

Environmental Review

Project:	Sydney Metro
Title and number of the assessment:	ER-WSA-003 Claremont Meadows temporary construction power works https://icentral.tdocs.transport.nsw.gov.au/otcs/cs.exe/app/nodes/168991548
Prepared by:	Sydney Metro
Applicable to:	Sydney Metro and ASP1 contractors
Type of assessment:	Assessment under: EP&A Act 1979, Division 5.2. EPBC Act 1999, Part 8 and 9.
Planning approval number (where relevant):	SSI_10051 Infrastructure approval (NSW) EPBC 2020/8687 (Cth)
iCentral number:	SM-22-00011456

1. Proposed works and justification

An environmental review is applicable to design changes which are consistent with the conditions of approval and would have no additional impacts on the community and/or the environment. This environmental review is required to demonstrate compliance with the conditions of approval and the Sydney Metro Western Sydney Airport (SMWSA) Environmental Impact Statement (EIS), Submissions Report and EPBC Act Final Environmental Impact Assessment of off-airport proposed action (off-airport EIA). A description of activities is listed in Table 1 and an assessment provided in Section 2.

Table 1 Description of proposed works

Description	Overview
Location of works	Works located along Great Western Highway and Gipps Street in Claremont Meadows. The location of the works is shown in Figure 1 below.
Scope of works	The scope of works includes: <ul style="list-style-type: none"> - replacement of approximately 320 metres of existing overhead mains cabling across and along The Great Western Highway located to the north of the project construction footprint. The works would include replacement of existing power poles. - installation of a short underground cable from The Great Western Highway power lines outside the construction footprint to a new padmount substation that would be contained within the construction footprint. This underground cable will require trench excavation. - installation of new cables through existing conduits along Gipps Street between Sunflower Drive and The Great Western Highway.
Justification for works	The SMWSA EIS outlined the approach that would be taken to identifying and selecting additional construction related elements of the project, including utility works. The utility works at Claremont Meadows are required to provide temporary construction power supply to the Claremont Meadows construction site for the purposes of the SMWSA project. The substation is required to lower high

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	voltage to a standard voltage used to power electronics, lighting, plant and equipment.
Timeframe for works	Q1 2022
Work hours, workforce and equipment / machinery	<p>The works are expected to be completed during standard construction hours except for one nightshift which will be completed outside standard construction hours for the works that cross the Great Western Highway.</p> <p>Up to 15 workers could be working onsite at any one time.</p> <p>Equipment required would include:</p> <ul style="list-style-type: none"> • excavators (8-13t) • lifter borer • light vehicles • tipper (8-13t) • traffic control vehicles.

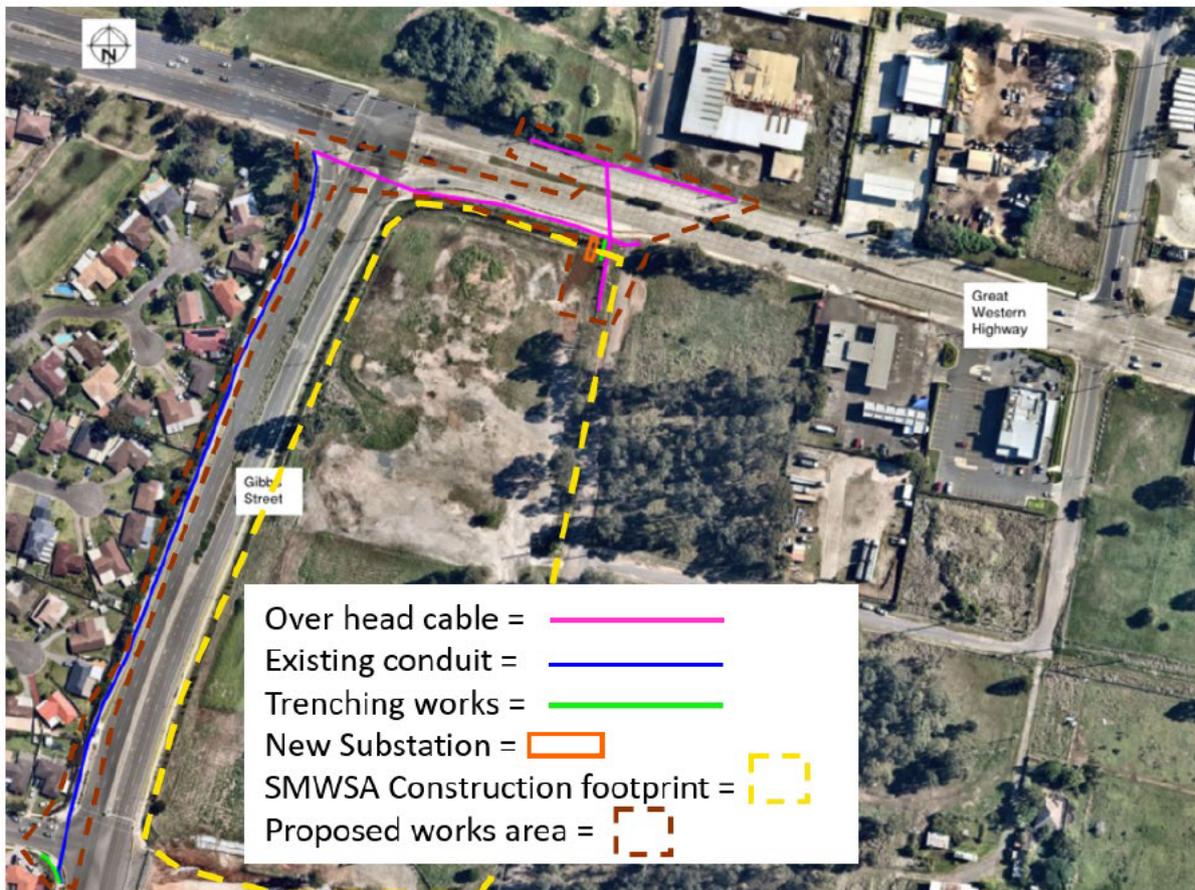


Figure 1 Location of works area

2. Conditions of Approval

The following table outlines whether the proposed changes would be consistent with the relevant Conditions of Approval.

