

Southern Sydney Freight Line Aboriginal Heritage Management Sub-Plan

February 2009



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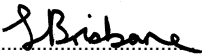
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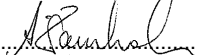
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Distribution: ARTC, PB, CHC

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1. Introduction

This Aboriginal Heritage Management Sub Plan (AHMSP) forms part of the Construction Environmental Management Plan (CEMP) for the Southern Sydney Freight Line (SSFL).

Consent was granted for construction of the SSFL subject to compliance with the Minister's Conditions of Approval (CoAs) and the revised Statement of Commitments (SoC). Adherence to this plan is designed to achieve compliance with the following requirements:

- **CoA 75** – The proponent must prepare an Aboriginal Heritage Management Sub-Plan (AHMSP) in accordance with the SoC, in consultation with Relevant Government Departments and Stakeholders (including relevant LALCs and Aboriginal Groups), and with regard to the DEC's *Interim Community Consultation Requirements for Applicants*, as part of the CEMP. The AHMSP will include:
 - (a) details of the archaeological investigations to be undertaken and any associated licences or approvals required;
 - (b) procedures to be implemented if previously unidentified Aboriginal objects are discovered during Construction. If such objects are discovered, all work likely to affect the object(s) will cease immediately and the DEC informed in accordance with the *National Parks and Wildlife Act 1974*; and
 - (c) an education program for Construction personnel on their obligations for Aboriginal cultural materials.
- **SoC 30** – Objective: Survey the corridor prior to the commencement of Construction.
 - (a) The Proponent will arrange an inspection by a suitably qualified archaeologist of the track bed next to the Georges River north of Liverpool railway Station at such time during Construction that vegetation clearing occurs in this location. The Proponent will invite representatives of relevant Aboriginal groups to attend this inspection. The Proponent will act on all Reasonable recommendations of the archaeologist and relevant Aboriginal groups in relation to any need for preparation and implementation of a heritage strategy for any Aboriginal heritage items identified during this inspection.
 - (b) At such time as the Proponent finalises the exact footprint of the proposed Glenfield flyover and prior to construction occurring in the vicinity of Leacock Regional Park, the Proponent will arrange for a suitably qualified archaeologist to undertake a final assessment of the potential impact of Construction on the western side of the Glenfield flyover at Leacock Regional Park on recorded Aboriginal heritage items. The Proponent will undertake this assessment in consultation with representatives of relevant the [sic] Cubbitch Barta Native Title Claimants, Darug Custodians Aboriginal Corporation, Darug Tribal Aboriginal Land Council, Gandangara Local Aboriginal Land Council and Tharawal Local Aboriginal Land Council. ARTC will act on the collectively agreed recommendations of the archaeologist and Aboriginal groups in relation to any need for preparation and implementation of a heritage strategy for any Aboriginal heritage items identified during this inspection.

1.1 Purpose and objectives

This AHMSP summarises the legal requirements and the mitigation measures required to manage and minimise impact to Aboriginal heritage items during the construction of the Southern Sydney Freight Line.

The key objectives of this plan are to:

- avoid damage or destruction of items of Aboriginal heritage during pre-construction, construction and post-construction phases of the project
- ensure site/artefacts of Aboriginal heritage significance and sites/artefacts of historical significance during pre-construction, construction and post-construction phases of the project are managed in accordance with the *NSW National Parks and Wildlife Act 1974*.

1.2 Work description

Details of the construction activities, work package descriptions and locations are provided in the master CEMP.

1.3 Existing environment and site specific issues

The project is located within the Cumberland Lowlands physiographic region of the Sydney Basin, also known as the Cumberland Plain. The area is underlain by Wiannamatta Group shales and sandstones and is predominantly gently undulating, with a dense network of mainly north-flowing channels. Suitable stone for tool making has been recorded throughout the Cumberland Lowlands, with records of artefacts made from a variety of sources such as silcrete, quartzite and chert.

The proposed 36 kilometre route includes a variety of landscape types, and crosses major waterways, particularly Duck River, Prospect Creek, Cabramatta Creek, Bow Bowing Creek and Bunbury Curran Creek. The Georges River is adjacent to part of the route. Erosion can both expose artefacts as well as damage them, while acidic soils are also likely to damage some archaeological material such as bone or shell.

The project area comprises five soil landscape types: Blacktown Soil Landscape (the most common); Birrong Soil Landscape; South Creek Soil Landscape; Richmond Soil Landscape; and the Luddenham Soil Landscape. All of these landscapes could potentially contain aboriginal artefacts or heritage sites, where undisturbed.

