

Sydney Terminal Building Revitalisation Stage 1

Unexpected Heritage Finds and
Human Remains Procedure

Report to Gartner Rose

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 artefact

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Introduction

This Unexpected Heritage Finds and Human Remains Procedure has been prepared to provide guidance for the management of any unexpected heritage finds and human remains that may be encountered during the Sydney Terminal Building Revitalisation (STBR) Project Stage 1 works.

The STBR Project, including the Stage 1 works, is to be delivered in compliance with the State Significant Infrastructure Planning Approval (SSI) (SSI-45421960). Stage 1 of the project consists of three primary workstreams including the Eddy Avenue Plaza, Eddy Avenue colonnade and eastern terrace stream. This document has been prepared to cover the work undertaken under these streams (Figure 1).

Planning Approval SSI-45421960 defines unexpected heritage find as:

An object or place (including a place, building, work, relic, archaeological site, tree, movable object or precinct of heritage significance) that is discovered during the carrying out of the SSI and which may be a heritage item but was not identified in the documents listed in Condition A1 or suspected to be present. An unexpected heritage find does not include human remains.

This document has been developed in accordance with the following SSI conditions:

D16 *If known or potential State significant archaeological deposits or relics are discovered during Work, then Work must cease in the affected area and the Heritage Council of NSW must be notified as soon as practicable. If determined to be of heritage significance by the **Excavation Director**, an archaeological assessment and management strategy may be required (if requested by the **Excavation Director**) before further Work can continue in that area. Work must only recommence if agreed to by the **Excavation Director** following consultation with Heritage NSW (under delegation from the Heritage Council of NSW).*

D18 *An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds in accordance with any guidelines and standards prepared by Heritage NSW and submitted to the Planning Secretary for approval, in consultation with Heritage NSW at least one (1) month before the commencement of Work. The procedure must be included in the Heritage CEMP Sub-Plan required by Condition C6.*

D19 *The Unexpected Heritage Finds and Human Remains Procedure, as approved by the Planning Secretary, must be implemented for the duration of Work.*

Where archaeological investigations have been undertaken as a result of Unexpected Finds notifications then a Final Archaeological Report must be provided in accordance with Heritage Council guidance.

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

This procedure outlines the actions that must be undertaken when unexpected archaeological remains are encountered during ground disturbing works associated with the project.

This procedure must be followed by all staff involved with ground disturbing works when there is no archaeological coverage available on site.

It is important that clear lines of communication be established for the reporting of any such finds and for procedures to be rapidly implemented. Unexpected Heritage Finds and Human Procedures must be made clear to and accessible by all staff.