Table 2 Comparison of the proposal with relevant elements of the Approved Project

Relevant elements of the Approved Project	Proposed Change
<p>Section 8.11.5 of the EIS allows for additional utility works that are required outside of the construction footprint for the project provided the works are consistent with the following performance criteria:</p> <ul style="list-style-type: none"> the works connect to the construction footprint or to a point adjacent to the construction footprint the works have no direct impact on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts assessed in the Environmental Impact Statement the works can be carried out and managed consistent with the performance outcomes identified in Chapter 27 (Synthesis) or as revised. 	<p>Construction footprint</p> <p>The works connect to the project construction footprint via the Great Western Highway, shown in Figure 1.</p> <p>Non-Aboriginal heritage</p> <p>A search of the State Heritage Register (SHR), Section 170 Heritage and Conservation Registers and Penrith Local Environmental Plan on 4 February 2022 identified one non-Aboriginal heritage item in the vicinity of the proposed works:</p> <ul style="list-style-type: none"> Milestone - local significance (item number 859 under the Penrith Local Environment Plan 2010) <p>The Milestone heritage item is located approximately 20 metres east of the nearest overhead mains cabling. No direct impacts are expected due to the distance between the overhead works and the heritage item. The heritage setting may be impacted during construction, but impacts will be minor and temporary in nature.</p> <p>Aboriginal Heritage</p> <p>A search of the Aboriginal Heritage Information Management System (AHIMS) on 1 February 2022 identified no valid Aboriginal sites in the vicinity of the proposed works.</p> <p>The proposed works are located wholly within Aboriginal Heritage Impact Permit (AHIP) [REDACTED]</p> <p>[REDACTED] Previous correspondence [REDACTED] with the AHIP holder has identified no objections to Sydney Metro undertaking works within the AHIP and confirmed that the conditions of the AHIP have been closed out with the exception of OEH notification of completion (Condition 10) (see Attachment A).</p> <p>As the works are within a disturbed area, with an existing AHIP where the majority of the conditions have been closed, the proposed works are unlikely to have a direct impact on Aboriginal heritage items.</p> <p>Biodiversity</p> <p>A search of the SEED Portal undertaken on 4 February 2022 identified no mapped vegetation within or adjacent to the proposed works. The nearest mapped vegetation (PCT 849 Grey Box Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion) is located approximately 20 metres east of the overhead mains cabling works. No vegetation removal is required to complete the utility works.</p> <p>No threatened species records are mapped within the vicinity of the proposed works.</p> <p>As no vegetation removal is required the works are consistent with the direct impacts described in the EIS.</p> <p>The proposed works may increase noise, dust, erosion and sedimentation, and cause the introduction of weeds. This is consistent with the indirect impacts described in the EIS.</p>

Relevant elements of the Approved Project	Proposed Change
	<p>Performance Outcomes</p> <p>The works can be managed consistent with the performance outcomes (POs) as revised in the SMWSA Submissions Report including:</p> <ul style="list-style-type: none"> • Safe and efficient routes are provided for pedestrians, cyclists and road users at/near construction sites • Safe access to properties and businesses is maintained during construction, unless alternatives are agreed with property owners and businesses • Construction noise and vibration impacts on local communities (including airborne noise and ground borne noise and vibration) are managed in accordance with the Construction Noise and Vibration Standard and the Interim Construction Noise Guideline • Minimise or where possible avoid impacts on threatened flora and fauna species, and ecological communities listed under the Biodiversity Conservation Act 2016 (NSW) and Environment Protection and Biodiversity Conservation Act 1999 (Cth) <p>Impacts on non-Aboriginal heritage items and archaeology are minimised or where possible avoided.</p>
<p>SSI CoA A1 – The Proponent must carry out the CSSI in accordance with the terms of this approval and generally in accordance with the:</p> <p>(a) Sydney Metro – Western Sydney Airport Environmental Impact Statement dated 21 October 2020; and</p> <p>(b) Sydney Metro – Western Sydney Airport Submissions Report submitted April 2021.</p>	<p>The proposed works will be carried out generally in accordance with the SMWSA EIS (s8.11.5).</p>
<p>SSI CoA E36 – The Unexpected Heritage Finds and Human Remains Procedure must be implemented</p>	<p>The proposed works will be subject to the Sydney Metro Unexpected Heritage Finds and Human Remains Procedure.</p>
<p>SSI CoA E42 – Out-of-Hours Work (OOHW) Protocol</p>	<p>An OOHW protocol for the project has been approved by DPIE.</p> <p>Where out of hours works are required additional assessment and approval processes would be followed, in accordance with the approved OOHW Protocol.</p>
<p>SSI CoA E120 – Minimising impacts to utilities infrastructure and disruptions of services.</p>	<p>Sydney Metro are responsible for advising local residents and businesses that may be affected before any planned disruption of services.</p> <p>The design has been reviewed and approved for construction by Endeavour Energy and would be completed by an accredited services provider.</p>
<p>SSI CoA E128 – Erosion and sediment controls must be implemented and maintained consistent with the Blue Book</p>	<p>Erosion and Sediment Control Plans (ESCPs) will be developed for all active worksites in accordance with the Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004) (known as the 'Blue Book'). These will be progressively updated to reflect current site conditions.</p>

Relevant elements of the Approved Project	Proposed Change
EPBC 2020/8687	Not considered further as the works would not impact protected matters or extend into or affect Commonwealth Land.

3. Environmental review

The following table provides a risk review of the potential environmental impacts of the proposed changes.