Development of the area has disturbed much of the soil profile, including the construction of the Liverpool to Campbelltown extension of the railway line in 1858, nearly 150 years ago. Construction of the various stations, excavations for residential and industrial development in the area, and related infrastructure have all contributed to this impact.

The potential for Aboriginal archaeological sites, particularly significant sites, is negligible where construction and excavation have substantially disturbed the soil profile, and therefore controls are not required in locations where this disturbance can be identified.

A search of the Aboriginal Heritage Information Management System database, held by the NSW National Parks and Wildlife Service, identified 15 registered items in the vicinity of the project. Inspections at the time of the Environmental Assessment, however, determined that none of these items were relevant to the project.

Two additional sites were identified and registered following surveys during the Environmental Assessment, highlighting that a lack of registered sites in an area does not automatically equal a lack of Aboriginal heritage significance.

Site SSFL 1 is an open artefact scatter site. Further potential for subsurface artefacts also exists, and therefore management measures are proposed for this site. Following consultation with local Aboriginal groups, this site was also identified as confidential, details are provided in the Constraints Maps that are included with the Master CEMP. Relevant work packages are potentially the enabling works, earthworks, track works and signalling works, in the southern end of work area 6.

Site SSFL 2 consists of an isolated artefact, in a highly disturbed area. The archaeological assessment identified limited potential of further findings in the vicinity, and therefore limited controls have been included. Impacts should be considered for works in the northern end of work area 6, potentially being enabling works, bridge and culvert works, earthworks, track works and signalling works

2. Legislative requirements and guidelines

Current environmental legislation (including regulations) applicable to the project is listed in Table 2-1.

Table 2-1 Relevant environmental legislation

Relevant legislation (administering authority)	Summary of legislation requirements	Approvals/Permits or licences required
<i>Environmental Planning and Assessment Act, 1979</i> (Department of Planning (DoP), Campbelltown, Fairfield and Liverpool City Councils)	Planning approval required for any significant changes or additional requirements for the project.	Notify ARTC Project Director if any significant changes to the project are desired. ARTC Project Manager to identify any further environmental assessment required. Works must be undertaken in accordance with the approvals and commitments made.
<i>National Parks and Wildlife Act, 1974</i> (Department of Planning and Climate Change (DECC))	Provides protection for indigenous heritage in New South Wales. Through this Act, the Crown takes possession of Aboriginal items. The Act requires the Crown (as DECC) to be notified of any Aboriginal site or artefact identified.	Works identified in environmental assessment process do not require additional permit, approval or licence as this is included within the Part 3A EP&A approval. Aboriginal objects at the location of SSFL 1, south of Macarthur Railway Station at University of Western Sydney, likely to be affected during construction works; to be managed in accordance with approved plan; qualified archaeologist to be consulted as required. Where additional works are required that will disturb indigenous heritage (e.g. destruction or relocation), a permit may be required such as a s87 or s90 permit. s91 requires DECC notification for additional sites or items identified.
<i>Environmental Protection and Biodiversity Conservation Act 1999</i> (Department of the Environment and Water Resources)	Protects heritage values of places, and can include indigenous heritage. Places are registered on lists according to their significance, specifically the National Heritage List, Commonwealth Heritage List and the Register of the National Estate.	ARTC is a Commonwealth agency under this Act. Commonwealth approval is being obtained. There is no requirement for additional permit, licence or approval identified in relation to items of Aboriginal heritage significance.
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (Department of Environment and Water Resources)	Provides general protection for indigenous cultural property, and operates concurrently with State legislation. It has limited relevance to management of such items.	No requirement for additional permit, licence or approval identified.

A number of standards, government policies and other guidelines are also relevant to the SSFL project. In particular, the following should be referred to:

- *Draft Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2004)
- *Ask First: A Guide to Respecting Indigenous Heritage Places and Values* (Australian Heritage Commission 2002)
- *Aboriginal Cultural Heritage Standards and Guidelines Kit* (NSW NPWS, 1997)
- *Draft Guidelines for Aboriginal Heritage Impact Assessment* (NSW NPWS, n.d.)
- Australia ICOMOS '*Burra*' Charter for the conservation of culturally significant places (Australia ICOMOS 1999).

These legislative requirements should be reviewed where changes to the construction activities are identified, or when changes are made to the law; see Section 8.1 for details.

3. Performance criteria

Key performance criteria for Aboriginal heritage are:

- Manage the site identified as SSFL 1 to avoid damage to or destruction of Aboriginal heritage items, and protect the heritage value of the site.
- Protect or salvage the item at SSFL 2 to ensure it is handled appropriately.
- Avoid damage to or destruction of additional identified items of Aboriginal heritage.
- Ensure any additional identified sites/artefacts of Aboriginal heritage significance are managed throughout the project in accordance with legislative requirements.

