
3.1	In a minority of cases, the archaeologist/Aboriginal heritage consultant may determine from the photographs that no site inspection is required because no heritage 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 or letter with the consultant's name and company details clearly identifiable) to the TfNSW Project Manager.	Archaeologist/ Aboriginal heritage consultant/ Contractors Project Manager, Excavation Director	Proceed to Step 8

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Step	Task	Responsibility	Guidance and tools
3.2	Arrange site access for the archaeologist/Aboriginal heritage consultant to inspect the item as soon as practicable. In the majority of cases a site inspection is required to conduct a preliminary assessment.	Contractors Project Manager, Excavation Director	
3.3	Subject to the archaeologist/Aboriginal heritage consultant's assessment, 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 may have 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.	Archaeologist/ Aboriginal heritage consultant Contractors Project Manager, Excavation Director	
3.4	The archaeologist/Aboriginal heritage consultant may provide advice after the site inspection and preliminary assessment that no heritage constraint exists for the project (e.g. the item is not a 'relic' or a 'heritage item' or an 'aboriginal item'. Any such advice should be provided in writing (e.g. via email or letter with the consultant's name and company details clearly identifiable) to the Metro Project Manager. Note that:	Archaeologist/ Aboriginal heritage consultant/ Contractors Project Manager, Excavation Director	Proceed to Step 8 Refer to Appendix A (Identifying heritage items)
	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, crockery, personal effects, tools, machinery and domestic or industrial refuse		
	an Aboriginal object may include a shell midden, stone tools, bones, rock art or a scarred tree		
	a "work", building or standing structure may include tram or train tracks, kerbing, historic road pavement, fences, sheds or building foundations.		

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Step	Task	Responsibility	Guidance and tools
3.5	Where required, seek additional specialist technical advice (such as a forensic or physical anthropologist to identify skeletal remains). The archaeologist/Aboriginal heritage consultant can provide contacts for such specialist consultants.	Contractors Project Manager, Excavation Director	
3.6	Where the item has been identified as a 'relic' or 'heritage item' or an 'Aboriginal object' the archaeologist should formally record the item.	Archaeologist/ Aboriginal heritage consultant	
3.7	OEH (Heritage Division for non-Aboriginal relics and Planning and Aboriginal Heritage Section for Aboriginal objects) can be notified informally by telephone at this stage by the Sydney Metro Principal Manager Sustainability Environment and Planning (Program). Any verbal conversations with regulators must be noted on the project file for future reference.	Contractors Project Manager, Excavation Director	
4	Section 4 not used		

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Step	Task	Responsibility	Guidance and tools
5	Notify the regulator, if required.		
5.1	Based on the findings of the archaeological or heritage management plan and corresponding legislative requirements, is the find required to be notified to OEH and the Secretary?	Contractors Project Manager, Excavation Director	
	If no , proceed directly to Step 6		
	If yes , proceed to next step.		
5.2	If notification is required, complete the template notification letter, including the archaeological/heritage management plan and other relevant supporting information and forward to the Sydney Metro Principal Manager Sustainability Environment and Planning (Program) for signature.	Contractors Project Manager, Excavation Director	Appendix F (Template Notification Letter)
5.3	Forward the signed notification letter to OEH and the Secretary. Informal notification (via a phone call or email) to OEH prior to sending the letter is appropriate. The archaeological or heritage management plan and the completed site recording form (Appendix B) must be submitted with the notification letter (for both Aboriginal objects and non-Aboriginal relics). For Part 5.1 projects, the Department of Planning and Environment must also be notified.	Contractors Project Manager, Excavation Director	
5.4	A copy of the final signed notification letter, archaeological or heritage management plan and the site recording form is to be kept on file and a copy sent to the Sydney Metro Project Manager.	Contractors Project Manager, Excavation Director	
6	Implement archaeological or heritage management plan		