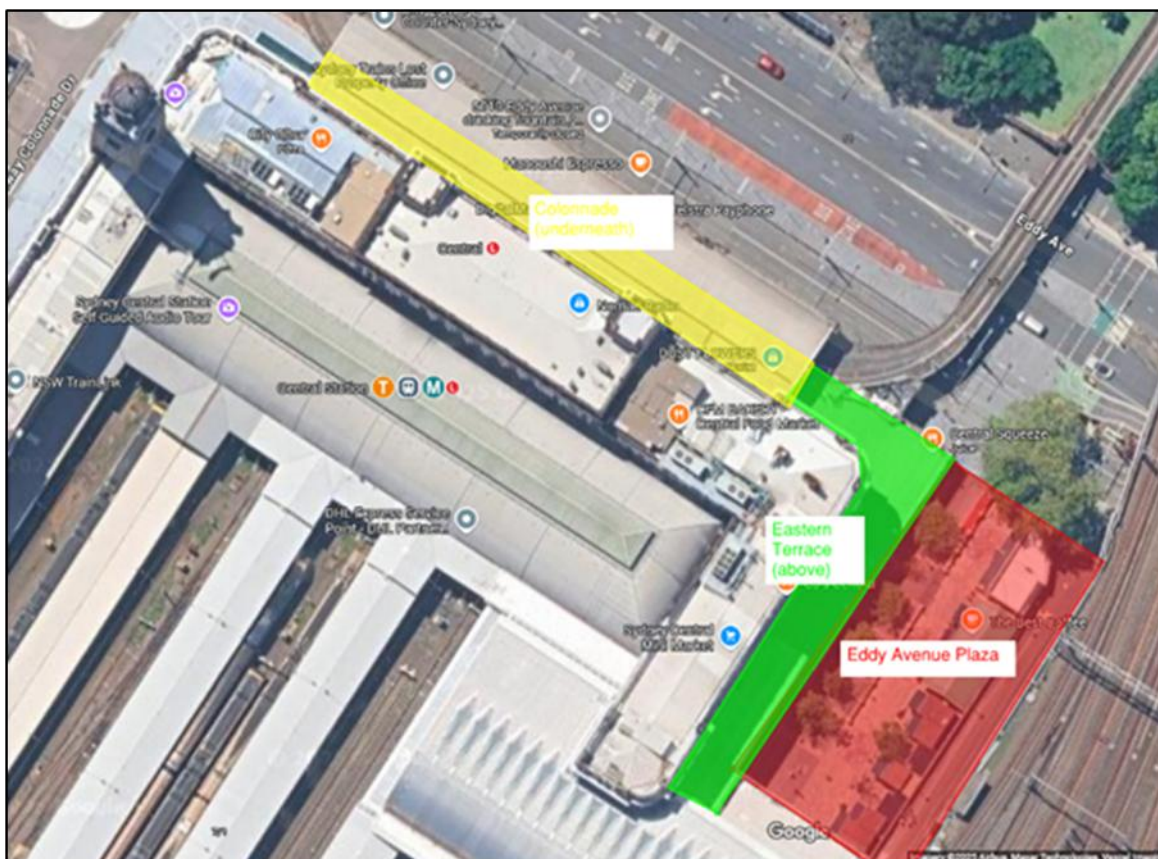


Figure 1: STBR Stage 1 workstreams footprint (Source: Gartner Rose 2025)

Guidelines

The following guidelines and policies were referenced during the drafting of the procedure:

- *Unexpected heritage items procedure* (Transport for NSW, 2024)
- *Unexpected heritage items procedure* (Transport for NSW, 2022)
- *Exhumation Management Procedure* (Sydney Metro, 2023)
- *Investigating Heritage Significance* (Heritage Council of NSW, 2021)
- *Assessing Significance for Historical Archaeological Sites and 'Relics'* (NSW Heritage Branch, Department of Planning, 2009)
- *Skeletal remains: Guidelines for management of human skeletal remains* (NSW Heritage Office, 1988)
- *Due diligence code of practice for the protection of Aboriginal objects in NSW* (OEH, 2010)

- *Code of practice for the archaeological investigation of Aboriginal objects in NSW* (OEH, 2010)

The 2022 issue of Transport's *Unexpected heritage items procedure* is the document referenced in the SSI Conditions of Approval and the Environmental Impact Statement prepared for the project. It has been superseded by the 2024 version, however, to ensure compliance, it is included in this document. Reference to the 2024 issue of Transport's *Unexpected heritage items procedure* is only included where it is not materially different from the 2022 content, but contains updated references to the compliance program: for example, the compliance program (i.e. Ngara in Step 3 below), personnel naming conventions etc.

Archaeological potential

The archaeological potential of the project area has been identified in the Sydney Terminal Building Revitalisation non-Aboriginal (historical) Archaeological Assessment and Research Design (AARD) and the Sydney Terminal Building Revitalisation Aboriginal Cultural Heritage Assessment Report (ACHAR) both prepared by Artefact Heritage in 2023.

Based on the 2023 AARD the Stage 1 construction footprint has generally very low to moderate potential to contain evidence of historical archaeological remains. The likely remains may include structural remains and artefact bearing deposits that are associated with the:

- Devonshire Street Cemetery
- Church of England Morgue and Residence
- Former Belmore Police Barracks
- Carters Barracks
- Fencing, and
- The Bondi Ocean Outfall Sewer

The location of these items is outlined in Figure 2.

With respect of the potential for the Stage 1 project area to contain Aboriginal objects, the 2023 ACHAR assessed that the northern construction footprint includes areas of nil to low archaeological potential. This is largely due to the major excavations works, undertaken for the construction of Central Station, cutting into the underlying natural deposits.

Nature of potential archaeological remains

Historical (non-Aboriginal) heritage items

Historical archaeological remains are likely to take the form of wall footings of former structures (sandstone, brick, timber, slate) or infrastructure elements (roads, services, cess pits, deep subsurface features such as wells, cisterns etc) and associated historical artefacts including complete or broken glass bottles, ceramic items, metal objects, tools, animal bone and other architectural, mechanical and domestic items.