Table 3 Environmental review

Environmental review	Yes / No	Description of impacts (including consideration of safeguards required by the Approved Project)
Is the proposal to take place outside of the construction footprint of the project	Y	The majority of proposed works would take place adjacent to the construction footprint of the project, however the EIS considers such works as discussed above. Impacts would be consistent with those assessed in the EIS, are anticipated to be localised, and can be managed appropriately by the existing conditions of approval, revised environmental mitigation measures (REMMs) and performance outcomes.
Is the location of works within the existing EPL premise boundary	N	An EPL is not required for the Advanced and Enabling Works (A&EW) scope.
Will the works take longer than 2 weeks to complete.	Y	The proposed works are expected to take approximately three months.
Does the work require OOHW approval	Y	The proposed works include one nightshift with works undertaken outside standard construction hours. Where out of hours works are required additional assessment and approval processes would be followed, in accordance with the approved Out-of-Hours Work Protocol.
Will the works impact an EEC or threatened species	N	No impacts are expected to EEC or threatened species due to the distance between the proposed works and mapped biodiversity values.
Will works impact on native vegetation	N	No impacts are expected to native vegetation due to the distance between the proposed works and mapped vegetation.
Will the works impact on habitat trees	N	No impacts are expected to habitat trees due to the distance between the proposed works and mapped habitat trees.
Will clearing of non EECs or ground disturbance be of High / moderate condition vegetation. What is the area of impact	N	No clearing is required.
Will the works result in medium / high noise or vibration impacts Will noise and vibration impacts on sensitive receivers be greater than that predicted in the EIA	N	The closest sensitive receivers are residents located along Gipps Street. The proposed works would take place during standard construction works and out of hours works. The EIS has considered both scenarios at Claremont Meadows. Noise and vibration generating activities will be limited to small areas of trenching and are not expected to be greater than that predicted in the SMWSA EIS. OOHW approval will be required for night-time works.

Environmental review	Yes / No	Description of impacts (including consideration of safeguards required by the Approved Project)
		Impacts would continue to be managed in accordance with the Construction Noise and Vibration Standard
Will the works result in Medium/ High air quality impacts	N	The proposed works would have a small disturbance area limited to trenching and substation installation. Any air quality impacts would be localised and temporary and are not expected to result in medium or high air quality impacts.
Will the activity be located adjacent to or in close proximity to sensitive receivers	Y	The proposed works are located in proximity (i.e. within 15 metres) of residential receivers along Gipps Street. Residential receivers along Gipps Street would be notified of the upcoming works. Further community notification requirements will be completed for OOHV.
Will works impact on an Aboriginal / European heritage site different to that predicted in the EIA	N	No non-Aboriginal heritage sites are likely to be impacted due to the distance between the proposed works and existing heritage sites. The proposed works are located wholly within AHIP [REDACTED]. All works and salvage activities have been completed under the AHIP. No Aboriginal heritage sites are likely to be impacted.
Are works within 10m of a watercourse	N	The works are not located in proximity to a watercourse.
Are works in an area of known contamination	N	The proposed works are not within an area of known contamination.
Will the works result in temporary or long-term traffic impacts	Y	Construction activities would result in temporary traffic impacts caused by: <ul style="list-style-type: none"> road closure along the Great Western Highway for re-stringing of overhead mains cabling a small increase in construction traffic on the local road network. There are no anticipated long-term traffic impacts and access to properties would be maintained at all times. A detailed Traffic Management Plan is required for the proposed works.
Will the works result in visual impacts to sensitive receivers	Y	The proposed works are located in proximity to residential and industrial receivers. Visual impacts to receivers will be limited to machinery and plant required to complete the proposed works. Any visual impacts will be minor and temporary in nature.
Will the works involve significant earthworks	N	The proposed works would have a small disturbance area limited to trenching and substation installation.

4. Recommendation

Based on the above assessment, and with reference to the SMWSA EIS and Submissions Report, including the conditions of approval and associated CEMP and plans, it is recommended that:

✓	The proposed change is consistent with the Approved Project as described in the SMWSA EIS and Submissions Report including the conditions of approval, has negligible impacts on the community and environment and no further assessment is required.
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	<p>The proposed change is likely to be consistent with the Approved Project as described in the SMWSA EIS and Submissions Report, however more than a negligible impact on the community and environment may result and further assessment in the form of a Planning Approval Consistency Assessment form is required to be completed and submitted to the Planning team for the proposed design/ construction change.</p>
	<p>The proposed change is not consistent with or substantially the same as the Approved Project and is considered a radical transformation. A new planning pathway should be considered.</p>

5. Certification

The above information provides a true and fair review of the proposed works.

Prepared by (signed):

[Redacted Signature]

Date: [Redacted Date]

Name: [Redacted Name]

Position: Planning Approvals Officer

6. Endorsement

I have reviewed the above review and provide the following endorsement:

<p>✓</p>	<p>The proposed design/construction change is consistent with the SMWSA EIS and Submissions Report, has negligible impacts on the community and environment and no further assessment or modification of the planning approval is required.</p>
	<p>The proposed design/construction change is likely to be consistent with the SMWSA EIS and Submissions Report, however more than negligible impacts are expected on the community and environment and further assessment is required.</p>
	<p>The proposed design/construction change constitutes a project modification and requires further assessment and approval.</p>

This endorsement is conditional on the following:

1. All works will be carried out in accordance with the SMWSA EIS and Submissions Report and the Project Conditions of Approval.
2. All works will be carried out in accordance with the approved Construction Environmental Management Plan and any relevant sub plans.
3. All works will be carried out in accordance with any additional management measures identified in the Environmental Review, unless otherwise noted by this endorsement.



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Comments (if any):	Nil
Signed:	[Redacted]
Endorsed by:	[Redacted]
Date:	21/02/2022

**Attachment A: Aboriginal Heritage Impact Permit [REDACTED] and
correspondence with AHIP holder**

Issue of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of Environment & Heritage



NOTICE OF THE ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT [REDACTED]

Issued pursuant to section 90C(4) of the *National Parks and Wildlife Act 1974*

BACKGROUND

- A. [REDACTED] (the applicant) applied to the Office of Environment and Heritage (OEH) under section 90A of the *National Parks and Wildlife Act 1974* (NPW Act) for an Aboriginal Heritage Impact Permit (AHIP). [REDACTED]
- B. [REDACTED]
- C. [REDACTED]
- D. [REDACTED]
- E. OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT

- 1. OEH has considered the application and supporting information provided, and matters under section 90K of the NPW Act and has decided to issue an AHIP [REDACTED] subject to conditions.
- 2. The AHIP is attached.
- 3. You should read the AHIP carefully and ensure you comply with its conditions.

It is an offence under section 90J NPW Act to fail to comply with the conditions of the AHIP. The maximum penalty that a court may impose on a corporation for failing to comply with this AHIP is \$1.1m. OEH can also issue penalty notices for this offence.