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Step	Task	Responsibility	Guidance and tools
6.1	Modify the archaeological or heritage management plan to take into account any additional advice resulting from notification and discussions with OEH.	Contractors Project Manager, Excavation Director	
6.2	Implement the archaeological or heritage management plan. Where impact is expected, this may include 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.	Contractors Project Manager, Excavation Director	
6.3	Where heritage approval is required contact the Environment and Planning Manager for further advice and support material. Please note there are time constraints associated with heritage approval preparation and processing.	Contractors Project Manager, Excavation Director	
6.4	Assess whether heritage impact is consistent with the project approval or if project approval modification is required from the Department of Planning and Environment.	Contractors Project Manager, Excavation Director	
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.	Contractors Project Manager, Excavation Director	
6.6	Where statutory approval is not required but where recording is recommended by the archaeologist/Aboriginal heritage consultant, sufficient time must be allowed for this to occur.	Contractors Project Manager, Excavation Director	

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Step	Task	Responsibility	Guidance and tools
6.7	Ensure short term and permanent storage locations are identified for archaeological material or other heritage material removed from site, where required. Interested third parties (e.g. museums, local Aboriginal land councils, or local councils) should be consulted on this issue. Contact the archaeologist or Aboriginal heritage consultant for advice on this matter, if required.	Contractors Project Manager, Excavation Director	
7	Section 7 Not Used		
8	Resume work		
8.1	Seek written clearance to resume project work from the Environment and Planning Manager and the Archaeologist/Aboriginal heritage consultant. Clearance would only be given once all archaeological excavation and/or heritage recommendations and approvals (where required) are complete. Resumption of project work must be in accordance with the all relevant project/heritage approvals/determinations.	Contractors Project Manager, Excavation Director	
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.	Contractors Project Manager, Excavation Director	
8.3	Deleted		
8.4	If additional unexpected items are discovered this procedure must begin again from Step 1.	All	

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8. Responsibilities

Roles and Responsibilities

Role	Responsibility or role under this guideline
Contractor / Supervisor	Stop work immediately when an unexpected heritage find is encountered. Cordon off area until Environmental Manager advises that work can recommence.
Contractor or Environment Manager	Manage the process of identifying, protecting and mitigating impacts on the 'find'.
	Liaise with Sydney Metro Project Manager and Environment and Planning Manager and assist the archaeologist/Aboriginal heritage consultant with mitigation and regulatory requirements.
	Complete Incident Report and review CEMP for any changes required. Propose amendments to the CEMP if any changes are required.
Contractor's or Project Heritage Advisor or Consultant	Provide expert advice to the Sydney Metro Environment and Planning Manager on 'find' identification, significance, mitigation, legislative procedures and regulatory requirements.
Environmental Representative	Independent environmental advisor engaged by Sydney Metro
	Review and provides advice on heritage management plan and changes to the CEMP. Ensures compliance with relevant approvals (new and existing).
Heritage Division of OEH	Regulate the care, protection and management of relics (non-Aboriginal heritage).
	Delegated authority for Heritage Council Issue excavation permits.
Registered Aboriginal Parties (RAPs)	Aboriginal people who have registered with Sydney Metro to be consulted about a proposed project or activity in accordance with the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.
Sydney Metro Environment and Planning Manager	Notify the TfNSW Principal Manager, Environmental Management of 'find' and manage Incident Reporting once completed by Environmental Manager.
Contractors Project Manager	Ensures all aspects of this procedure are implemented. Advise Contractor / Supervisor to recommence work when all applicable requirements have been satisfied.

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9. Seeking advice

Advice on this procedure should be sought from the Sydney Metro Environment and Planning Manager in the first instance. Contractors and alliance partners should ensure their own project environment managers are aware of and understand this procedure.

Technical archaeological or heritage advice regarding an unexpected heritage item should be sought from a suitably qualified and experienced archaeologist/Aboriginal heritage consultant.

10. Related documents and references

Related Documents

Environmental Incident Classification and Reporting – 9TP-PR-105

Guide to Environmental Control Map – 3TP-SD-015

NSW Heritage Office (1998), Skeletal remains: guidelines for the management of human skeletal remains.

Roads and Maritime Services (2015), Standard Management Procedure Unexpected Heritage Items

Department of Environment and Conservation NSW (2006), *Manual for the identification of Aboriginal remains*.