Historical graves from the Devonshire Street cemetery were located within the project area although they were exhumed and relocated in 1901 prior to bulk excavation for the construction of Central Station. In 2023 as part of the construction work for the Metro Station at Central 72 graves were located and excavated. These were located near the Devonshire Street tunnel where there was no bulk excavation.

Human skeletal remains

Human skeletal remains, both articulated or non-articulated, may be contained within surviving graves or redeposited sands. They will either be determined as Aboriginal or historical remains.

Aboriginal objects

Aboriginal objects may include stone artefacts and/or shell material.

Images to assist with the identification of potential finds are provided at the end of this document, excluding human skeletal remains.

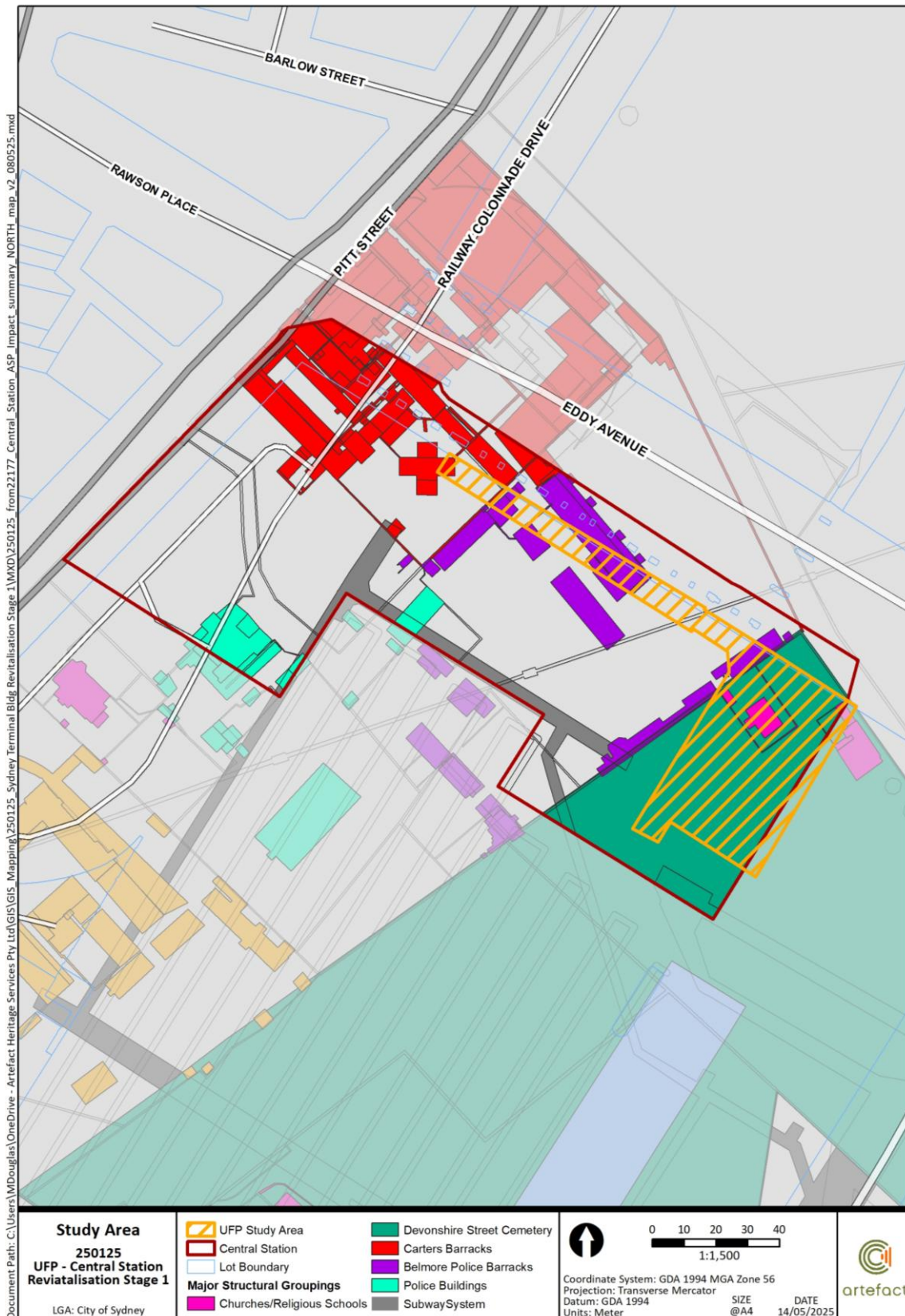


Figure 2: Stage 1 work area (hatched in yellow) in relation to potential archaeological items

Unexpected Finds Procedure

An overview of this procedure is illustrated in the figure below. The illustration has been reproduced from Transport for NSW's Unexpected heritage items procedure (2024, p.10, Figure 1).