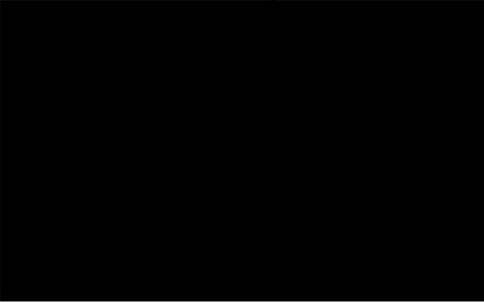


Issue of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage



Date:



INFORMATION ABOUT THIS NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.

Variation of this AHIP

- This AHIP may only be varied on application by the AHIP holder or by OEH to correct typographical errors or resolve inconsistencies between conditions of the AHIP. A permit can only be varied by subsequent variation notices.

Appeals against this decision

- You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is **21 days** after you were given notice of this decision.

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
& Heritage

AHIP number: [REDACTED]
[REDACTED]

AHIP Issued To:

[REDACTED]

OEH Office issuing this AHIP
Office of Environment and Heritage
Regional Operations
Greater Sydney Region
PO Box 644
PARRAMATTA, NSW 2124
Telephone number: (02) 9995 6864

Additional details for public register

a) Name of development or project	[REDACTED]
b) Location	
c) Local Government Area(s)	
d) Description of harm authorised	
e) AHIP commencement date and duration	

[REDACTED]

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) [REDACTED] an application was made to the Chief Executive of the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act).
- (ii) [REDACTED]
- (iii) [REDACTED]
- (iv) OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in **Schedules B and C**, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for:

- (i) **10 years** from the date of commencement, that is, until **5 November 2024**;

D. Proposed Works

[REDACTED]

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

[REDACTED]

[REDACTED]

Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*

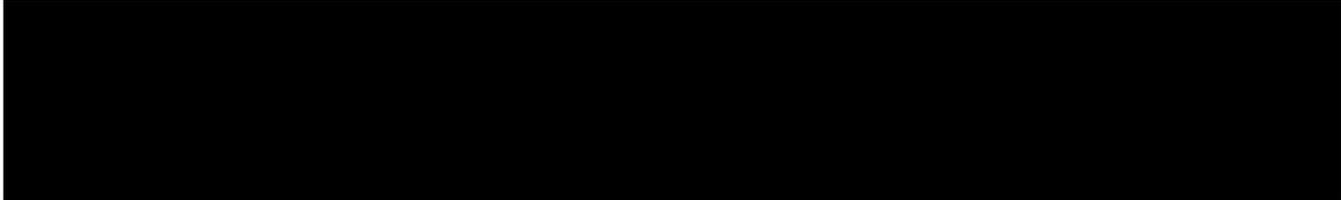


Office of
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LAND TO WHICH THIS AHIP APPLIES



CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, OEHL must be notified of their contact details within **14 days** of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed, other than any human remains identified in **Schedule B4**.
7. The Aboriginal objects described in **Schedule A** must not be harmed.

Harm of certain Aboriginal objects through the proposed works

8. The Aboriginal objects described in **Schedule C** may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in **Schedule A** (whether human remains, Aboriginal objects or 'no-harm areas').

Notification and Reporting Conditions

Notification of commencement and completion of actions

9. Written notice must be provided to the OEH office at least **7 days** prior to the commencement of actions authorised by this AHIP.
10. Written notice must be provided to the OEH office within **7 days** of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

11. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.
12. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within **14 days** of receipt of the notice.

Human remains

13. If any human remains (other than any human remains described in **Schedule B4**) are discovered and/or harmed in, on or under the land, the AHIP holder must:
 - (a) not further harm these remains
 - (b) immediately cease all work at the particular location
 - (c) secure the area so as to avoid further harm to the remains
 - (d) notify the local police and OEH's Environment Line on **131 555** as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

14. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

15. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
 - (a) the nature of the incident
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
 - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
 - (d) any conditions of an AHIP which may have been breached, and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
16. The incident report must be provided to the OEH office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

17. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within **4 months** of the completion of the actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the OEH website:
<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>
- (ii) Contact details for the AHIMS Registrar can be found on the OEH website:
<http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm>

General Conditions

Indemnity

18. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:
- (a) any damage or destruction to any real or personal property; and
- (b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

19. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and
- (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

20. Any requirement to provide written notice to the OEH office in this AHIP may be complied with by sending a notice by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this AHIP.

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4, as specified by the conditions of this AHIP.