4. Potential impacts

Relevant environmental aspects and potential impacts of the Southern Sydney Freight Line project were identified during the environmental assessment. Table 4-1 below provides a more detailed correlation of these aspects and impacts against the activities identified in Section 1.2.

Table 4-1 Summary of environmental aspects and impacts

Environmental aspect	Environmental impact
Site preparation – fencing and barriers	Disturbance of unrecorded Aboriginal cultural heritage
Excavations for utility works	Previously disturbed areas – low potential for Aboriginal heritage
Relocation of railway services, including electrical and communications works associated with signalling	Previously disturbed areas – low potential for Aboriginal heritage
Relocation of drainage structures, culverts and retaining walls	Disturbance of unrecorded Aboriginal cultural heritage Disturbance of/damage to Aboriginal artefacts at site SSFL 1, south of Macarthur Railway Station, near University of Western Sydney
Civil works – widening of embankments, excavation of cuttings	Disturbance of unrecorded Aboriginal cultural heritage Disturbance of/damage to Aboriginal artefacts at site SSFL 1, south of Macarthur Railway Station, near University of Western Sydney
Vegetation clearance	Disturbance of unrecorded Aboriginal cultural heritage
Soil movement	Disturbance of unrecorded Aboriginal cultural heritage
Modifications to station facilities	Previously disturbed areas – low potential for Aboriginal heritage
Construction works associated with Glenfield Flyover	Disturbance of known Aboriginal heritage
Excavation and foundations for road upgrades	Previously disturbed areas – low potential for Aboriginal heritage
Laying of track	Previously disturbed areas – low potential for Aboriginal heritage

5. Mitigation measures

Potential impacts identified in Section 4 are to be mitigated through a combination of monitoring, protection and salvage in consultation with local Aboriginal groups. Table 5-1 details mitigation measures required as a minimum to comply with the project requirements and objectives. These measures should be reviewed prior to commencement of an activity, clearly communicated to relevant staff, and the project manager advised of any revisions or updates required.

Table 5-1 Heritage mitigation

Mitigation measure	Responsibility	Work area	Source of requirement
Pre-construction			
Prepare an Aboriginal Heritage Management Sub Plan and key supporting documents in consultation with relevant Councils, Government Departments and Stakeholders (including relevant Aboriginal Groups) and in accordance with CoA 75.	ARTC Project Director	All areas	CoA 75
Include the following information in the site induction for construction personnel: <ul style="list-style-type: none"> ▪ areas of potential heritage relevant to their activities ▪ how to recognise additional items of Aboriginal heritage ▪ how to treat Aboriginal cultural materials appropriately ▪ work procedures for areas near Aboriginal items, including reporting and initial protection procedures (such as ceasing work and erecting fences) if additional items are discovered. 	ARTC Project Director	All areas	CoA 75 c)
Undertake additional investigations and assessments as follows (see CEMP Constraints Maps for locations): <ul style="list-style-type: none"> ▪ once vegetation is cleared, inspect and assess the track bed next to the Georges River, north of Liverpool Railway Station ▪ once construction footprint is finalised, inspect and assess the western side of the Glenfield flyover at Leacock Regional Park (Leacock Recreation Park) ▪ prior to works in the vicinity of SSFL 1, near the University of Western Sydney, Campbelltown campus, inspect and assess the artefact site ▪ once detailed construction method and footprint is determined, inspect and assess SSFL2. 	ARTC Project Director	4 track and signalling 5 track and signalling 6 track and signalling 6 track and signalling	CoA 75 a) SoC 30