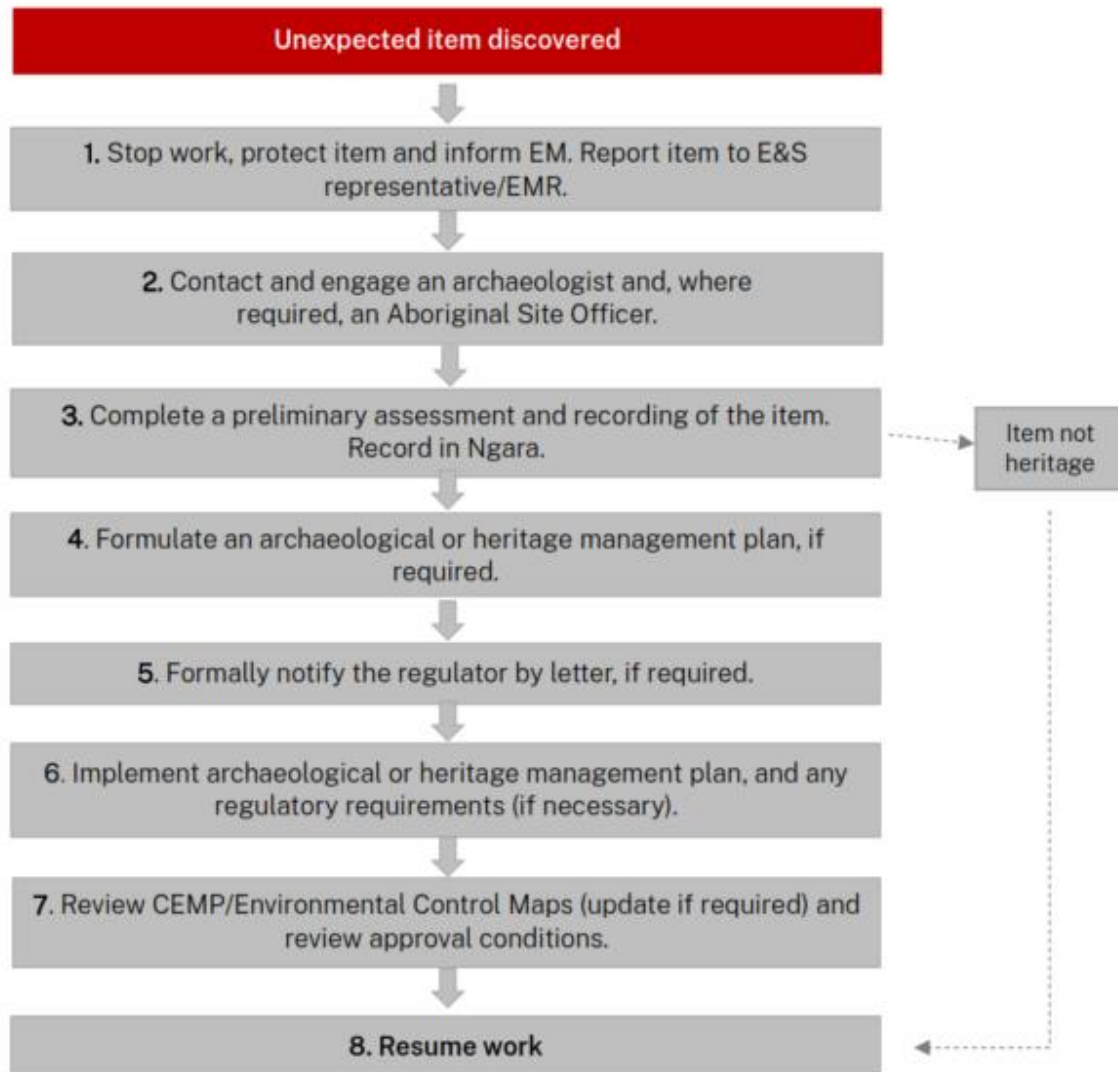


Figure 3: Overview of steps to be undertaken on the discovery of an unexpected heritage item. (Transport for NSW, 2024)