A2 Aboriginal objects that are identified on AHIMS

N/A

A3 No-harm areas

N/A

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only

N/A

B2 Salvage Excavations

N/A

B3 Community collection

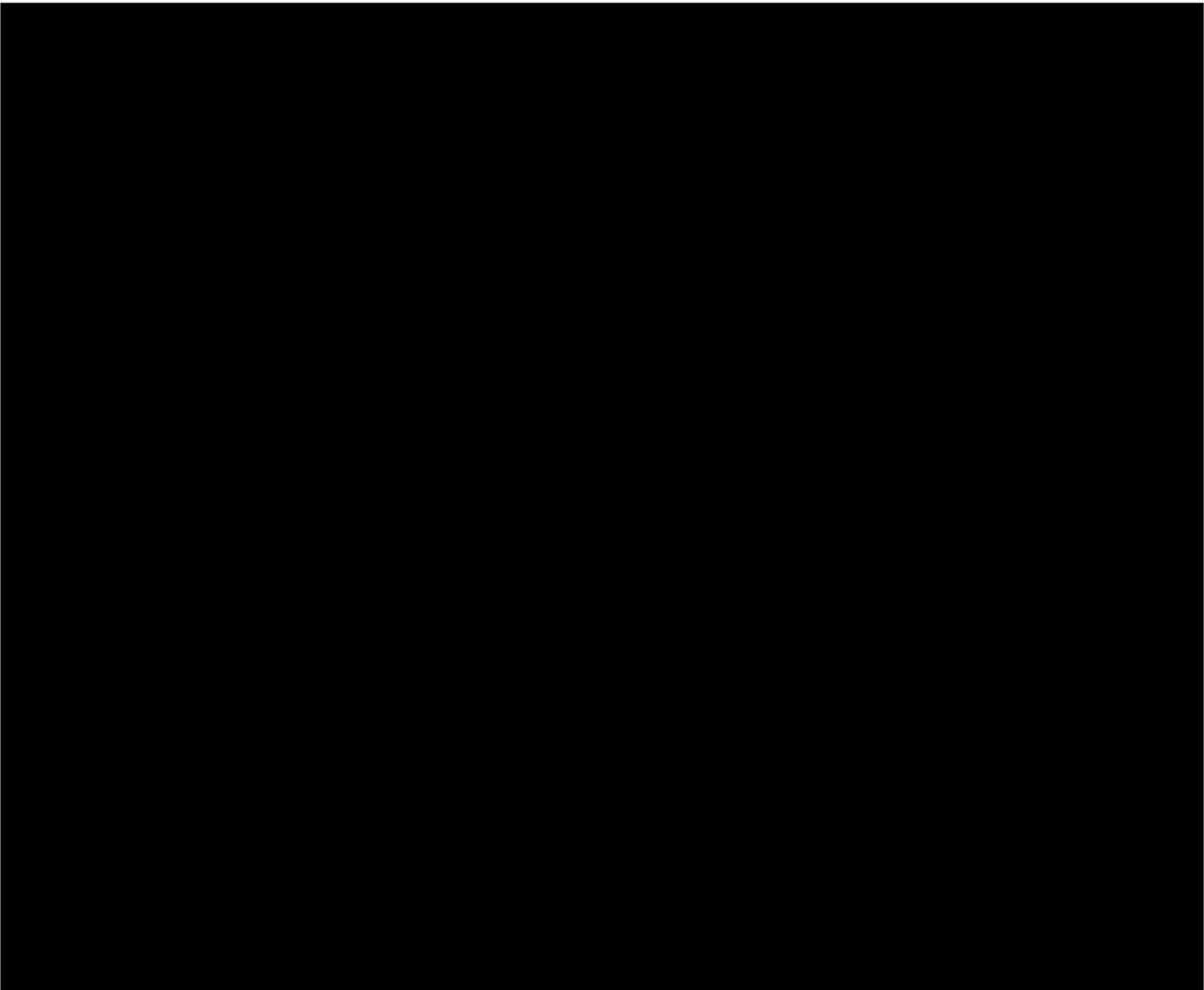
N/A

B4 Other

N/A

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).



C2 Areas where harm of Aboriginal objects is authorised



DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object	has the same meaning as in the Act.
Act	means the <i>National Parks and Wildlife Act 1974</i> .
AHIMS	means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act.
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading "AHIP issued to".
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Community collection	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
Community collection area	means an area described as a community collection area in Schedule B3
Harm	has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place.
Land	means the land described under the heading "Land to which this AHIP applies".
No-harm areas	means those areas described in Schedule A3.
OEH	Office of Environment and Heritage (NSW).
OEH office	means the office listed on the cover page of this AHIP.
Proposed works	means the works described under the heading "D. Proposed Works" at the front of this AHIP.
Public register	means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Chief Executive of OEH, as described under the heading "Information about this AHIP".
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
Salvage excavation area	means any area described as a salvage excavation area in Schedule B2.
Test excavation	means an archaeological excavation carried out in accordance with

methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.

Test excavation area means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Chief Executive of OEH is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Chief Executive of OEH under s.89A of the Act using the form available online at www.environment.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

The conditions of an AHIP may be varied at any time by the Chief Executive of OEH in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Chief Executive of OEH to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Chief Executive of OEH and may be subject to conditions.

Suspension and revocation of AHIP

An AHIP may be suspended or revoked at any time at the discretion of the Chief Executive of OEH. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in OEH's possession in accordance with any lawful requirement.