11. List of appendices

The following appendices are included to support this procedure:

Appendix A: Examples of finds encountered during construction works

Appendix B: Unexpected Heritage Item Recording Form Appendix C: Photographing Unexpected Heritage Items

Appendix D: Uncovering Bones

Appendix E: Archaeological Advice Checklist Appendix F: Template Notification Letter



Appendix A - Examples of finds encountered during construction works



Photo 1 - Aboriginal artefacts found at the Wickham Transport Interchange, 2015

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Photo 2 – Aboriginal artefacts (shell material) found at the Wickham Transport Interchange, 2015



Photo 3 1840s seawall and 1880s retaining wall uncovered at Balmain East, 2016

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Photo 4 Sandstone pavers uncovered at Balmain East, 2016



Photo 5 - Platform structure at Hamilton Railway Station classified as a 'work' by the project archaeologist - Wickham Transport Interchange project, 2015



Photo 6 - Platform structure at Hamilton Railway Station classified as a 'work' by the project archaeologist - Wickham Transport Interchange project, 2015



Photo 7 - Sandstone flagging and cesspit - Wynyard Walk project, 2014

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Photo 8 - Chinese Ming Dynasty pottery and English porcelain/pottery dating back to early 19th century -Wynyard Walk project, 2014



Photo 9 - Pottery made by convict potter Thomas Ball during the early settlement - Wynyard Walk project, 2014



The following images, obtained from the Roads and Maritime Services' *Standard Management Procedure for Unexpected Heritage items 2015,* can be used to assist in the preliminary identification of potential unexpected items during construction and maintenance works.



Photo 10 - 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

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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) (RMS, 2015).

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Photo 11 - 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

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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) (RMS, 2015).

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Appendix B- Unexpected heritage item recording form

©





Example of unexpected heritage item recording for

This form is to be completed Excavation Director on the discovery of an archaeological heritage item during construction or maintenance works

Date:	Recorded by:	
	(include name and position)	
Project name:		
Description of works being undertaken:		
Description of exact location of item		
Description of item found		
(What type of item is it likely to be? Tick the relevant boxes).		
A. A relic	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 bottle, utensils, plates, cups, household items, tools, implements, and similar items	
B. A 'work', building or structure'	A 'work' can generally be defined as a form infrastructure such as track or rail tracks, timber sleepers, a culvert, road base, a bridge pier, kerbing, and similar items	
C. An Aboriginal object	An 'Aboriginal object' may include stone tools, stone flakes, shell middens, rock art, scarred trees and human bones	
D. Bone	Bones can either be human or animal remains.	
	Remember that you must contact the local police immediately by	

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telephone if you are certain that the bone(s) are human remains. E. Other Provide a short description of the item (eg metal rail tracks running parallel to the rail corridor. Good condition. Tracks set in concrete. approximately 10 cm below the current ground surface). Sketch (provide a sketch of the 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) Describe how works would avoid A. Unexpected item would not impact on the item. (eg the rail tracks be further would be left in situ and recovered with impacts on by paving). the works

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B. Unexpected item would be further impacted by the works	Describe how works would impact on the item. (eg milling is required to be continued to a depth of 200 mm depth to ensure the pavement requirements are met. Rail tracks would need to be removed.)	
Excavation Director	Signature	
	Signature	

Important

It is a statutory offence to disturb Aboriginal objects and historic relics (including human remains) without an approval. All works affecting objects and relics must cease until an approval is sought.

Approvals may also be required to impact on certain works.

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Appendix C- Photographing unexpected heritage items

Photographs of unexpected items in their current context (*in situ*) may assist archaeologists/Aboriginal heritage consultants 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 etc) 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 value to the subsequent detailed photographs also required (Figure 2).

Removal of the item from its context (e.g. excavating from the ground) for photographic purposes is not permitted.





Figure 2: Close up detail of the sandstone surface showing material type, formation and construction detail. This is essential for establishing date of the feature.

Figure 1: Telford road uncovered on the Great Western Highway (Leura) in 2008 (RMS, 2015).

Photographing distinguishing features

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

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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, manufacturing date and likely significance.