In the event archaeological remains are unexpectedly encountered during ground disturbing works the following steps must be taken:

Step 1

STOP ALL WORKS, protect the item, and inform EM (Contractor's Environmental Manager). Report item to E&S (Transport Environment and Sustainability) representative / EMR (Environment Management Representative)

- Stop all work in the immediate area of the item. The EM or Site Supervisor will demarcate the area to protect the exposed find(s), establish the no-go zone and inform the Excavator Director,

the EM and the E&M Representative / ERM. The protection zone must be ample enough to ensure safety from further disturbance or accidental damage.

- The find(s) must not be handled and/or moved.
- The Site Supervisor will record the details of the find(s) and take a photographic record.

In the event that suspected Aboriginal objects are identified, the following steps must be followed:

- The find(s) must not be handled or moved.
- The find(s) must be appropriately protected from potential harm by establishing a protection zone.
- The project archaeologist and Registered Aboriginal Parties (RAPs) must be contacted to assist in:
 - Assessment of the identified Aboriginal object(s)
 - Determine the significance of the identified Aboriginal object(s)
 - Submit a site card to the Aboriginal Heritage Information Management System (AHIMS) where needed
 - Provide management recommendations, which may include the need for further assessment and archaeological investigation
- The Applicant must consult with the Aboriginal community representatives, the archaeologists, and Department of Planning, Housing and Infrastructure (DPHI), to develop and implement management strategies for all objects/sites
- **Works shall only recommence with the written approval of Heritage NSW**
- Update the AHIMS site card with management outcome information for the site where needed.

Registered Aboriginal Parties

The RAPs identified in the ACHAR that was submitted to DPHI as part of the SSD approvals process must be consulted as part of the Aboriginal heritage unexpected finds procedure.

The proponent must maintain a contact list for each RAP throughout works.

An AHIMS site register search must be updated every 12 months during the works.

The location and details of Aboriginal sites are considered culturally sensitive information. It is recommended that this information including AHIMS data and GIS imagery, is removed if this Unexpected Heritage Finds and Human Remains Procedure or any document containing information regarding the location of AHIMS registered sites is to enter the public domain.

Step 2

Contact and engage an archaeologist and, where required, an Aboriginal Site Officer

- The Site Supervisor will contact the project Excavator Director to notify them of the find(s) and its location.
- The project archaeologist will:
 - Assess the nature and extent of the find(s).

- Determine the significance of the identified find(s). The significance of unexpected finds will be assessed against the seven heritage criteria as outlined in the NSW Heritage Manual, including historical, associative, aesthetic or technical, social, research potential, rarity, and representativeness criterion. The aim of assessing significance to identify if an unexpected find is of local or state significance.

Step 3

Complete a preliminary assessment and recording of the item. Record in Ngara

- Depending on the possible significance of the find(s), an archaeological assessment and management strategy may be required before further works can continue in that area. An archaeological assessment should be undertaken in accordance with the current NSW Heritage Council's guidelines including *Archaeological Assessments Guidelines* (Heritage Office, Department of Urban Affairs and Planning, 1996) and *Assessing Significance for Historical Archaeological Sites and 'Relics'* (NSW Heritage Branch, Department of Planning, 2009)
- If the project archaeologist advises that the find(s) is not a significant archaeological relic, work may recommence in consultation with the Site Supervisor.
- If the project archaeologist advises that the find(s) is a significant archaeological relic, Heritage NSW must be notified under Section 146 of the *Heritage Act 1977* (NSW). Notification should include an archaeological assessment and management recommendation that should be in line with the 2023 AARD.
- This is to be recorded in Ngara – Transport Incident Management System.

Step 4

Formulate an archaeological or heritage management plan, if required

- Prepare an archaeological or heritage management plan, if required
- An archaeological or heritage management plan must be prepared in consultation with RAPs / Aboriginal Site Officer

Step 5

Formally notify the regulator by letter, if required

- If required, a formal notification letter will be prepared
- The draft notification letter, archaeological or heritage plan and the site recording form will then be sent to Transport Senior Environment and Sustainability Officer for review and amended where appropriate.
- The signed notification letter, archaeological or heritage management plan and the site recording form will be kept on file by the Project Manager or Site Supervisor and a copy sent to the Transport Senior Environment and Sustainability Officer.