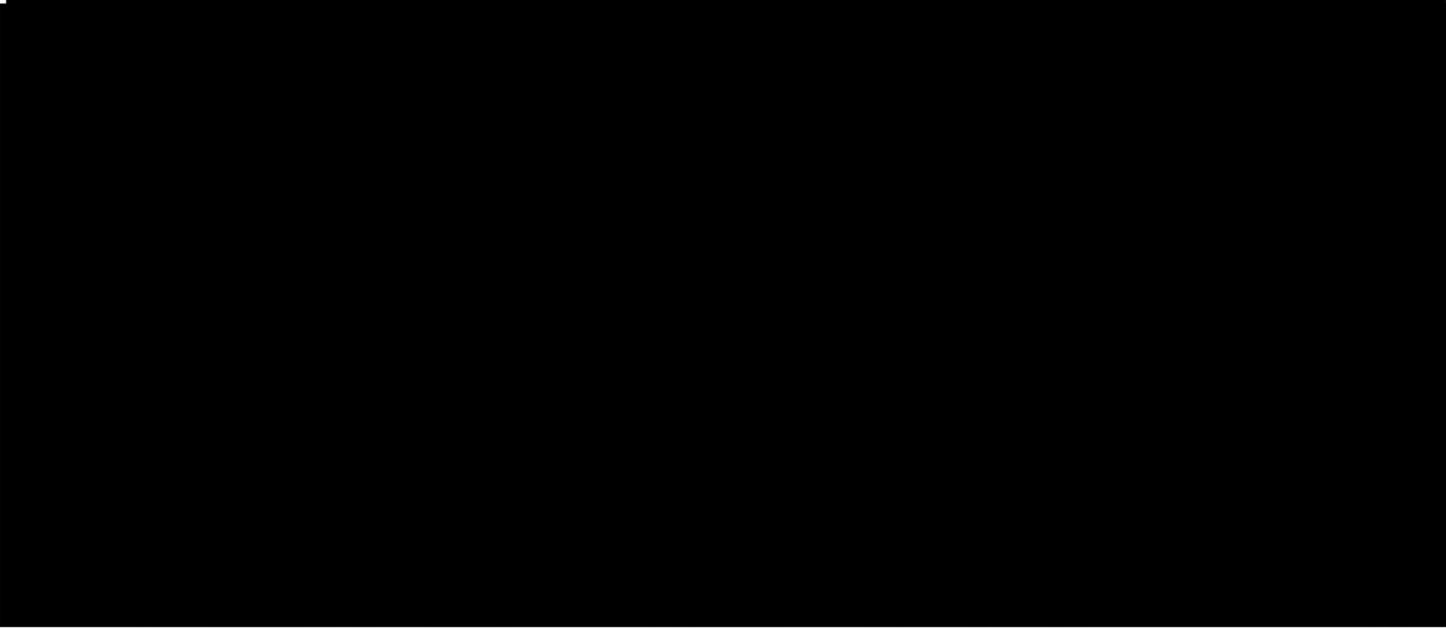
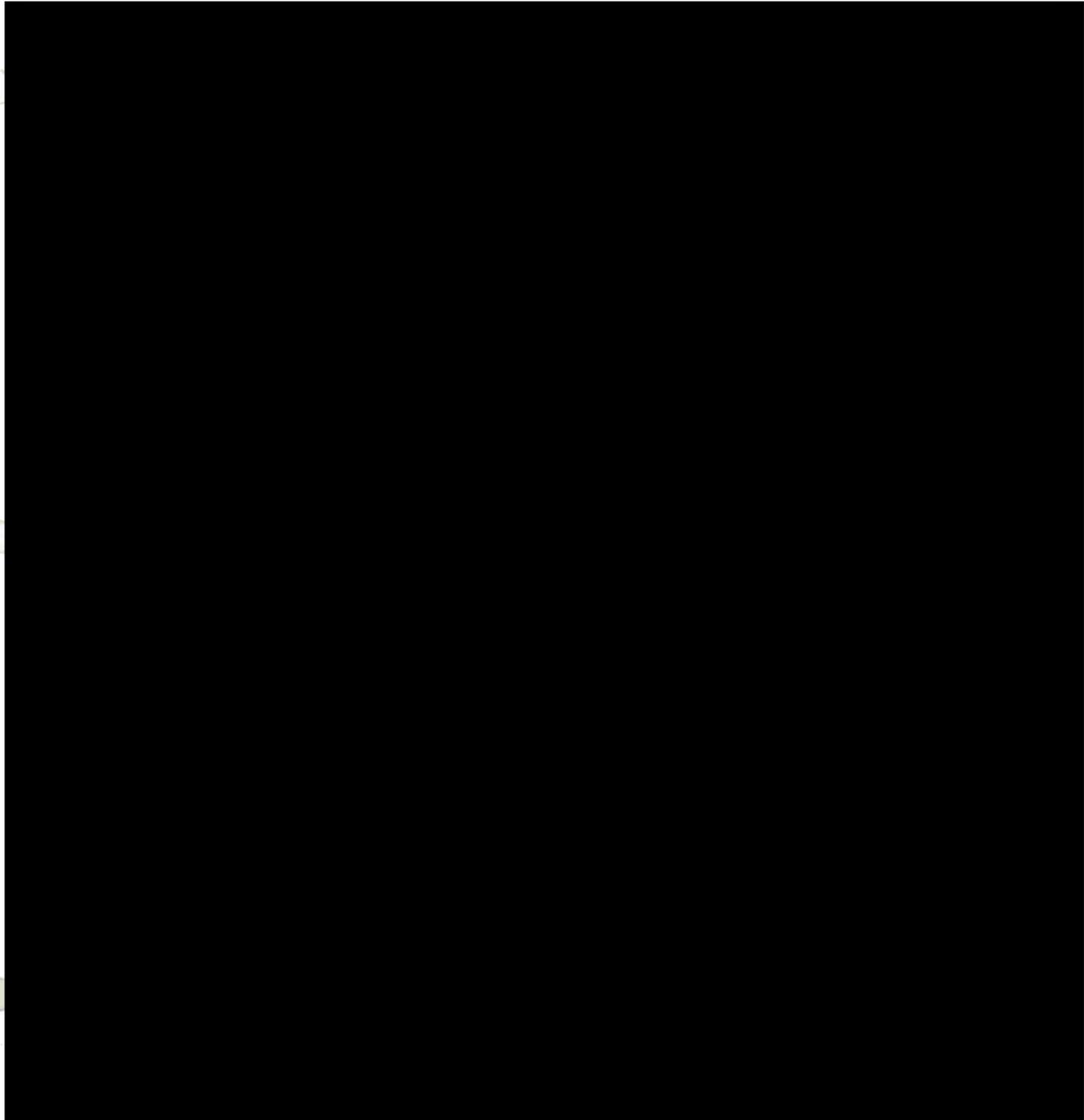
Making copies of reports

