Mr Ben Groth  
Associate Director, Environmental Impact Assessment  
Transport of New South Wales (TfNSW)  
Level 5, Tower A Zenith Centre 821 Pacific Highway  
CHATSWOOD NSW 2067

Via Email: Ben.Groth@transport.nsw.gov.au  
Cc: Natalie Moore Natalie.Moore2@transport.nsw.gov.au

Dear Mr Groth,

APPLICATION UNDER S60 OF THE HERITAGE ACT 1977  
SYDNEY TERMINAL AND CENTRAL RAILWAY STATIONS GROUP, STATE HERITAGE REGISTER NO 01255

Proposal: Installation of a 33kv Feeder 7U5 between Chalmers Street Substation and Surry Hills Ausgrid Substation.

Section 60 Application No: S60/2019/043, received 18 March 2019

Information received with the application: As per Condition No. 1

Additional information requested: Yes

Additional information received: 8 April 2019, 17 April 2019 and 23 April 2019

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above Section 60 application. Pursuant to section 63 of the Heritage Act 1977, approval is granted subject to the following conditions:

APPROVED DEVELOPMENT

1. All work shall comply with the information contained within:
   a. Engineering drawings, prepared by Novo Rail as listed below (refer to DOC19/221164-2).

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c. *Feeder 7U5 Statement of Heritage Impact Addendum*, prepared by GML Heritage for TfNSW dated 23 April 2019

EXCEPT AS AMENDED by the conditions of this approval:

**HERITAGE CONSULTANT**

2. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons, and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

**SITE PROTECTION**

3. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed. Should the identified signature palm be impacted by the works and must be removed, a palm of a similar size, scale and same species must be replaced, under the care and supervision of a professional arborist with medium-term monitoring of success.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

**HISTORICAL ARCHAEOLOGY**

4. All works shall be in accordance with the approved research design and methodology outlined in ‘Sections 8 and 9 of *Feeder 7U5 Statement of Heritage Impact*, report prepared by GML Heritage for TfNSW, Final Report V3, 15 March 2019’, and *Feeder 7U5 Statement of Heritage Impact Addendum*, prepared by GML Heritage for TfNSW dated 23 April 2019, except as amended by the following conditions:

a) This archaeological approval covers the archaeological monitoring works which may disturb or expose relics of local significance associated with the Sydney Terminal and Central Railway Stations Group and to enable monitoring to identify potential burials associated with the State significant former Devonshire Street Cemetery. The approval allows the removal of State significant remains of the former Devonshire Street Cemetery but only in accordance with Condition 5 below. All other state significant archaeology is not approved for removal.
b) Fieldwork: The Heritage Council of NSW or its Delegate must be informed in writing of the start of the archaeological investigation at least five (5) days prior to the commencement of, and within five (5) days of the completion of on-site archaeological work.

c) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in ‘Feeder 7U5 Statement of Heritage Impact, report prepared by GML Heritage for TfNSW. Final Report V3, 15 March 2019’, are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

d) The Applicant must ensure that the nominated Excavation Director, Ms Abi Cryerhall, is present at the site supervising all excavation activity likely to expose relics.

e) The Applicant must ensure that the nominated Excavation Director, Ms Abi Cryerhall, takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with the NSW Heritage Office guidelines, ‘How to Prepare Archival Records of Heritage Items’ (1998) and ‘Guidelines for Photographic Recording of Heritage Items’ (2006).

f) Analysis and Reporting: The Applicant is responsible for the safe-keeping of any relics recovered from the site. The Applicant must ensure that the nominated Excavation Director, Ms Abi Cryerhall, or an appropriate specialist, cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.

g) The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, prepared by the approved Primary Excavation Director nominated in the section 60 form, Ms Abi Cryerhall, is submitted to the Heritage Council of NSW for approval within one (1) month of completion of archaeological field work.

h) Final report: The Applicant must ensure that a final excavation report is prepared by the nominated Excavation Director, Ms Abi Cryerhall, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW. Further copies of the report should be lodged with the local library and/or another appropriate local repository in the area in which the site is located.

i) Unexpected historical archaeological relics: The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval
may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

*Reason:* The Application has identified there is a level of potential for significant archaeological resources to be identified during works. These conditions provide additional requirements for management within this approval.