Step 6

Implement archaeological or heritage management plan, and any regulatory requirements (if necessary)

- The archaeological or heritage management plan will need to be modified to take into account any additional advice resulting from notifications and discussions with Heritage NSW and DPHI.
- The archaeological or heritage management plan will be implemented. Where impact is expected, this will include such things as a formal assessment of significance and a heritage impact assessment, preparation of an excavation or a recording methodology, consultation with RAPs, obtaining additional heritage approvals, when required.
- Where heritage approval is required, the E&S Representative will be contacted for further advice and support material
- It can then be assessed whether heritage impact is consistent with the project approval or modification would need to be sought
- Where statutory approval is not required and where recording is recommended by the archaeologist, sufficient time will be allowed for this to occur.
- Implement archaeological or heritage management plan, if required.

Step 7

Review CEMP / Environmental Control Maps (update if required) and review approval conditions

- The CEMP will need to be updated as appropriate with any changes resulting from final heritage management (such as retention of the heritage item and/or salvage of the item). The updated CEMP will incorporate additional conditions arising from any heritage approvals, and Aboriginal community consultation if found relevant. An approval of the CEMP will be sought from the ER or DPHI, as appropriate.
- Any changes to the CEMP will be included in the site induction material and the site workers will be updated during toolbox talks.
- Check if the Environmental Control Maps (ECMs) need to be updated, and then update if needed.
- Where statutory approval is not required and where recording is recommended by the archaeologist, sufficient time will be allowed for this to occur
- Where Unexpected Finds are uncovered during Low Impact Works, consultation will occur with the Planning Secretary and Heritage NSW to determine whether works may continue as Low Impact Works, or whether works may continue as construction under an approved Construction Heritage Management Plan.

Step 8

Resume work

- The Contractor will seek written clearance to resume project work from Transport Project Manager, the Excavation Director and Heritage NSW.
- Following the issue of notification to Heritage NSW and their written acknowledgement, work may recommence in the affected area.

- Archaeological excavation/heritage reporting and other heritage approval conditions will be completed in the required timeframes. This includes artefact retention repositories, conservation and/or disposal strategies.

Exhumation Management Plan (Unexpected Human Remains Procedure)

To avoid doubt, all suspected bone items must be treated as though they are human skeletal remains and all works must stop while the remains are protected and investigated. Further, suspected grave cuts must be treated as such until proven otherwise. In the unlikely event that potential human skeletal remains are discovered at any point during the project, the following steps must be followed:

- All ground-disturbing works within approximately 20m of the remains will cease immediately following the discovery. The discoverer of the remains will notify the Site Supervisor and/or Excavation Director, and workers in the area to ensure work is halted.
- The remains will not be handled or removed from the area or disturbed in any other way
- The area will be secured by use of protective barriers to ensure no harm can occur to the remains.
- A qualified Forensic Anthropologist or Archaeologist must be engaged to assist in the identification of human remains.
- If it is determined that the suspected remains are not human, work can recommence.
- If the Excavation Director for the project determines that the bones are likely to be human then Preliminary notification must be made to the NSW Police, NSW Coroner's Office, NSW Health, and Heritage NSW.
- The NSW Police and NSW Coroner will determine if the suspected human remains are human and if they represent a crime scene. If the human remains are determined to represent a criminal act, the NSW Police and NSW Coroner will direct proceedings, including deciding when works may continue.
- Note that the Coroners Act does not apply to human remains over 100 years old which would place remains from the Devonshire Street Cemetery outside the Coroners jurisdiction.
- If NSW Police and NSW Coroner determine that the suspected human remains fall under the legislative requirements of either the *National Parks and Wildlife Act 1974* or *Heritage Act 1977* (NSW), Heritage NSW will be responsible for determining the next course of action, including deciding when works may continue.
- Inform Heritage NSW, DCCEEW via the Environment Line at 131 555, providing information about the remains and their location.
- Human remains in a grave cannot be removed without permit from NSW Health.
- If it emerges that the remains are ancestral Aboriginal remains, the Registered Aboriginal Parties and Local Aboriginal Land Council must be notified.
- Excavation activities will not resume unless explicitly authorized in writing by Heritage NSW, DCCEEW.