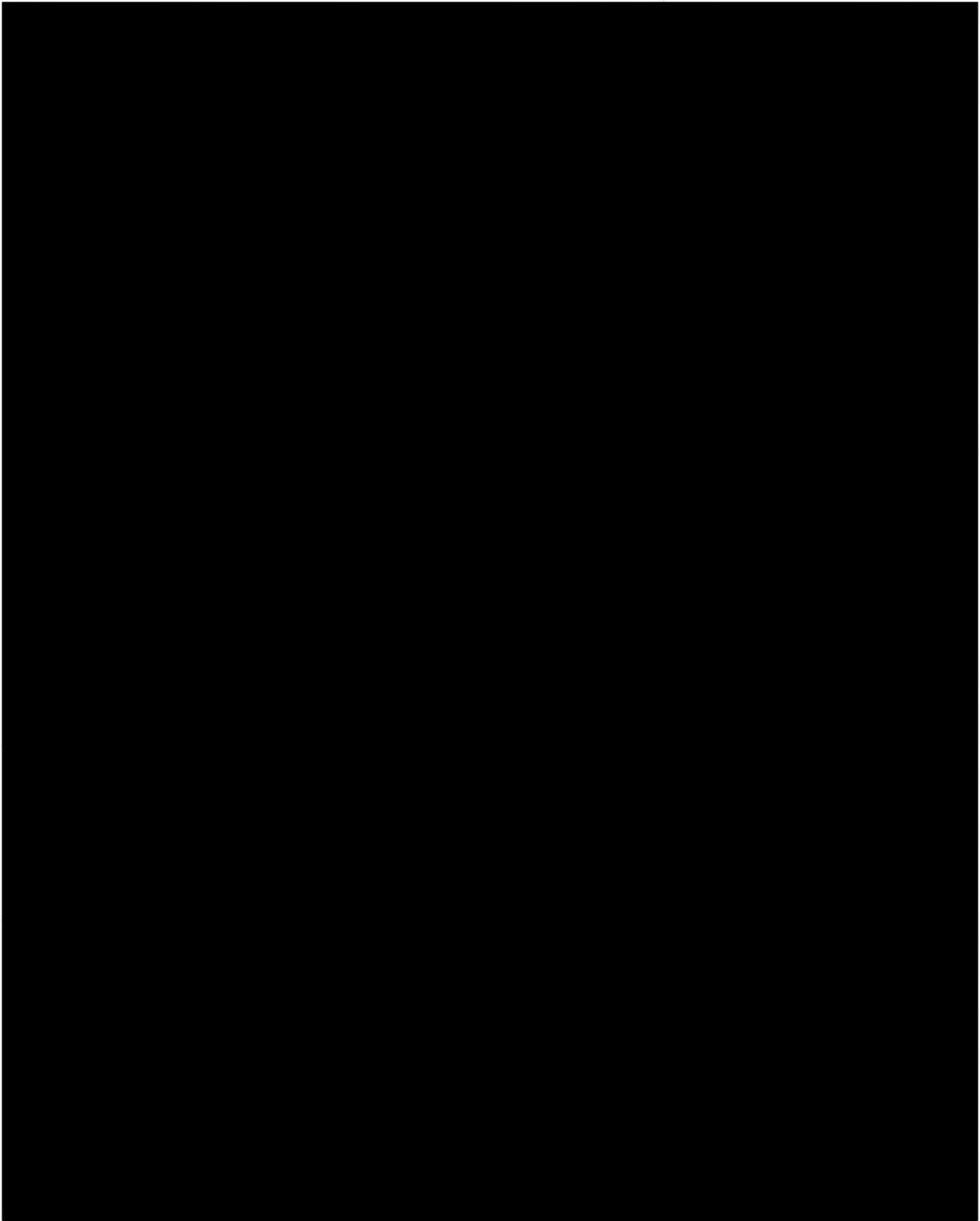
By providing a report, the AHIP holder acknowledges that OEH can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

OEH is able to make copies of any reports provided to OEH under this AHIP.

APPENDIX A: Restricted AHIMS Sites

There are no known restricted AHIMS sites relevant to this AHIP.





CONFIDENTIAL - SECURITY INFORMATION
DO NOT DISSEMINATE

[REDACTED]

Subject:

FW: SMWSA SI - AHIP [REDACTED]

Attachments:

[REDACTED] 05 Nov 14.pdf

[REDACTED]
Sent: Friday, 7 February 2020 12:45 PM

[REDACTED]
Subject: RE: Sydney Metro Geotechnical investigation works

[REDACTED]

There are no objections to Sydney Metro undertaking these works. The [REDACTED] was completed in May 2017:

<https://www.rms.nsw.gov.au/projects/werrington-arterial-road/index.html>

The conditions of the AHIP have been closed out with the exception of OEH notification of completion (condition 10) as I understand Metro won't be completing these works under this AHIP. I will work with [REDACTED] to close this out with OEH in the coming days.

Hope this closes the issue out for you. Good luck with your investigations.

Cheers,

[REDACTED]

[REDACTED]

Subject: RE: Sydney Metro Geotechnical investigation works

Hi [REDACTED]

Can you please confirm that all works and actions associated with AHIP [REDACTED] have been closed out.

I've spoken with [REDACTED], who clarified that Metro is not seeking to carry out geotech works under [REDACTED] AHIP. Instead, they are seeking written confirmation that [REDACTED] has closed out its AHIP commitments. This would ensure that Metro would not be inadvertently contravening [REDACTED] AHIP requirements.

As per my earlier email, I suspect that Condition 10 (see attached) might be the only condition yet to be closed out.

Happy to discuss.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

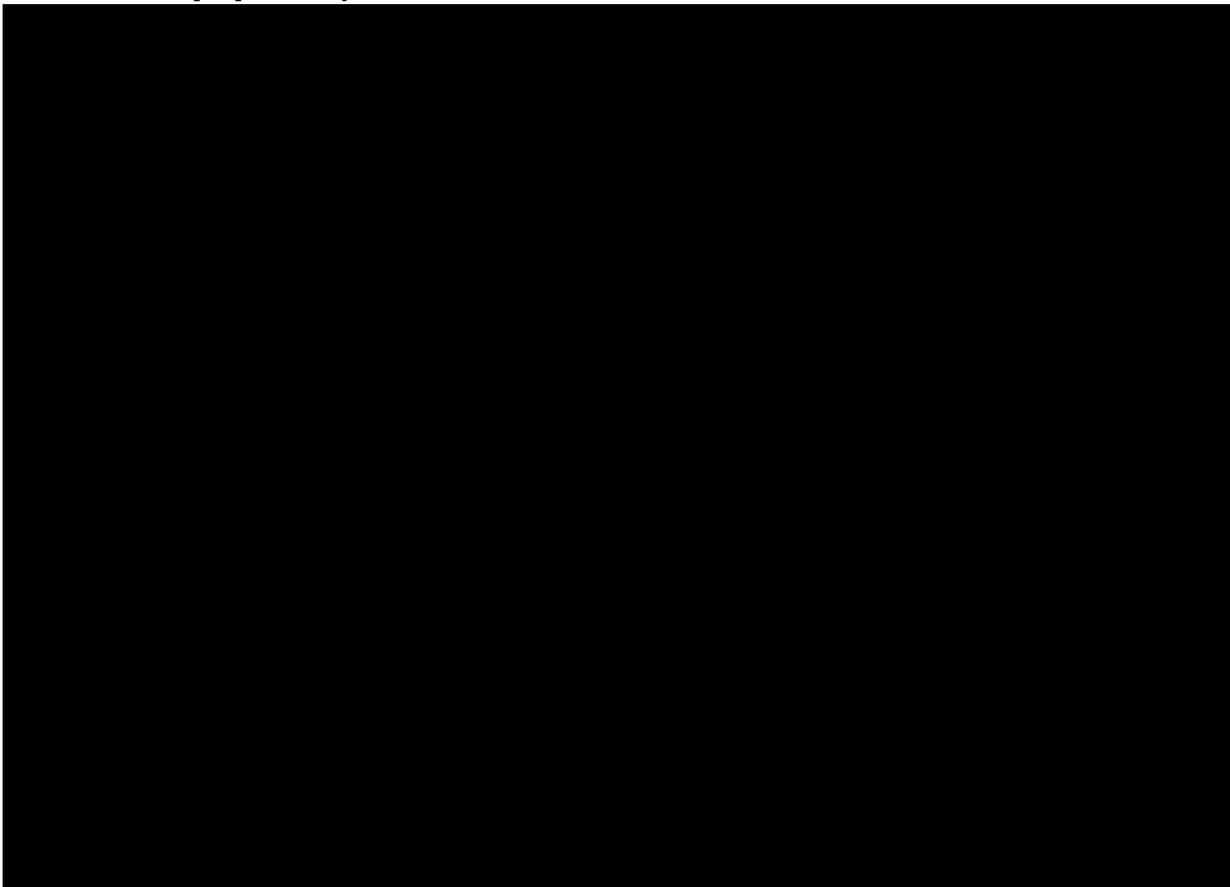
[REDACTED]
[REDACTED]