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, the police must be contacted immediately (see Appendix F for detailed guidance). Taking quality photographs of the bones can often resolve this issue quickly. The project archaeologist 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.

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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 D - Uncovering bones

This appendix provides advice regarding:

- what to do on first discovering bones
- the range of human skeletal notification pathways
- additional considerations and requirements when managing the discovery of human remains.

1. First uncovering bones

Refer to the Sydney Metro Exhumation Management Plan

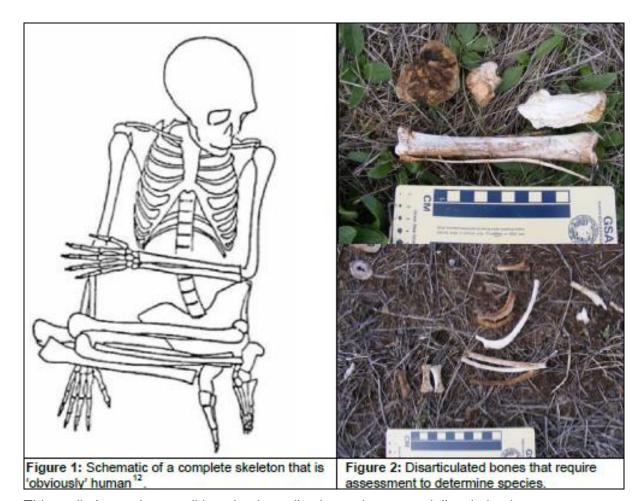
Stop all work in the vicinity of the find. All bones uncovered during project works should be **treated with care and urgency** as they have the potential to be human remains. The bones must be identified as either human or non-human as soon as possible by a qualified forensic or physical anthropologist..

On the very rare occasion where it is immediately obvious from the remains that they are human, the Project Manager (or a delegate) should <u>inform the police by telephone</u> 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 1¹⁰. 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/or clothing are present.

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¹⁰ After Department of Environment and Conservation NSW (2006), *Manual for the identification of Aboriginal Remains:* 17





This preliminary phone call is to let the police know that 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 immediately 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 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 archaeologist to the Sydney Metro Principal Manager Sustainability Environment and Planning (Program) appropriate. This



must be followed up later by a formal letter notification to the relevant regulator (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 OEH (Planning and Aboriginal Heritage Section) must be notified immediately. The Aboriginal Cultural Heritage Advisor must contact and inform the relevant Aboriginal community stakeholders who may request to be present on site.

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

Action

The OEH (Heritage Division) must be notified immediately

Figure 3 summarises the notification pathways on finding bones.

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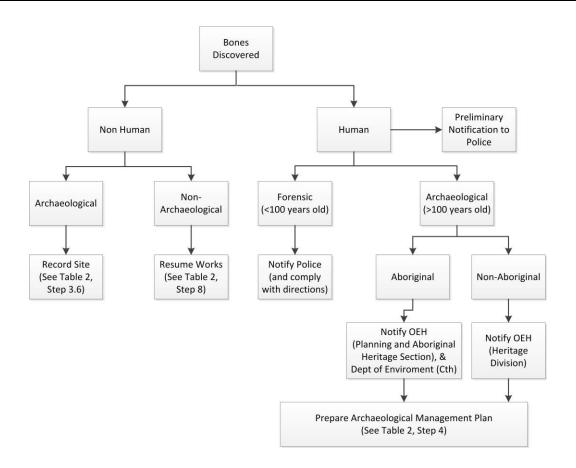


Figure 3 Overview of steps to be undertaken on the discovery of bones

After the appropriate verbal notifications (as described in 2B and 2C above), the Project Manager must proceed through the *Unexpected Heritage Items Exhumation Management Plan* (Step 4). It is noted that no *Exhumation Management Plan* is required for forensic cases (2A), 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 record 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). Project Managers may 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.

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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 1991* (NSW). Specifically, TfNSW 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* (*Disposal of Bodies*) *Regulation 2002* (NSW)¹¹.

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 the NSW Department of Health website.

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.

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¹¹ This requirement is in addition to heritage approvals under the *Heritage Act 1977*.