A summary of this procedure is illustrated below:

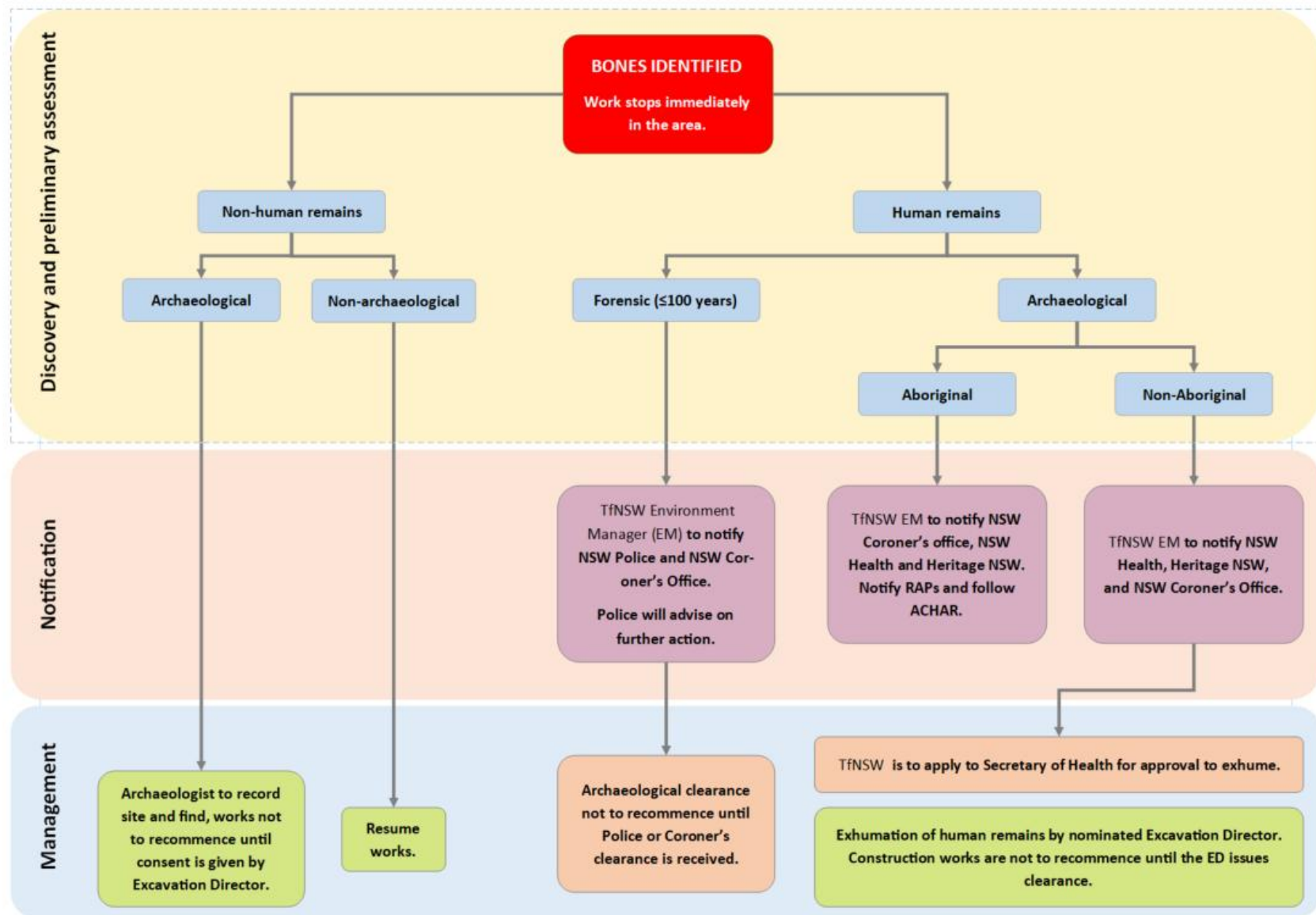


Figure 4: Summary of the Exhumation Management Procedure



Figure 5: Example of Aboriginal stone artefacts



Figure 6: Example of an Aboriginal shell midden



Figure 7: Former road surface truncated by service pit



Figure 8: Former drainage system at Central Station



Figure 9: Example of historical artefacts



Figure 10: Example of historical structural remains from Central Station



Figure 11: Grave cut with remains of a coffin Central Station



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