Mitigation measure	Responsibility	Work area	Source of requirement
<p>The inspection and assessment is to comprise the following elements:</p> <ul style="list-style-type: none"> ▪ a qualified archaeologist is to physically inspect the site. Relevant Aboriginal groups are to be invited to participate in the inspection; at the time of writing, this comprised the Cubbitch Barta Native Title Claimants, Darug Custodians Aboriginal Corporation, Darug Tribal Aboriginal Land Council, Gandangara Local Aboriginal Land Council and Tharawal Local Aboriginal Land Council ▪ the qualified archaeologist is to assess the impact of the works on the Aboriginal heritage of the area ▪ the qualified archaeologist and relevant Aboriginal groups are to collectively agree on recommendations, including if a specific heritage strategy is to be prepared and implemented for identified Aboriginal heritage items ▪ the heritage strategy will incorporate any requirements for mitigation measures such as protective barriers, salvage, and monitoring ▪ ARTC will implement the heritage strategy, including reasonable mitigation measures identified. 			
Obtain a s87 or s90 permit (under the <i>National Parks and Wildlife Act 1974</i>) for any salvage or destruction activities that are not detailed in the original environmental assessment.	ARTC Environmental Manager	All areas	<i>National Parks and Wildlife Act 1974</i>
Construction			
Contractors are to implement mitigation measures identified as a result of additional investigations or consultation with DECC.	Contract works package manager	As required	CoA 75
If during the construction any unexpected Aboriginal relic(s) are encountered, all work likely to affect the relic(s) will cease immediately, temporary barriers or fences around the worksite will be erected and the DECC notified. Further actions are to be developed in consultation with the DECC, qualified archaeologists, and Aboriginal representatives (where available).	Contract works package manager	All areas	CoA 75 b)
Notification to Gandangara Local Aboriginal Land Council and Tharawal Local Aboriginal Land Council if any cultural material is found or significant site revealed.	ARTC Environmental Manager	As required	
Post-construction			
Record any works conducted in proximity to Aboriginal archaeological artefacts.	ARTC Environmental Manager	All areas	SoC 32

6. Monitoring and reporting

Monitoring and reporting requirements are detailed in Table 6-1.

Table 6-1 Monitoring and reporting requirements

Monitoring and reporting requirement	Responsibility	Source of requirement
Pre-construction		
Confirm pre-construction assessments completed prior to commencing each work package or area.	CW-PM	CoA 75 a)
Construction		
In areas identified as having negligible or low potential for Aboriginal heritage, construction staff are to implement induction protocols to identify any additional Aboriginal items during works.	CW-PM	CoA 75 b)
If, during the construction, unexpected Aboriginal relic(s) are encountered:		<i>National Parks and Wildlife Act 1974</i>
<ul style="list-style-type: none"> ▪ all work likely to affect the relic(s) is to cease immediately ▪ erect temporary barriers or fences between the worksite and the item where feasible ▪ notify the ARTC Environmental Manager who will arrange for a qualified archaeologist to document the relic on site card(s) and provide to the DECC ▪ determine additional requirements by consulting a qualified archaeologist, relevant Aboriginal groups, and the DECC. 		
Implement any specialist monitoring required by additional investigations. If visual monitoring of works is recommended, this is to specify relevant Aboriginal groups to be invited to attend, any requirement for a qualified archaeologist, the key activities to be monitored, and duration and frequency of inspections.	ARTC Project Director	If required by additional investigations
Post-construction		
As part of the rehabilitation, replace any salvaged items if required.	CW-PM	If required by additional investigations

Where CW-PM = Contract Works Package Manager as defined in the CEMP (Section 3.3)

7. Corrective action

Possible non-conformances with this Sub-Plan will include non-compliance with the management measures and mitigation strategies outlined in Section 5.

All incidents and non-conformances are to be reported using the Non-Conformance Report Form (appended to the CEMP) and investigated and corrected in accordance with Section 7 of the CEMP to ensure effective environmental management practices at all times.

8. Document control

Project records, including contractor records, will be maintained to provide evidence of the effective operation of this CEMP. The records will be identifiable as to the date, work package and activity concerned. Such records include, but are not limited to:

- correspondence to/from stakeholders and interested parties
- permits, licences and approvals
- induction training records
- environmental complaints/enquiries
- non-conformance and corrective action
- environmental incidents
- audits and reports.

Records shall be filed, stored and maintained in accordance with the Project Management Plan.

8.1 Review and update

The CEMP will be reviewed as required to ensure that it addresses ongoing environmental issues and any changes in legislation, policies or guidelines. A review to the CEMP could be initiated by:

- a change to the construction activities or method from that originally planned and assessed
- the result of an audit
- a regular project review, such as a recurring review of legislation which identifies changes to statutory requirements
- a review of the CEMP or sub-plans by a contractor, identifying more appropriate mitigation measures and controls.

Any changes to the project that require further environmental assessment will be brought to the attention of the Director-General by the Project Director.

Updating the CEMP is the responsibility of the Environmental Manager, who is also to update the revision number of the documents in accordance with ARTC's record management procedures. The EMR is then to certify the changes to the CEMP, including relevant sub-plans, meet the intent of the conditions of approval and commitments.

Once approved, the Environmental Manager is to circulate the revised documents to all parties identified on the controlled document register. Contractors who are provided revised documents are responsible for communicating these changes to their staff, and ensuring obsolete copies are removed from use.