Appendix E - Archaeological/heritage advice checklist

The archaeologist/Aboriginal heritage consultant must advise the Sydney Metro Principal Manager Sustainability Environment and Planning (Program) of an appropriate archaeological or heritage management plan as soon as possible after an inspection of the site has been completed (see Step 4). An archaeological or heritage management plan can include a range of activities and processes, which differ depending on the find and its significance.

In discussions with the archaeologist/Aboriginal heritage consultant the following checklist can be used as a prompt to ensure all relevant heritage issues are considered when developing this plan. This will allow the project team to receive clear and full advice to move forward quickly. Archaeological and/or heritage advice on how to proceed can be received in a letter or email outlining all relevant archaeological and/or heritage issues.

	Required	Outcome/notes
Assessment and investigation		
Assessment of significance	Yes/No	
Assessment of heritage impact	Yes/No	
Archaeological excavation	Yes/No	
Archival photographic recording	Yes/No	
Heritage approvals and notifications		
AHIP, section 140, section 139 exceptions etc.	Yes/No	
Regulator relics/objects notification	Yes/No	
Notification to Sydney Trains for s170 heritage conservation register	Yes/No	
Compliance with CEMP or other project heritage approvals	Yes/No	
Stakeholder consultation		
Aboriginal stakeholder consultation	Yes/No	
Artefact/heritage item management		
 Retention or conservation strategy (e.g. items may be subject to long conservation and interpretation) 	Yes/No	
Disposal strategy	Yes/No	
Short term and permanent storage locations (interested third parties should be consulted on this issue).	Yes/No	
Control Agreement for Aboriginal objects	Yes/No	

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Appendix F- Template notification letter

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Insert on TfNSW letterhead Select and type date] [Select and type reference number]

Manager, Conservation
Heritage Division, Office of Environment and Heritage
Locked Bag 5020
Parramatta NSW 2124

[Select and type salutation and name],

Re: Unexpected heritage item discovered during Transport for NSW –Sydney Metro activities.

I write to inform you of an unexpected [select: relic, heritage item or Aboriginal object] found during TfNSW Infrastructure and Services construction works at [insert location] on [insert date] in accordance with the notification requirement under select: section 146 of the *Heritage Act* 1977 (NSW). [Where the regulator has been informally notified at an earlier date by telephone, this should be referred to here].

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

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

Sydney Metro [or contractor] 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.

Based on the preliminary findings, Sydney Metro [or contractor] is proposing [provide a summary of the proposed archaeological/heritage approach (e.g. 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.

Should you have any feedback on the proposed approach, or if you require any further information, please do not hesitate to contact [Environment and Planning Project Manager] on (02) XXXX XXXX.



Yours sincerely

[Sender name]

Sydney Metro Principal Manager Sustainability Environment and Planning (Program) [Attach the archaeological/heritage management plan and site recording form].