Attachment B: Desktop Searches



[REDACTED]

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

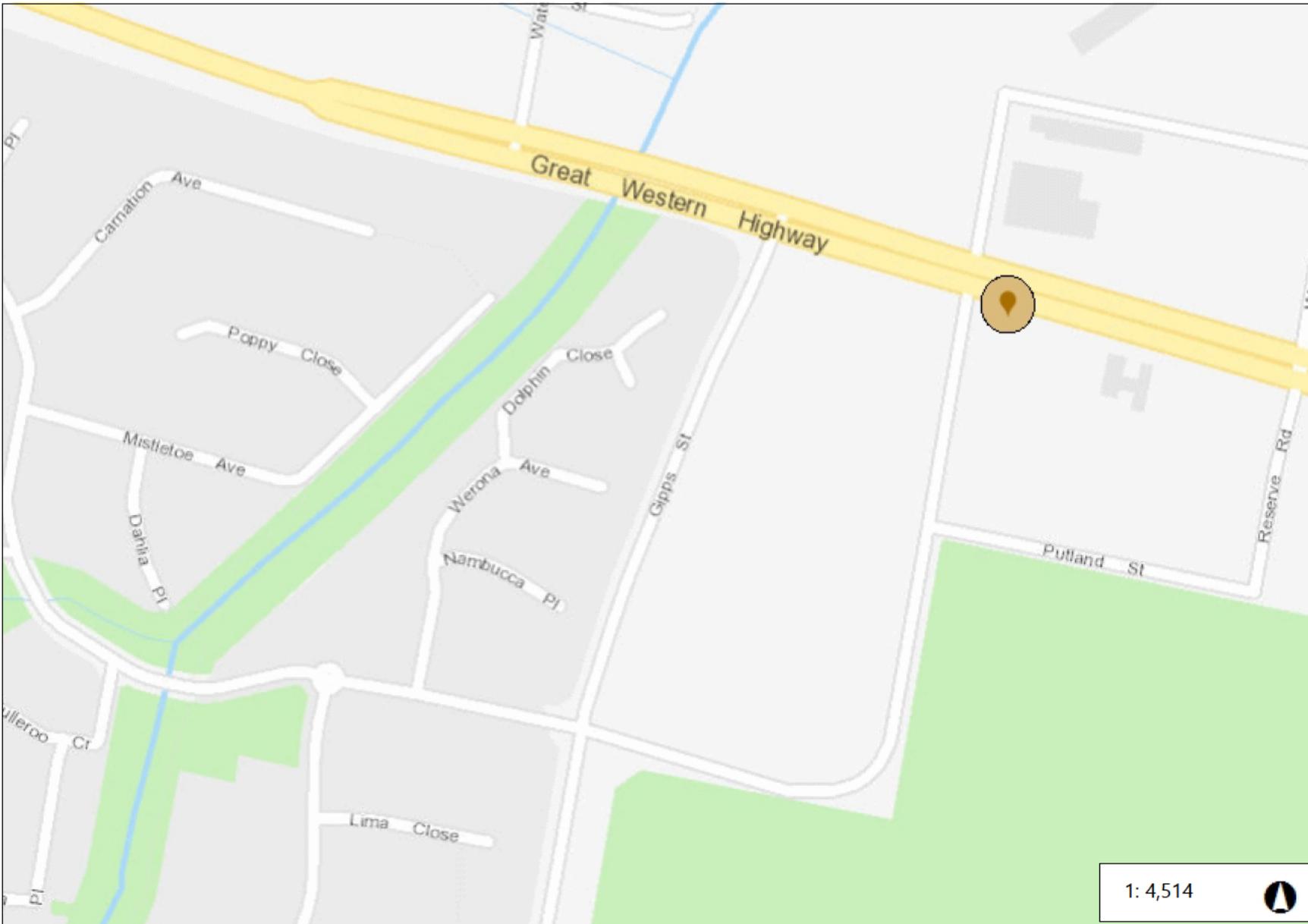
0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



Legend

- State Heritage Register
- Aboriginal Place
- Local Environmental Plan
 - Aboriginal Place
 - Conservation Area - General
 - Conservation Area - Landscape
 - Heritage Conservation Area
 - Item - Aboriginal
 - Item - Archaeological
 - Item - General
 - Item - Landscape
- Local Environmental Plan
 - Cluster (label denotes number)
- Aboriginal Place
 - Cluster (label denotes number)
- State Heritage Register
 - Cluster (label denotes number)
- Interim Heritage Order
 - Cluster (label denotes number)

1: 4,514



Notes



SEED

Sharing and Enabling Environmental Data

SEED Map

Map may contain errors and omissions. Neither the NSW Government nor any other data custodian will accept liability for any loss, damage, cost or expenses incurred as a result of the use of, or reliance upon, the information in the map. Map copyright the State of NSW through the Office of Environment and Heritage.



0.2 0 0.08 0.2 Kilometers

Scale 1: 3,307.34

WGS_1984_Web_Mercator_Auxiliary_Sphere

Generated from SEED web map. Created 4:35 PM 16/2/2022

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Legend

- Threatened_ecological_communities_Greater_Sydney