**EXHUMATION MANAGEMENT PLAN:**

5. The investigation and management of human remains must be in accordance with the approved research design and methodology outlined in ‘Sections 8 of Feeder 7U5 Statement of Heritage Impact, report prepared by GML Heritage for TfNSW. Final Report V3, 15 March 2019’, and Feeder 7U5 Statement of Heritage Impact Addendum, prepared by GML Heritage for TfNSW dated 23 April 2019, and except as amended by the following conditions:

   a) The approval allows the archaeological monitoring of all areas likely to contain the State significant former Devonshire Street Cemetery to identify if human remains are present. If human remains are identified, works must cease and the following actions must be followed.

   b) The Applicant shall notify the Heritage Council of NSW in compliance with s146 of the *Heritage Act 1977* for each instance of human remains identified during these works, within 14 days of that identification. This will comply with existing s146 requirements.

   c) An Exhumation Management Plan (EMP) is to be prepared following the positive identification of human remains during works under this approval. This document must be submitted to the Heritage Council of NSW for approval prior to ground disturbance works recommencing in the areas where human remains have been identified. The EMP must include at a minimum the following information:

      i. The EMP must identify the physical extent of the historic cemetery both spatially and at depth.

      ii. The EMP shall address the following scenarios where human remains may not be fully impacted by the proposed works but require management of:

         a. Partially intact remains
         b. Disarticulated remains
         c. Fully intact remains

      iii. Where the potential survives for a more intact burial to survive beyond the immediate area of impact, the EMP must outline how to manage that person in a respectful way according to existing Heritage Council of NSW Guidelines and best practice. This includes e.g. further investigation to open up areas and potentially fully recover the individual, where the approval requires only a partial excavation or investigation of land to achieve (e.g. for boreholes, slot trenches, Non-destructive digging activities). The EMP shall document the process for managing that individual/individuals in a respectful way according to existing Heritage Council of NSW Guidelines and according to best practice (Skeletal Remains 1998).

      iv. Identify appropriate site-specific research questions in the event human remains are confirmed in this part of the former Devonshire Street Cemetery. These questions must correspond with results from the Cemetery which have been recently identified by other TfNSW works. The Heritage Council of NSW notes the Applicant for this approval is
responsible for managing ground disturbance works involving other parts of this former Cemetery.

v. The EMP shall identify that if remains of a person/persons are found what protocol will be employed for consultation with relevant communities of interest and decision making around a final resting place for these individual/s.

vi. The EMP shall provide clear guidance in accordance with current NSW Health Act and Health Regulation requirements and NSW Police/Coroner protocols.

vii. The EMP shall outline management and how to proceed where found remains are more intact and of State Significance (e.g. an intact in-situ burial). As any such intact remains would be of State significance, it should be noted that a further approval under the Heritage Act 1977 would be required for the disinterment of the individual.

viii. Once the EMP is approved, works may recommence in these areas, but must comply with the approved EMP:

Reason: An Exhumation Management Plan will provide clear direction for action to support the archaeological excavation of human remains affected by this approved activity. The document should include at a minimum the above points, however other relevant information should also be included where needed to manage the exhumation process according to best practice archaeological and heritage management protocols as well as culturally appropriate practices.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

6. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

7. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until the Office of Environment and Heritage has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.
COMPLIANCE
8. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

DURATION OF APPROVAL
9. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

Reason: To ensure the timely completion of works.

Advice
Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

The Division notes that Aboriginal objects have been uncovered during works for the Sydney Metro project within the Sydney Terminal and Central Railway Stations Group. Additional requirements may exist under the National Parks and Wildlife Act 1974, however the standard condition regarding management of unexpected finds is included on this approval.

Right of Appeal
If you are dissatisfied with this determination appeal may be made to the Minister for Heritage under section 70 of the Heritage Act 1977.

It should be noted that an approval under the Heritage Act 1977 is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

If you have any queries regarding this S60 approval of Central Railway Station (S60/2019/043), please contact Alexander Timms, Heritage Assets Officer at the Heritage Division, Office of Environment & Heritage on (02) 8837 6067 or at alexander.timms@environment.nsw.gov.au

Yours sincerely,

TIM SMITH OAM
Director Heritage Operations
Heritage Division
Office of Environment and Heritage
As Delegate of the Heritage Council of NSW
1 May 2019

Cc: Attn: General Manager, City of Sydney: council@cityofsydney.nsw.gov.au
Abi Cryerhall, Excavation Director E: abic@gml.com.au