Appendix 5 – Salvage Register

Guide Notes and Scop	o of Work						Sydney Metro - SSJ -	Salvage Register										
Demolition Contractor																		
All Items noted for salva Delivery location, tracking	a and receipt (h	v Sydney Metro or Local	Councils) of an	item must be recorde	ed by the contract	or in columns P	O R											
Items noted for transport	t to the Sydney	Metro store, or any other	location instruc	ted by Sydney Metro,	must be loaded t	ransported and	unloaded by the demoli	ion contractor. Sydney Metro v	vill take posses	ssion of the item after it is unload	ded and will be responsible	for storage and movement within the store						
Interns noted for transport to the Sydney Merio store, or any other included on the store in the																		
The demolition contractor must take reasonable care during removal and transport, however Sydney Metro acknowledge that in-tact recovery of some items may not be possible, for example pressed metal ceilings. The contractor must advise Sydney Metro, prior to its removal, if in its opinion an item is likely to be significantly damaged during salvage (beyond minor damage incurred during its removal). Significant damage means that it would no longer be suitable for reuse, incurs structural damage or would require major.																		
Comments and recomm	omments and recommendations noted in column K are excluded from the demolition scope of work											On a sid Description / Marke delayer	Outrodes delices	0	0			
Date of Inspection	Location		Site Name	item Location	item Name	Category	neritage Listing	Significance	Condition	Treatment required prior to transport and storage (Y/N)	Recommendations	Filoto	Contract	etro instructions	Special Protection/ Methodology required	Contractors delivery location	Contractors record of receipt	Contractors comments
7/03/2018	Sydenham Station Precinct	SSJ/Int/001	Sydenham Station Platform 2/3	Interior (Tea room)		Category 3	SHR	Series of custom wooden shelves and supports in office areas. Appear to have been fabricated to size for equipment (no longer present). Demonstrate changes in function and technology in control rooms. REMOVE for optortial.	Good	No	Clean prior to reuse/reinstallation	B						
7/03/2018	Sydenham Station Precinct	SSJ/Int/002	Sydenham Station Platform 2/3	Interior (Waiting room)	Benches x3	Category 3	SHR	REMOVE or extential Wooden benches with direct past and current association with the use of the waiting rooms on the platforms REMOVE for potential reinstallation	Good	No	Clean prior to reuse/reinstallation. Consider restoration and refinishing.							
7/03/2018	Sydenham Station Precinct	SSJ/Int/003	Sydenham Station Platform 2/3	Interior (Office)	Safe	Category 3A	SHR	Label identifying safe as Sydney Trains Heritage Item. [Current STH Movable Heritage register not provided] REMOVE for potential reinstallation	Fair	Yes	Requires inspection of interior to determine treatment requirements							
7/03/2018	Sydenham Station Precinct	SSJ/Int/004	Sydenham Station Platform 2/3	Interior (Office)	Clips and backing board with flags	Category 3	SHR	Station staff advised these clips are still used in instances of point failure. REMOVE for potential reinstallation or RELOCATE if still use	Fair	No	Items require corrosion treatment if retained in the long-term							
7/03/2018	Sydenham Station Precinct	SSJ/Int/005	Sydenham Station Platform 4/5	Interior (Waiting room)	Built in bench	Category 2B	SHR	Wooden benches with direct past and current association with the use of the waiting rooms on the platforms REMOVE for potential reinstallation	Good	No	Clean prior to reuse/reinstallation. Consider restoration and refinishing.							
7/03/2018	Sydenham Station Precinct	SSJ/Ext/001	Sydenham Station Platform 6	Exterior (Platform)	Drinking Fountain	Category 3	SHR	Series of Anderson and Ritchie, Fitzoy drinking fountains. A&R operated in Fitzroy from 1905 to 1994. Items contribute to the heritage aesthetic of the platforms. REMOVE/SALVAGE for REINSTATEMENT	Fair	No	Item will require corrosion treatment and repainting before reinstallation.	I.						
7/03/2018	Sydenham Station Precinct	SSJ/Int/007	Sydenham Station Platform 2/3	Interior (Office)	Stretcher box (with lock)	Category 3	SHR	Stretcher box (possible stretcher inside) directly associated with a past activity in the operation of the station. RETAIN and protect in situ	Good	Yes	Requires inspection of interior to determine treatment requirements							
7/08/2018	Sydenham Station Precinct	SSJ/Int/008	Sydenham Station Platform 2/4	Interior (Office)	Mirror	Category 3	SHR	Rail associated item retained for related significance	Good	No								
8/08/2018	Sydenham Station Precinct	SSJ/Int/09	Sydenham Station Platform 6	Interior women's toilet	Ceiling Rose	Category 2B	SHR	Significant fabric REMOVED and RETAINED for potential reconstruction works at other ST sites	Good	No								

9/08/2018	Sydenham Station Precinct		Station Platform 7	toilet	2 toilet stall doors and frames	Category 2B	Significant fabric REMOVED and RETAINED for potential reconstruction works at other ST sites	Good	No				
7/03/2018	Sydenham Station Precinct	SSJ/Ext/006	Sydenham Station Platform 6	Exterior (Awning)	six (6) off Awning trusses	Category 2B	Significant fabric REMOVED and RETAINED for potential reconstruction works at other ST sites	Good	No				



Appendix 6 – Community Notification



Appendix 7 - Environmental Representative Supporting Letter